

Governing Board Meeting

Agenda and Meeting Information

August 24, 2021

9:00 a.m.

Brooksville Office

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

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



2379 Broad Street, Brooksville, Florida 34604
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

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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, services and activities. Anyone requiring reasonable accommodation, or who would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact the Human Resources Office Chief, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4747; or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If requested, appropriate auxiliary aids and services will be provided at any public meeting, forum, or event of the District. In the event of a complaint, please follow the grievance procedure located at WaterMatters.org/ADA.

Final Agenda GOVERNING BOARD MEETING

**AUGUST 24, 2021
9:00 AM**

**2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211**

All meetings are open to the public

- › Viewing of the Board meeting will be available through the District's website at www.WaterMatters.org.
- › 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 available at WaterMatters.org.

Bartow Office
170 Century Boulevard
Bartow, Florida 33830
(863) 534-1448 or 1-800-492-7862 (FL only)

Sarasota Office
78 Sarasota Center Boulevard
Sarasota, Florida 34240
(941) 377-3722 or 1-800-320-3503 (FL only)

Tampa Office
7601 Hwy 301 N (Fort King Highway)
Tampa, Florida 33637
(813) 985-7481 or 1-800-836-0797 (FL only)

MEETING NOTICE

1. CONVENE PUBLIC MEETING

- 1.1 Call to Order
- 1.2 Invocation and Pledge of Allegiance
- 1.3 Employee Recognition
- 1.4 Additions/Deletions to Agenda
- 1.5 Public Input for Issues Not Listed on the Published Agenda

2. CONSENT AGENDA

- 2.1 **Finance/Outreach and Planning Committee:** Approval of Recommended Changes to the District's Investment Strategy
- 2.2 **Finance/Outreach and Planning Committee:** Fiscal Year (FY) 2021 Board Designated Encumbrance Request
- 2.3 **Finance/Outreach and Planning Committee:** Florida Department of Highway Safety and Motor Vehicles Follow-Up Audit
- 2.4 **Resource Management Committee:** FARMS – Symons Grove, LLC Phase 2 (H795), DeSoto County
- 2.5 **Operations, Lands and Resource Monitoring Committee:** Amendment to the 2021 Florida Forever Workplan
- 2.6 **Operations, Lands and Resource Monitoring Committee:** Offer for Surplus Lands – Annutteliga Hammock (AH-4), SWF Parcel No. 15-228-2068S
- 2.7 **Regulation Committee:** Water Use Permit No.20020949.000, GPWCA/Gibson Place Water Conservation Authority (Sumter County)
- 2.8 **Regulation Committee:** Approval of Coordination Agreement Between the U.S. Army Corps of Engineers (Jacksonville District) and the Southwest Florida Water Management District - State Programmatic General Permit VI (SPGP-VI)
- 2.9 **General Counsel's Report:** Approval of Consent Order Between SWFWMD and La Forest at Green Springs the Gardens Homeowners' Association - Permit Condition Violation - Environmental Resource Permit No. 44005187.002 - CT No. 403833 - Pinellas County
- 2.10 **General Counsel's Report:** Approval of Consent Order between SWFWMD and Southern Aggregates, LLC. - Unauthorized Construction Activities - Southern Aggregates, LLC. - CT No. 406210 - Sumter County
- 2.11 **Executive Director's Report:** Approve Governing Board Minutes - July 27, 2021
- 2.12 **Executive Director's Report:** Approve Calendar for Fiscal Year 2022 Meeting Dates

3. FINANCE/OUTREACH & PLANNING COMMITTEE

- 3.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion
- 3.2 **Discussion:** Information Only: Knowledge Management: Governing Board Procurement Policy
- 3.3 **Submit & File:** Information Only: Budget Transfer Report

4. RESOURCE MANAGEMENT COMMITTEE

- 4.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion
- 4.2 **Discussion:** Action Item: Polk Regional Water Cooperative – Project Conditions Associated with Governing Board Resolution 18-06 (Amended)
- 4.3 **Discussion:** Action Item: City of Venice Reclaimed Water Aquifer Storage and Recovery (ASR) – Third-Party Review (Q050)
- 4.4 **Discussion:** Action Item: Dover/Plant City Water Use Caution Area Update and Approval of Rulemaking to Repeal the Dover/Plant City Water Use Caution Area Recovery Strategy
- 4.5 **Submit & File:** Information Only: Minimum Flows and Minimum Water Levels Priority List and Schedule Update
- 4.6 **Submit & File:** Information Only: Lower Hillsborough River Recovery Strategy Implementation – Annual Update

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

- 5.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion
- 5.2 **Discussion:** Information Only: Hydrologic Conditions Report
- 5.3 **Discussion:** Information Only: Overview of Land Management Plan Updates

6. REGULATION COMMITTEE

- 6.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion
- 6.2 **Discussion:** Action Item: Denials Referred to the Governing Board

7. GENERAL COUNSEL'S REPORT

- 7.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion

8. COMMITTEE/LIAISON REPORTS

- 8.1 **Discussion:** Information Only: Environmental Advisory Committee

9. EXECUTIVE DIRECTOR'S REPORT

- 9.1 **Discussion:** Information Only: Executive Director's Report

10. CHAIR'S REPORT

- 10.1 **Discussion:** Information Only: Chair's Report
- 10.2 **Discussion:** Information Only: Milestones

ADJOURNMENT

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective June 21, 2021

OFFICERS	
Chair	Kelly S. Rice
Vice Chair	Joel Schleicher
Secretary	Rebecca Smith
Treasurer	Ed Armstrong

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
Jack Bispham
Seth Weightman
John Mitten
John Hall

RESOURCE MANAGEMENT COMMITTEE
Seth Weightman
Jack Bispham
Michelle Williamson
William Hogarth

REGULATION COMMITTEE
Roger Germann
Joel Schleicher
Rebecca Smith

FINANCE/OUTREACH AND PLANNING COMMITTEE
Ed Armstrong
Rebecca Smith
Ashley Bell Barnett
William Hogarth

** Board policy requires the Governing Board Treasurer to chair the Finance Committee.*

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Michelle Williamson
Environmental Advisory Committee	John Mitten
Industrial Advisory Committee	John Hall
Public Supply Advisory Committee	Ed Armstrong
Well Drillers Advisory Committee	Seth Weightman

OTHER LIAISONS	
Central Florida Water Initiative	Ashley Bell Barnett
Spring Coast Steering Committee	John Mitten
Coastal & Heartland National Estuary Partnership Policy Committee	Jack Bispham
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Rebecca Smith
Tampa Bay Regional Planning Council	Roger Germann

**Southwest Florida Water Management District Schedule of Meetings
Fiscal Year 2021**

5/13/2021

Governing Board Meeting

October 20, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
November 17, 2020 – 9:00 a.m., Tampa Office (Audio Visual Communication)
December 15, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
January 26, 2021 – 9:00 a.m., Tampa Office (Audio Visual Communication)
February 23, 2021 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
March 23, 2021 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
April 27, 2021 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
May 25, 2021 – 9:00 a.m., Tampa Office (Audio Visual Communication)
June 22, 2021 – 9:00 a.m., Brooksville Office
July 27, 2021 – 9:00 a.m., Brooksville Office
August 24, 2021 – 9:00 a.m., Brooksville Office
September 28, 2021 – 3:00 p.m., Tampa Office

Governing Board Public Budget Hearing – 5:01 p.m., Tampa Office

2021 – September 14 & 28

Agricultural & Green Industry Advisory Committee – 10:00 a.m., Brooksville Office/Audio Visual Communication

2020 – December 1

2021 – March 9, June 8, September 14

Environmental Advisory Committee – 10:00 a.m., Brooksville Office/Audio Visual Communication

2020 – October 13

2021 – January 12, April 13, July 13

Industrial Advisory Committee – 10:00 a.m., Brooksville Office/Audio Visual Communication

2020 – November 10

2021 – February 9, May 11, August 10

Public Supply Advisory Committee – 1:00 p.m., Brooksville Office/Audio Visual Communication

2020 – November 10

2021 – February 9, May 11, August 10

Springs Coast Management Committee – 1:30 p.m., Brooksville Office/Audio Visual Communication

2020 – October 21, December 9

2021 – January 6 (canceled), February 24, May 26, July 14

Springs Coast Steering Committee – 2:00 p.m., Brooksville Office/Audio Visual Communication

2020 – November 4

2021 – January 27, March 10, July 28

Well Drillers Advisory Committee – 1:30 p.m., Tampa Office

2020 – October 7 (canceled)

2021 – January 6 (canceled), April 7 (Audio Visual Communication), July 7 (canceled)

Cooperative Funding Initiative – all meetings begin at 10:00 a.m.

2021 – February 3 – Northern Region, Brooksville Office (Audio Visual Communication)

2021 – February 4 – Southern Region, Brooksville Office (Audio Visual Communication)

2021 – February 10 – Heartland Region, Brooksville Office (Audio Visual Communication)

2021 – February 11 – Tampa Bay Region, Brooksville Office (Audio Visual Communication)

2021 – April 7 – Northern Region, Brooksville Office (Audio Visual Communication)

2021 – April 8 – Southern Region, Brooksville Office (Audio Visual Communication)

2021 – April 14 – Heartland Region, Brooksville Office (Audio Visual Communication)

2021 – April 15 – Tampa Bay Region, Tampa Office (Audio Visual Communication)

Environmental Resource Permitting Advisory Group – 10:00 a.m., and

Water Use Permitting Advisory Group – 2:00 p.m., Tampa Office

2020 – November 18 (canceled)

2021 – March 31 (canceled), July 28 (canceled)

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604

Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637

Governing Board Meeting
August 24, 2021

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CONVENE PUBLIC MEETING

August 24, 2021

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 meeting. 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.

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

August 24, 2021

Invocation and Pledge of Allegiance

An invocation is offered. The Board Chair conducts the Pledge of Allegiance to the Flag of the United States of America.

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

August 24, 2021

Employee Recognition

Staff that have reached 20 or more years of service at the District will be recognized.

Staff Recommendation:

- Steven E. Blaschka

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

August 24, 2021

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." Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

ADDITIONS: 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:

Brian J. Armstrong, P.G., Executive Director

CONVENE PUBLIC MEETING

August 24, 2021

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.

Presenter:

Kelly S. Rice, Chair

Governing Board Meeting

August 24, 2021

2. CONSENT AGENDA

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

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CONSENT AGENDA

August 24, 2021

Finance/Outreach and Planning Committee: Approval of Recommended Changes to the District's Investment Strategy

Purpose

To approve the recommended changes to the district's investment strategy.

Background

At the July 27, 2021, Governing Board meeting, a presentation was provided by John Grady of Public Trust Advisors, discussing the recommended strategy changes. The Board members were encouraged to review the recommended strategy changes and contact District staff or the District's Investment Advisors with any questions or additional recommended changes that they may have, if any.

Staff Recommendation:

Approve and accept the following recommended changes to the District's Investment Strategy.

- Eliminate the Enhanced Cash strategy (average maturity 1 year) and reinvest these funds into a 1-5 year portfolio strategy with a duration of 2.5 years. \$109 million (20%) of \$542 million total invested funds.
- Implement a reinvestment strategy in the 1-3 year portfolio with a current duration of approximately 2.1 years to the longer term target duration of 1.8 years. \$315 million (58%) of \$542 million total invested funds.
- Return to active management with total return performance for the 1-3 and 1-5 year portfolio strategies on October 1st.
- Maintain appropriate levels within liquidity investments for operations and other short term expenditures. \$118 million (22%) of \$542 million total invested funds.

There are no required modifications needed to the Investment Policy to implement the recommended changes in strategy.

Presenters:

John J. Campbell, Division Director, Management Services

John Grady, Public Trust Advisors

CONSENT AGENDA

August 24, 2021

Finance/Outreach and Planning Committee: Fiscal Year (FY) 2021 Board Designated Encumbrance Request

Purpose

Request approval to encumber current year funds budgeted for salaries in an amount not to exceed \$1.0 million to carry forward into FY2022 for staff performance-based salary increases.

Background

In FY2013, the District implemented a Performance Evaluation process which provides for the assessment of employee performance against core District competencies and individual performance goals. District employees will receive their annual performance evaluations under this process in September 2021 reflecting performance for FY2021.

Performance-based Increase Background

The District does not provide employees with cost-of-living increases, nor does it budget for performance-based increases. Annually, the District assesses savings from unspent salary dollars within the current fiscal year. When appropriate, staff requests Board approval to spend a determined amount of these funds on performance-based increases and/or cost of implementing strategies to address results of a salary survey conducted every third year, to be applied in the following year. This is accomplished with a request to the Board to encumber funds to be carried forward to the next fiscal year's budget. All salary increases are based on performance identified during the employee evaluation process.

Budgetary Impacts

Funds are available in FY2021 budget to support this proposed encumbrance. The FY2021 salary budget appropriation totals \$44.5 million for the 574 board-authorized FTE's. Expenditures are forecasted to total \$43.5 million through the end of the fiscal year. The net difference between the budget and forecasted fiscal year expenditures provides approximately \$1.0 million in available savings to utilize to support this board encumbrance. Throughout the year vacancies as well as new hires at net aggregate lower salaries contribute to the balance available.

Benefits/Costs

Efficiencies within the District's workforce have resulted in an estimated \$1.0 million salary savings in FY2021. District management requests to utilize \$1.0 million of these savings for performance-based salary increases for staff based on their 2021 performance evaluation. If approved, such an increase would appropriately reward annual performance and recognize the contributions District employees have made toward operational efficiencies and accomplishments the District has achieved in FY2021.

Staff Recommendation:

Approve the encumbrance of \$1.0 million from the FY2021 Salary appropriation to carry forward into FY2022 for staff performance-based salary increases.

Presenters:

John J. Campbell, Division Director, Management Services

Michael Molligan, Division Director, Employee and External Relations

CONSENT AGENDA

August 24, 2021

Finance/Outreach and Planning Committee: Florida Department of Highway Safety and Motor Vehicles Follow-Up Audit

Purpose

In accordance with the Office of Inspector General (OIG) Charter Governing Board Policy and Section 20.055, Florida Statutes, the Inspector General shall conduct audits and prepare audit reports. The Florida Department of Highway Safety and Motor Vehicles (DHSMV) Audit was performed per the 2021 Audit Plan approved by the Governing Board.

Background/History

This is a follow-up audit to the recommendations made from the DHSMV Audit released February 2020 by the OIG. The audit report recommended that controls over employee access privileges to DHSMV information needed enhancement to ensure that assigned access privileges appropriately restrict employees to only those functions necessary for their assigned job responsibilities, the District should monitor access to the DHSMV information on an ongoing basis, and the District should ensure that signed acknowledgements are maintained regarding employee's understanding of the confidential nature of the information and the civil and criminal sanctions specified in Florida and Federal law for unauthorized use of DHSMV information.

The OIG conducted this follow-up audit for the period May 1, 2021 to July 31, 2021 in accordance with Generally Accepted Government Auditing Standards (Yellow Book). Those standards require that the OIG plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for conclusions based upon the audit objectives. The OIG believes that the evidence obtained provides a reasonable basis for the conclusion based on the audit objectives.

Based upon the audit procedures performed, the District had taken corrective actions for the applicable recommendations from the February 2020 audit report.

Staff Recommendation:

Staff recommends the Board approve the Florida Department of Highway Safety and Motor Vehicles Follow-Up Audit.

Presenter:

Brian Werthmiller, Inspector General

OFFICE OF
INSPECTOR
GENERAL

Florida Department of Highway Safety and Motor Vehicles Follow-Up Audit

May 1, 2021 to July 31, 2021



**Governing Board
August 24, 2021**

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Southwest Florida Water Management District

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(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

Kelly S. Rice
Chair, Citrus, Lake, Levy, Sumter

Joel Schleicher
Vice Chair, Charlotte, Sarasota

Rebecca Smith
Secretary, Hillsborough, Pinellas

Ed Armstrong
Treasurer, Pinellas

Ashley Bell Barnett
Polk

Jack Diaphano
Manatee

Roger Gorman
Hillsborough

John Hall
Polk

William Hogarth
Pinellas

John Milton
Hernando, Marion

Scott Weighman
Pasco

Michelle Williamson
Hillsborough

Brian J. Armstrong, P.E.
Executive Director

August 24, 2021

Mr. Kelly Rice, Chair
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899

Dear Mr. Rice:

In accordance with the Office of Inspector General (OIG) Charter Governing Board Policy and Section 20.055, Florida Statutes, the Inspector General shall conduct audits and prepare audit reports. The Florida Department of Highway Safety and Motor Vehicles (DHSMV) Follow-Up Audit was performed per the 2021 Audit Plan approved by the Governing Board.

The OIG would like to thank District management and staff for their cooperation and assistance throughout the audit. I respectfully submit to you, the final audit report which presents the results of this operational audit and was conducted in accordance with *Generally Accepted Government Auditing Standards* (Yellow Book).

Sincerely,

Brian Werthmiller, CPA, CIG
Inspector General

cc: Finance/Outreach and Planning Committee
Remaining Members of the Governing Board
Mr. Brian Armstrong, Executive Director
Ms. Mandi Rice, Assistant Executive Director
Ms. Sherril Norman, State of Florida Auditor General
Mr. James Halleran, James Moore & Company CPA's
Florida Department of Highway Safety and Motor Vehicles

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES FOLLOW-UP AUDIT

SUMMARY

This is a follow-up audit to the recommendations made from the Florida Department of Highway Safety and Motor Vehicles (DHSMV) Audit released February 2020 by the Office of Inspector General (OIG). The audit report recommended that controls over employee access privileges to DHSMV information needed enhancement to ensure that assigned access privileges appropriately restrict employees to only those functions necessary for their assigned job responsibilities, the District should monitor access to the DHSMV information on an ongoing basis, and the District should ensure that signed acknowledgements are maintained regarding employee's understanding of the confidential nature of the information and the civil and criminal sanctions specified in Florida and Federal law for unauthorized use of DHSMV information.

The OIG's follow-up audit did not disclose any findings and recommendations regarding District processes and administrative activities included with the scope of the audit that must be reported in writing.

BACKGROUND

Authorized in 1972, the District protects and manages water resources in a sustainable manner for the continued welfare of the citizens across the 16 counties it serves. The District is one of five water management districts created under the Florida Water Resources Act of 1972¹ and includes all or part of Charlotte, Citrus, Desoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, and Sumter Counties. Governance lies with a thirteen-member Board which consists of representatives from specific geographic areas within District boundaries. Each member is appointed by the Governor and confirmed by the Senate. An Executive Director is appointed by the Board, subject to approval by the Governor and confirmation by the Senate.

On March 6, 2019, DHSMV executed a memo of understanding (MOU) with the District in order to receive a monthly file of District employee driver's license records from DHSMV. The District reviews the DHSMV records monthly for driver's license

¹ Chapter 373, Florida Statutes.

suspensions and other major infractions to ensure that employees operating District vehicles have valid Florida driver licenses.

FINDINGS AND RECOMMENDATIONS

The follow-up audit did not disclose any reportable conditions regarding management's performance within the scope of the audit.

PRIOR AUDIT FOLLOW-UP

Based upon the objectives, scope, and methodology as documented below, the District had taken corrective actions for the DHSMV findings per the OIG audit report from February 2020.

OBJECTIVES, SCOPE, AND METHODOLOGY

The OIG conducted this operational audit in accordance with *Generally Accepted Government Auditing Standards* (GAGAS). Those standards require that the OIG plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. The OIG believes that the evidence obtained provides a reasonable basis for findings and conclusions based on the audit objectives. In addition, the IG is independent per the GAGAS requirements for internal auditors.

This operational audit focused on selected District procedures and administrative activities. For those areas, the objectives of this operational audit were to:

- Evaluate management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, rules, regulations, contracts, grant agreements, and other guidelines.
- Examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance to protect the unauthorized access, distribution, use, modification, or disclosure of DHSMV information, economic and efficient operations, reliability of records and reports, and the safeguarding of assets, and identify weaknesses in those controls.
- Determine whether management had taken corrective action for, or was in the process of correcting, the findings noted in the OIG's audit report released in February 2020.

As described in more detail below, for those programs, activities, and functions included within the scope of the audit, the audit work included, but was not limited to, communicating the scope, objectives, timing, overall methodology, and reporting of the audit; obtaining an understanding of the program, activity, or function; identifying and evaluating internal controls significant to the audit objectives; exercising professional judgment in considering significance and audit risk in the design and execution of the research, interviews, tests, analyses, and other procedures included in the audit methodology; and reporting on the results of the audit as required by Governing Board policy, governing laws, and auditing standards.

An audit by its nature does not include a review of all records and actions of management, staff, and vendors, and as a consequence, cannot be relied upon to identify all instances of noncompliance, fraud, waste, abuse, or inefficiency. In conducting the audit for the period of May 1, 2021 to July 31, 2021, the OIG:

- Reviewed applicable statutes, policies, procedures and interviewed District staff to gain an understanding of the District's operations and internal controls over DHSMV information.
- Gained an understanding of the information systems involving DHSMV information.
- Evaluated the effectiveness of District policies and procedures relating to DHSMV information, to determine whether internal controls were designed properly and operating effectively.
- From the population of 20 employees with access to DHSMV information for the period May 1, 2021 to July 31, 2021, examined District records for access privileges to 10 employees to determine the appropriateness and necessity of the access privileges based on the employees' assigned job responsibilities. In addition, for those that accessed DHSMV data, determine whether the District was monitoring the ongoing access.
- From the population of 20 employees who were required to have a signed acknowledgement regarding employee's understanding of the confidential nature and the civil and criminal sanctions specified in Florida and Federal law for unauthorized use of DHSMV information, examined 10 employees to determine if a signed acknowledgement existed.
- Examined documentation supporting all 3 monthly reviews of DHSMV access for the audit period to determine whether the reviews were timely, monitored ongoing access to DHSMV data, and determined if access to DHSMV data was authorized.
- Communicated on an interim basis with applicable officials.
- Performed various other auditing procedures as necessary to accomplish the objectives of the audit.

MANAGEMENT'S RESPONSE

District management concurred with the audit results.

Brian Werthmiller, CPA, CIG
Inspector General

2379 Broad Street Brooksville, Florida 34604-6899

Phone: (352) 796-7211 X4100 ♦ Fraud and Compliance Hotline (352) 754-3482

CONSENT AGENDA

August 24, 2021

Resource Management Committee: FARMS – Symons Grove, LLC Phase 2 (H795), DeSoto County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Symons Grove, LLC Phase 2, and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$238,112 (75 percent of total project costs.) Of this amount, \$238,112 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$317,482.

Project Proposal

The District received a project proposal from Symons Grove, LLC, for their 906-acre citrus grove operation located in southeastern DeSoto County, within the Southern Water Use Caution Area (SWUCA), and the Shell, Prairie, and Joshua Creek (SPJC) watershed. This project will involve the expansion of a 1.9-acre reservoir to a 3.3-acre reservoir and the installation of a pumping station to utilize the additional surface water to offset Upper Floridian aquifer groundwater used for supplemental irrigation of 370 acres of citrus. The Water Use Permit (WUP) authorizes an annual average withdrawal of 680,500 gallons per day (gpd). Project components consist of one surface water irrigation pump station to deliver water from the reservoir to the irrigation system, filtration system, valves, culverts, and mainline pipe necessary to connect to the irrigation system.

In December 2011, the Governing Board approved a FARMS project with DeSoto Land Investment (H657), the property owners at that time, to facilitate a 5-acre tailwater irrigation reservoir to offset groundwater use on the eastern portion of this property. FARMS project components consisted of two stationary surface water pump stations, filtration systems, and mainline pipe to connect the surface water pump stations to the existing irrigation system. The estimated offset for this project was 185,000 gpd, the project is still being operated, and its period of record offset is more than 262,000 gpd yield.

In August 2020, the Governing Board approved a Phase 1 FARMS project with Symons Grove, LLC (H787) to facilitate a 1.9-acre tailwater reservoir to offset an estimated 110,000 gpd of groundwater in the western part of the property. Project components consisted of surface water pump station, filtration system, tailwater control structures, lift pump, culverts, and mainline pipe necessary to connect the surface water reservoir to the irrigation system. That project is under construction.

After the Governing Board approved the project last August, the grower and FARMS staff determined that the surface water reservoir could be expanded further and provide additional groundwater offset. This additional offset would be cost effective and further protect downstream waterbodies by reducing the use of highly mineralized groundwater. If this project would have originally included both phases as one project back in August, it would have been recommended for funding. The District's share of this project has not increased due to phasing, as the District only cost shares the project components, and these same components (pump stations, mainline, etc) would have been required regardless if this project was done all at once or phased. Combined these two phases are estimated to offset 170,000 gpd.

Benefits/Costs

The proposed Phase 2 Symons Grove project involves water quantity and water quality best

management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated nine percent savings of permitted quantities for daily irrigation, or 60,000 gpd, yields a daily cost of \$3.15 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative irrigation supplies and improved irrigation techniques for citrus grove operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$4,544,667, remaining in its FARMS Program budget.

Staff Recommendation:

1. Approve the Symons Grove, LLC Phase 2 project for a not-to-exceed project reimbursement of \$238,112 with \$238,112 provided by the Governing Board;
2. Authorize the transfer of \$238,112 from fund 010 H017 Governing Board FARMS Fund to the H795 Symons Grove, LLC Phase 2 project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

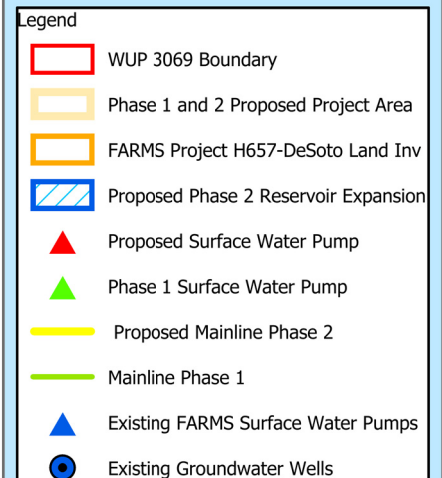
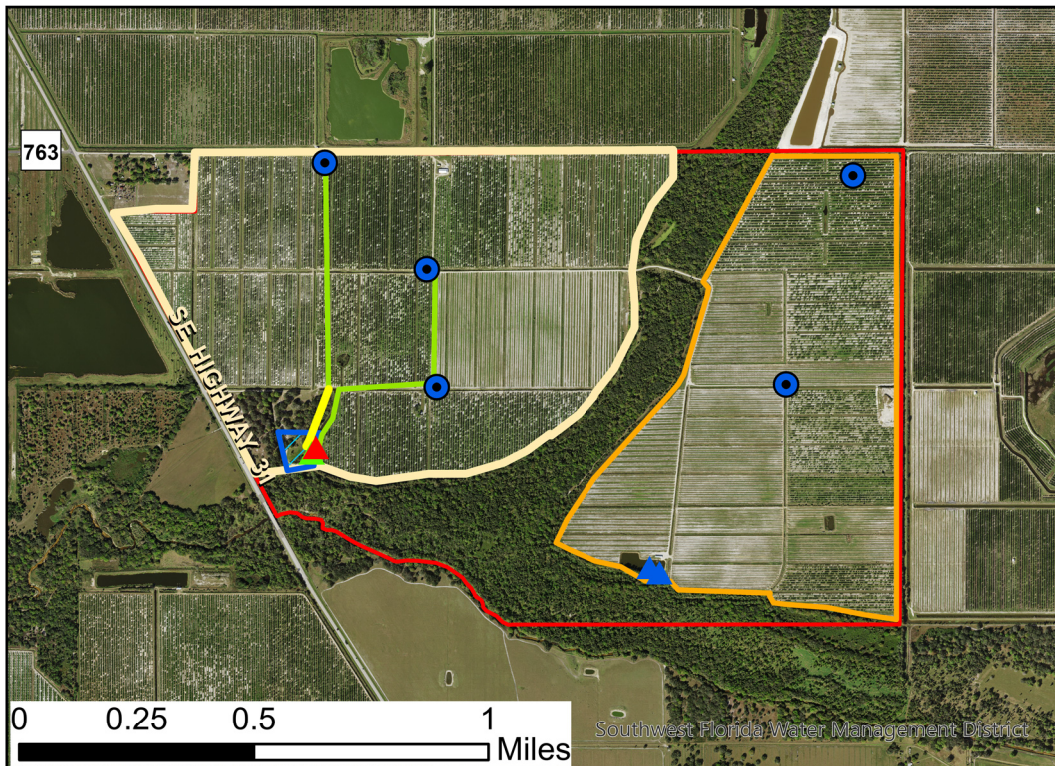
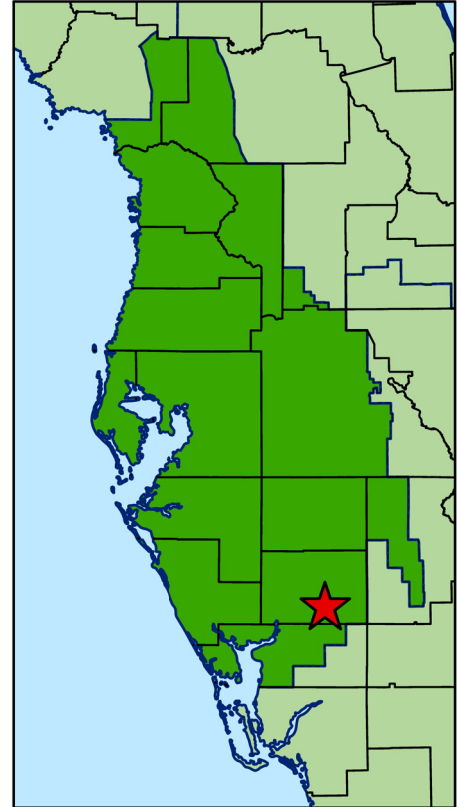
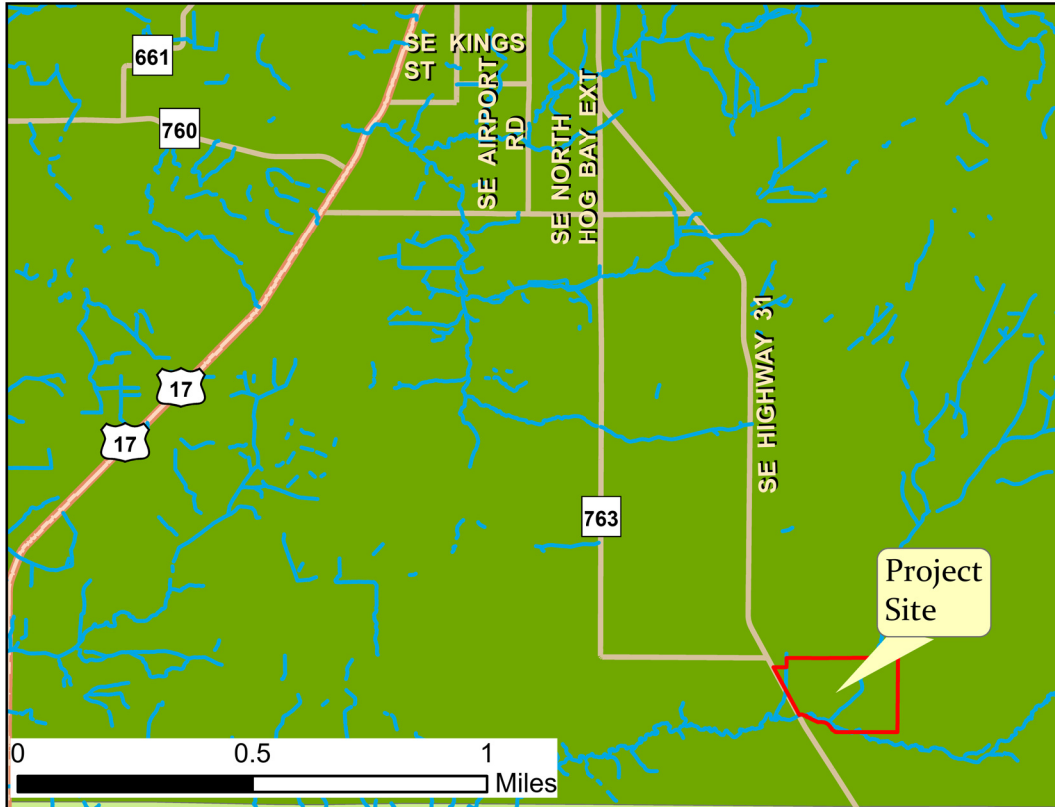
Presenter:

Presenter: Randy Smith, PMP, Bureau Chief, Natural Systems and Restoration

Location Map

FARMS Project H795

Symons Grove, LLC Phase 2



DeSoto County



Southwest Florida
Water Management District

CONSENT AGENDA**August 24, 2021****Operations, Lands and Resource Monitoring Committee: Amendment to the 2021 Florida Forever Workplan***Purpose*

The purpose of this item is to request the Governing Board amend the 2021 Florida Forever Work Plan to adjust the boundary of the current work plan to add new lands for fee or less-than-fee acquisition consideration. The proposed revisions are included on the attached Exhibits.

Background and History

Florida Forever is Florida's premier conservation and recreation lands acquisition program, and agencies such as the District utilize Florida Forever to acquire property interests in conservation lands. Florida Forever Work Plans (Work Plans) are developed by the agencies utilizing Florida Forever funds to ensure the acquisition of property interests are within their respective areas of responsibility and necessary to meet the goals that fulfill their mission. The Work Plans identify both the geographic areas and property interests (fee simple or conservation easements) being considered for acquisition. It should be noted that conservation lands identified in the District's Work Plan are not identical to those identified in the Florida Department of Environmental Protection (FDEP) Work Plan, however, there is often overlap.

The District adopts the Work Plan at the start of each fiscal year. On occasion, properties having significant resource benefits that meet the District's needs and objectives are identified or become available prior to the next annual adoption of the Work Plan, and the Work Plan must be amended to include these properties. In accordance with the approved Governing Board Land Acquisition Policy, the Governing Board must approve all proposed acquisitions prior to the initiation of the acquisition process through the Florida Forever Work Plan. By amending the Work Plan now, the District can begin the process to start due diligence activities such as the examination of title and appraisal investigations necessary to evaluate and consider a property for acquisition.

At this time, several opportunities are available that necessitate amendment to the existing Work Plan. The properties recommended to be included in the amendment to the Work Plan are:

Hamilton Property – The property is located in Sumter County, consists of two parcels, and is proposed for a Conservation Easement acquisition. The eastern property is adjoining an existing District Conservation Easement. The western property is a separate, but nearby tract. Together, the properties encompass about 1,228 acres and are both located within the District's Lake Panasoffkee Project.

Stagecoach Ranch – This property is located in Pasco County and is proposed as a Conservation Easement acquisition in partnership with Pasco County. The partnership would split funding for the acquisition with Pasco County, who would also be responsible for Conservation Easement monitoring and enforcement. This property abuts the Cross Bar Wellfield, comprises 652 acres, and is located within the District's Conner Preserve Project.

Horse Creek Ranch – This property is in Hardee and DeSoto counties and is fully within the FDEP's Work Plan. Approximately 8,357 acres of this property are already included in the District's Work Plan,

and the amendment to the Work Plan would add an additional 7,917 acres of the Ranch for a total of 16,274 acres. This is a proposed Conservation Easement acquisition and is located within the District's Horse Creek Project.

Benefit/Costs

Amending the Work Plan will facilitate the immediate review and consideration of these properties for acquisition. There are no direct costs related to amending the current work plan.

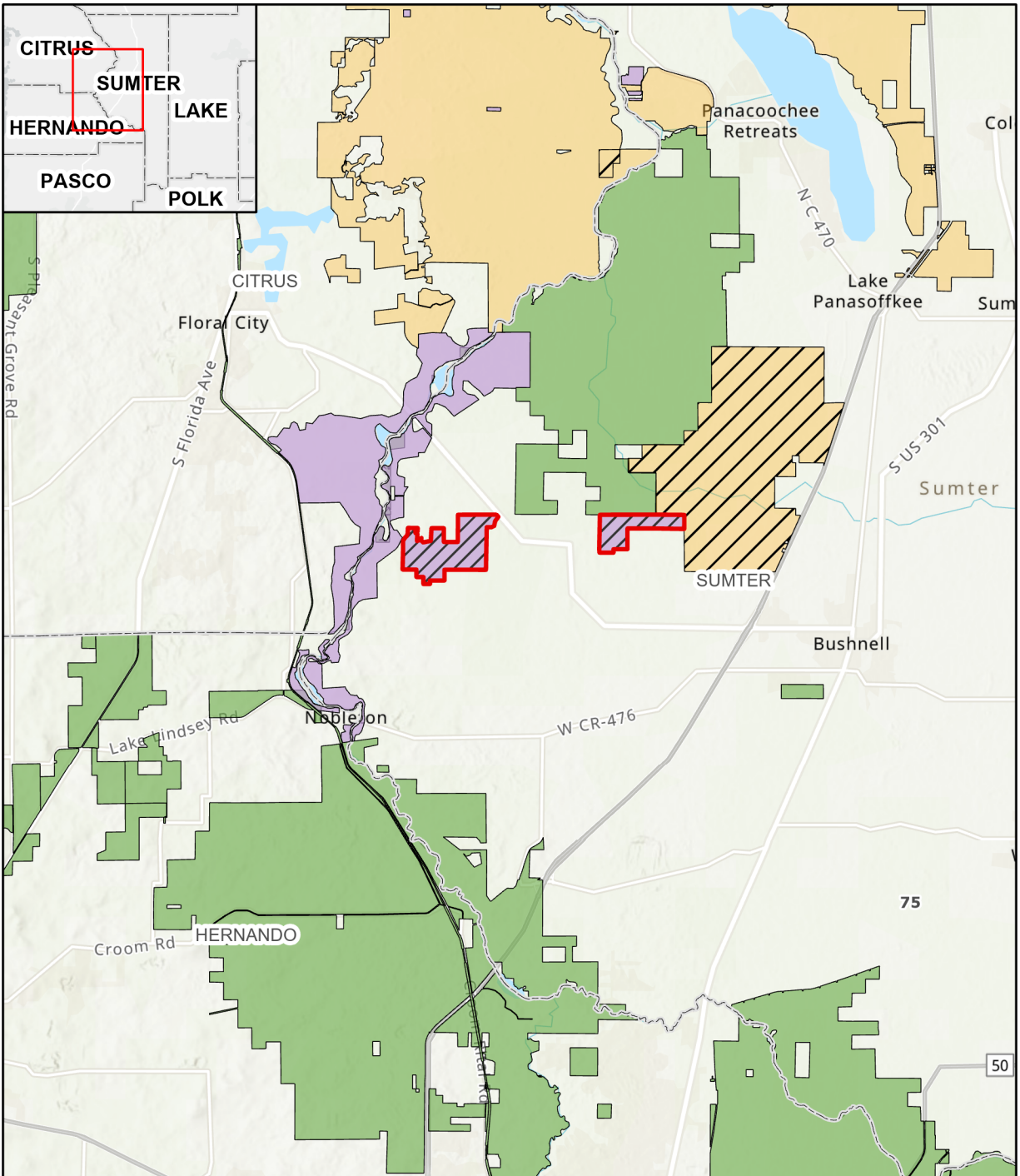
Staff Recommendation:

Authorize amendment to the District's 2021 Florida Forever Work Plan to include the Hamilton, Stagecoach Ranch, and Horse Creek Ranch properties located within the District's Lake Panasoffkee, Conner Preserve and Horse Creek Projects, respectively, and identify the acquisitions as less than fee/conservation easement acquisitions.

Presenter:

Ellen Morrison, Land Resources Bureau Chief

Exhibit 1 Hamilton Property



Esri, CGIAR, USGS, FDEP, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS, FDEP, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

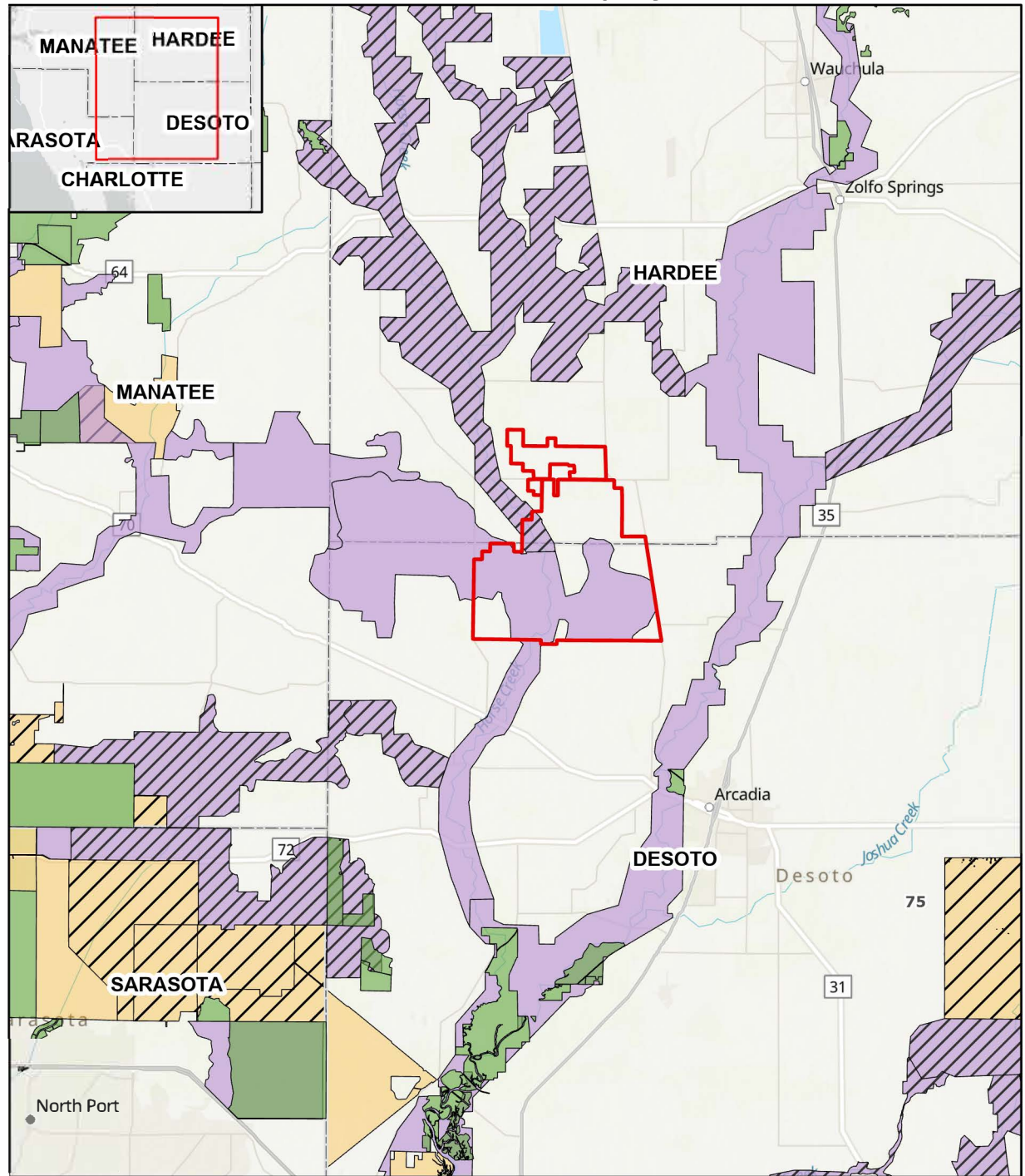
- Hamilton Property
- SWFWMD Proposed Fee Ownership
- SWFWMD Proposed Less-than-fee Ownership
- District Owned Fee Simple
- District Conservation Easement

0 1 2
Miles



Southwest Florida
Water Management District

Exhibit 2 Horse Creek Property



University of South Florida, FDEP, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS, Esri, CGIAR, USGS, University of South Florida, FDEP, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS

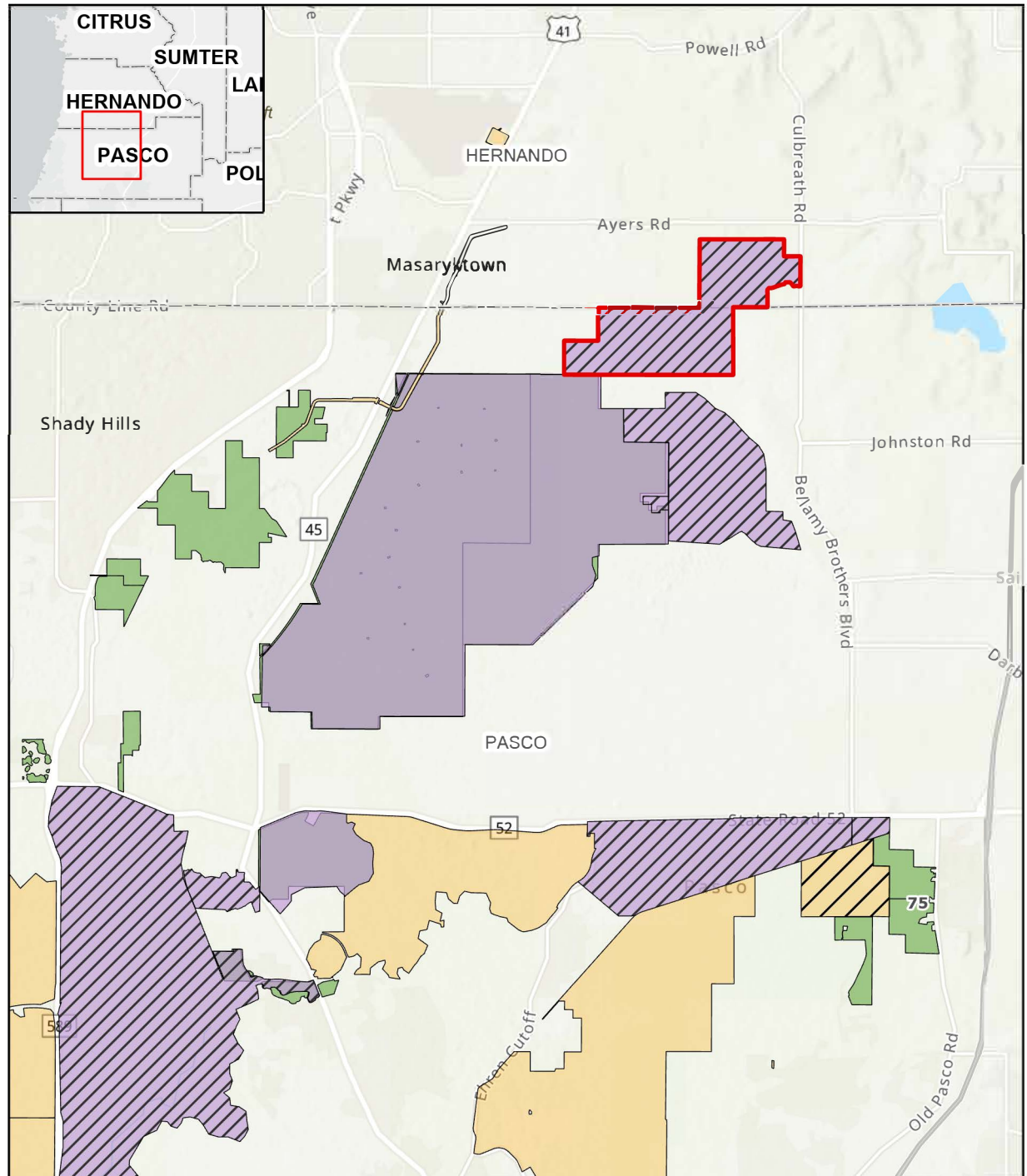
- Horse Creek Ranch Property
- District Owned Fee Simple
- District Conservation Easement
- SWFWMD Proposed Fee Ownership
- SWFWMD Proposed Less-than-fee Ownership
- Other Conservation Lands

0 2.5 5
Miles



Southwest Florida
Water Management District

Exhibit 3 Stagecoach Ranch Property



- Stagecoach Ranch Property
- SWFWMD Proposed Fee Ownership
- SWFWMD Proposed Less-than-fee Ownership
- District Owned Fee Simple
- District Conservation Easement
- Other Conservation Lands

0 1 2
Miles



Southwest Florida
Water Management District

CONSENT AGENDA

August 24, 2021

Operations, Lands and Resource Monitoring Committee: Offer for Surplus Lands – Annutteliga Hammock (AH-4), SWF Parcel No. 15-228-2068S

Purpose

Recommend the Governing Board approve the Contract for Sale and Purchase for the surplus AH-4, SWF 15-228-2068S parcel, Exhibit 1. A general location map and site map are attached as Exhibits 2 and 3.

Background and History

The Annutteliga Hammock properties owned by the District are within the area of the Royal Highlands subdivision in Hernando County. The District actively acquired properties in this area between 1999 and 2003; however, the ability for meaningful consolidation of the entire project area was determined to be very limited given the continued rise in property values and the ongoing scattered development of privately owned lots.

In May 2015, the Governing Board recognized these challenges and designated 1,021 lots within Annutteliga Hammock as surplus. Most lots are small lots valued at less than \$25,000, however, some larger tracts do exist. On January 24, 2017, the Operations, Lands and Resource Monitoring Committee met with the intent of developing a strategy to sell these numerous properties and determined that all of this surplus property falls within the Priority Focus Area (PFA) of the Chassahowitzka River springshed. Because of this determination, the decision was made to place restrictions on the property to be offered for sale in order to reduce the potential new pollutant loads within the PFA. To further address this concern, the small lots are currently being offered to adjoining property owners with a deed restriction prohibiting septic tanks. The properties that are from 10 to 20 acres in size are being offered subject to deed restrictions that limit development while the properties greater than 20 acres are being offered subject to a conservation easement.

AH-4 comprises approximately 15 acres and was listed with Saunders Real Estate in November 2016. It has been advertised through multiple media and personal contacts since that time.

Summary of Value and Offer

The most recent appraisal of the property was on March 29, 2021, which was prepared by Trigg, Catlett & Associates, Kyle Catlett MAI, with a value of \$120,000. A sales summary and adjustment grid from the appraisal is attached as Exhibit 4. The complete appraisal report is available upon request. The highest and best use for the property was determined to be for residential use. The current offer is for \$128,000.

The District's title to the property includes the subsurface rights. Any sale would include the interest in all phosphate, minerals, metals, and petroleum that may be in, on or under the property. The current offer of \$128,000 presented for consideration to the Governing Board is above the appraised value and the contract details are as follows:

Sale Terms

- The District will deliver title to the buyer by Quit Claim Deed. The Deed will limit and restrict the development of the property to one residence.

- The purchase price is fixed without adjustment provisions.
- The Buyer will make a deposit of 5 percent of the contract price, or \$6,400, with a closing to occur no more than 45 days after the effective date of the Contract for Sale and Purchase.
- The buyer will pay the real estate commission of \$7,680 to Saunders Real Estate.
- The buyer will bear all expenses of the transaction except for the appraisal and advertising costs.

Benefit/Costs

The proceeds from the sales of surplus lands allows the District to acquire lands that are more environmentally significant. Funds derived from the sale of surplus land are only used for the purchase of other lands, resulting in the ability to more effectively meet the District's core mission.

Staff Recommendation:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase; and
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed; and
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter:

Ellen Morrison, Land Resources Bureau Chief

Approved by Attorney: _____

CONTRACT FOR SALE AND PURCHASE

THIS Contract for Sale and Purchase (Contract) is made this July, 5th day of, 2021, by and between the Southwest Florida Water Management District, a public corporation of the State of Florida, having an address of 2379 Broad Street, Brooksville, Florida 34604 (District), and HLA Property LLC, having an address of 12150 cortez BROOKSVILLE, FL 34613 (Buyer), as follows:

1. **AGREEMENT TO SELL:** The District hereby agrees to sell, and Buyer hereby agrees to buy, in accordance with this Contract, the real property that is more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference (Property).
2. **TIME FOR ACCEPTANCE:** Upon execution of this Contract by Buyer, Buyer's offer will be binding for Ninety Days (90) days after such execution by Buyer. If this Contract is not executed by the District on or before October 3rd (90) days after execution of this Contract by Buyer, Buyer's offer contained in this Contract is withdrawn and this Contract will terminate.
3. **EFFECTIVE DATE:** The effective date of this Contract will be the date of execution by the District.
4. **APPROVAL:** This Contract is subject to approval by the District's Governing Board. If the District's Governing Board does not approve this Contract and all the terms and conditions hereof, the District will notify the Buyer in writing and this Agreement will terminate.
5. **PURCHASE PRICE:** The total purchase price for the Property will be \$128,000 dollars (\$), which will be paid in the following manner:
 - a. **Deposit:** Concurrent with the execution by Buyer of this Contract, Buyer will deposit five percent (5%) of the purchase price in the form of a certified or cashier's check from a financial institution as defined in Section 655.005, Florida Statutes (F.S.), made payable to the closing agent designated by the District, as earnest money (Deposit). In the event this Contract is terminated under Paragraphs 2, 4, 9, or 13 of this Contract, or as a result of the District's default under paragraph 14 of this contract, the District will return the Deposit to Buyer.
 - b. **Balance:** The balance of the purchase price will be paid at the time of closing by wire transfer from a financial institution as defined in Section 655.005, F.S., to the closing agent designated by the District.
6. **CLOSING, EXPENSE AND POSSESSION:** This Contract will be closed no later than Forty five (45) days from the effective date referenced in Paragraph 2, unless this

Contract for Sale and Purchase
Parcel Name: R17 421 18 0000 0030 0040
SWF Parcel No.: 15-228-2068S

Revised 3/1/2021

Contract is terminated pursuant to Paragraphs 2, 4, 9, 13, or 14. The following are additional details of closing:

a. **Time and Place:** The date, time and place of closing will be set by the District.

b. **Conveyance:** At closing, the District will deliver to Buyer a fully executed quit claim deed, conveying the Property and improvements in "AS IS, WHERE IS CONDITION," without warranties or representations.

c. **Expenses:** Buyer shall be responsible for paying all closing costs associated with the Property including, but not limited to, Buyer's survey costs, documentary stamp tax on the deed, recording fees, abstract or title insurance fees, and Buyer's attorneys' fees. The District has designated Meridian Title Company Inc., having an address of 37837 Meridian Ave STE 100, Dade City, FL 33525, as the escrow agent for closing. The Buyer will pay any costs charged by such company or agent for this closing service. If Buyer obtains a survey of the Property, nothing contained therein will affect the purchase price or terms of this Contract.

SBN Saunders Ralfton Dantzler

d. Buyer will also be responsible for paying _____ Real Estate in the amount of Seven Thousand Six Hundred Eighty dollars (\$ 7,680.00), by separate certified or cashier's check made payable to, or wire transfer to, the escrow agent designated by the District. The commission for the District's sale of surplus property is calculated based on the following schedule:

Commission Schedule: Maximum Compensation Rate			
Purchase Price for the Property			Maximum Rate
The first	\$ 0	- \$ 1,000,000	6.0%
The next	\$ 1,000,001	- \$ 5,000,000	5.0%
The next	\$ 5,000,000 and over		4.0%

7. **REAL ESTATE TAXES, EASEMENTS, RESTRICTIONS, AND ENCUMBRANCES:** Buyer agrees to take title to the Property subject to any outstanding taxes, special liens or assessments including real estate taxes, if any; comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions, qualifications and matters appearing on the plat or otherwise common to the subdivision, restrictive covenants, public utility easements and all outstanding easements, reservations and other interests.

8. **CONDITION OF THE PROPERTY:** Buyer agrees to accept the Property in "AS IS, WHERE IS CONDITION." The District makes no warranties or representations whatsoever as to the condition of the Property or the improvements located thereon, or the fitness of either for any particular use or purpose.

Contract for Sale and Purchase
Parcel Name: R17 421 18 0000 0030 0040
SWF Parcel No.: 15-228-2068S

Revised 3/1/2021

9. **DUE DILIGENCE PERIOD:** Buyer will, at Buyer's expense, determine whether the Property is suitable for the Buyer's intended use and development of the Property within Forty Five (45) days from the effective date of this Contract (Due Diligence Period).

- a. During the Due Diligence Period, Buyer may conduct any tests, analyses, surveys, inspections, and investigations which Buyer deems necessary to determine to Buyer's satisfaction the suitability of the Property for Buyer's intended use and development. Buyer will deliver written notice to the District prior to the expiration of the Due Diligence Period of Buyer's determination of whether the Property is acceptable. If Buyer fails to comply with this notice requirement, Buyer will be deemed to have waived any objection to the suitability of the Property for the Buyer's intended use and development and to have accepted the Property in its present "as is" condition.
- b. If Buyer determines that the Property is not acceptable, Buyer must include the specific reasons therefore in its notice to the District. The District will have thirty (30) days from receipt of Buyer's notice to cure the specified deficiencies. If the deficiencies are identified by a survey, the survey must meet the requirements for a **Certified Boundary Survey in accordance with Chapter 472, Florida Statutes**, and must be provided to the District for review. If the deficiencies are identified in a Title Insurance Commitment, the Title Insurance Commitment and supporting documentation must be provided to the District for review. If the District fails to cure the deficiencies to the reasonable satisfaction of the Buyer, its attorney or the Buyer's title insurance company within the 30-day cure period, Buyer may either terminate this Contract or proceed to closing in the same manner as if no deficiencies had been found.
- c. Buyer may contact the District to arrange access to the Property for Buyer, its agents, contractors and assigns for the purpose of conducting such tests, analyses, surveys, inspections, and investigations. Buyer will indemnify and hold the District harmless from losses, damages, costs, claims and expenses of any nature, including attorneys' fees at all levels, and from liability to any person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will not engage in any activity that could result in a mechanic's lien being filed against the Property.

10. **EVIDENCE OF TITLE:** Buyer may, at Buyer's expense, obtain evidence of title and determine insurability of title or waive insurable title, within the Due Diligence Period specified in paragraph 9 and subject to the same notices and waivers. Buyer understands that District may only convey title by Quit Claim Deed and Buyer agrees that this will not be an objection to title.

11. **SURVEY:** If the Buyer chooses to obtain a survey of the Property, the Buyer agrees to provide the District with a certified copy of the survey.

12. **OPERATION OF PROPERTY DURING CONTRACT PERIOD:** Prior to closing, the District will continue to operate the Property and any business conducted on the Property in

Contract for Sale and Purchase

Parcel Name: R17 421 18 0000 0030 0040

SWF Parcel No.: 15-228-2068S

Revised 3/1/2021

the manner operated prior to the date of the Contract and will take no action that would adversely impact the Property.

13. **RISK OF LOSS:** If substantial damage to the Property (more than \$5,000) occurs between the date of this Contract and the date of closing, the District will have the option of restoring the damaged Property to its condition immediately prior to the occurrence causing the damage, in which event, Buyer will complete the transaction as originally planned. If these repairs are not completed prior to the closing date, closing will be extended until such time as the repairs are completed. If the District elects not to restore the damaged Property, Buyer's sole remedy will be the right to terminate this Contract by giving written notice to the District or, alternatively, to proceed to closing on the Property, as damaged, without adjustment in the purchase price. If damage to the Property is \$5,000 or less, the parties will proceed to closing as though no damage had occurred.

14. **DEFAULT:** If Buyer fails to close within Sixty (60) days from the effective date referenced in Paragraph 3, the District will retain the Deposit, this Contract will terminate, and the District and Buyer will be relieved of all rights and obligations under this Contract. If the District fails to deliver the quit claim deed to Buyer within Sixty (60) days from the effective date referenced in Paragraph 3, the District will return the Deposit to Buyer, this Contract will terminate, and Buyer and the District will be relieved of all rights and obligations under this Contract. Notwithstanding the above, neither party shall be liable under this provision if the closing date is extended pursuant to Paragraph 13, Risk of Loss.

15. **ATTORNEYS' FEES AND COSTS:** Except as provided in Paragraph 9, Due Diligence Period, in any claim or controversy arising out of or relating to this Contract, each party agrees to bear its own attorney fees and costs.

16. **NOTICES:** All notices will be in writing and may be delivered by mail, overnight courier, or personal delivery. The parties agree to send all notices to the addresses specified in the introductory clause; and as to the District, such notice will be sent to the attention of its Office of General Counsel. Notice is effective upon receipt.

17. **SUCCESSORS:** Upon execution of this Contract by Buyer, this Contract will be binding upon and inure to the benefit of Buyer, Buyer's heirs, successors, or assigns.

18. **RECORDING:** Neither this Contract nor any notice of it may be recorded in any county by any person.

19. **ASSIGNMENT:** This Contract may not be assigned by Buyer without the prior written consent of the District.

20. **TIME OF ESSENCE:** Time is of the essence in the performance of this Contract.

21. **AMENDMENTS:** This Contract contains the entire agreement and all representations of the parties. No amendment will be effective except when reduced to writing signed by all parties. Notwithstanding the foregoing, the parties acknowledge that the description of the Property is without the benefit of a current survey. The parties agree that if, in the opinion of

Contract for Sale and Purchase

Parcel Name: R17 421 18 0000 0030 0040

SWF Parcel No.: 15-228-2068S

Revised 3/1/2021

the District, it becomes necessary to amend the description to correct errors, to more properly describe the Property, or to otherwise revise the description of the Property, the description to be used in the survey (if any) and in the closing instruments required by this Contract for the Property will be revised by or at the direction of the District and will be subject to the final approval of the District. Anything to the contrary hereinabove notwithstanding, such a revision of the description of the Property will not require a written amendment to this Contract. In such event, the District's execution and delivery of the closing instruments containing the revised description and the Buyer's acceptance of said instruments and of the final survey (if any) containing the revised description will constitute a full and complete ratification and acceptance of the revised description of the Property by the parties.

22. **SURVIVAL**: Paragraphs 6c, 7, 11 and 15 of this Contract will survive delivery and recording of deed and possession of the Property.

23. **COUNTERPARTS AND AUTHORITY TO SIGN**: The signatures of all parties need not appear on the same counterpart. In accordance with the Electronic Signature Act of 1996, electronic signatures, including facsimile transmissions, may be used and shall have the same force and effect as a written signature. Each person signing this Contract warrants that he or she is duly authorized to do so and to bind the respective party to the Contract.

24. **DOCUMENTS**: The following documents are attached and made a part of this Agreement. In the event of a conflict of contract terminology, priority will first be given to the language in the body of this Agreement.

Exhibit "A" Legal Description

PIN: R4211817000000300040

Property Appraiser Key: 01308187

Parcel #: R17 421 18 0000 0030 0040

Site Address: BOLD IBIS CT

Description: A TR 500X1394 FT IN S1/2 OF SE1/4 ORB 1067 PG 311 AKA TR 9 IN
CLASS I SUB AS APPROVED BY PLANNING DEPT

DOR Code: (87) STATE OTHER THAN MILITARY FORE

Levy Code: CWES Sec/Tnshp/Rng: 17-21-18

Subdivision: Neighborhood: AC US 19 E TO C98 (AC02)

IN WITNESS WHEREOF, the parties have caused the Contract to be executed on the day and year set forth below.


DISTRICT:
Southwest Florida Water Management
District, a public corporation of the State
of Florida

Witness

Printed Name

Witness

Printed Name



Witness

Bob Galbo

Printed Name

Witness

Printed Name

By: _____

Name: _____

Title: _____

Date: _____

BUYER:

By: HLA Property LLC

Name: 

Title: MGRM

Date: 7/5/21

By: _____

Name: _____

Title: _____

Date: _____

Exhibit "A"
Legal Description

Legal Description Parcel

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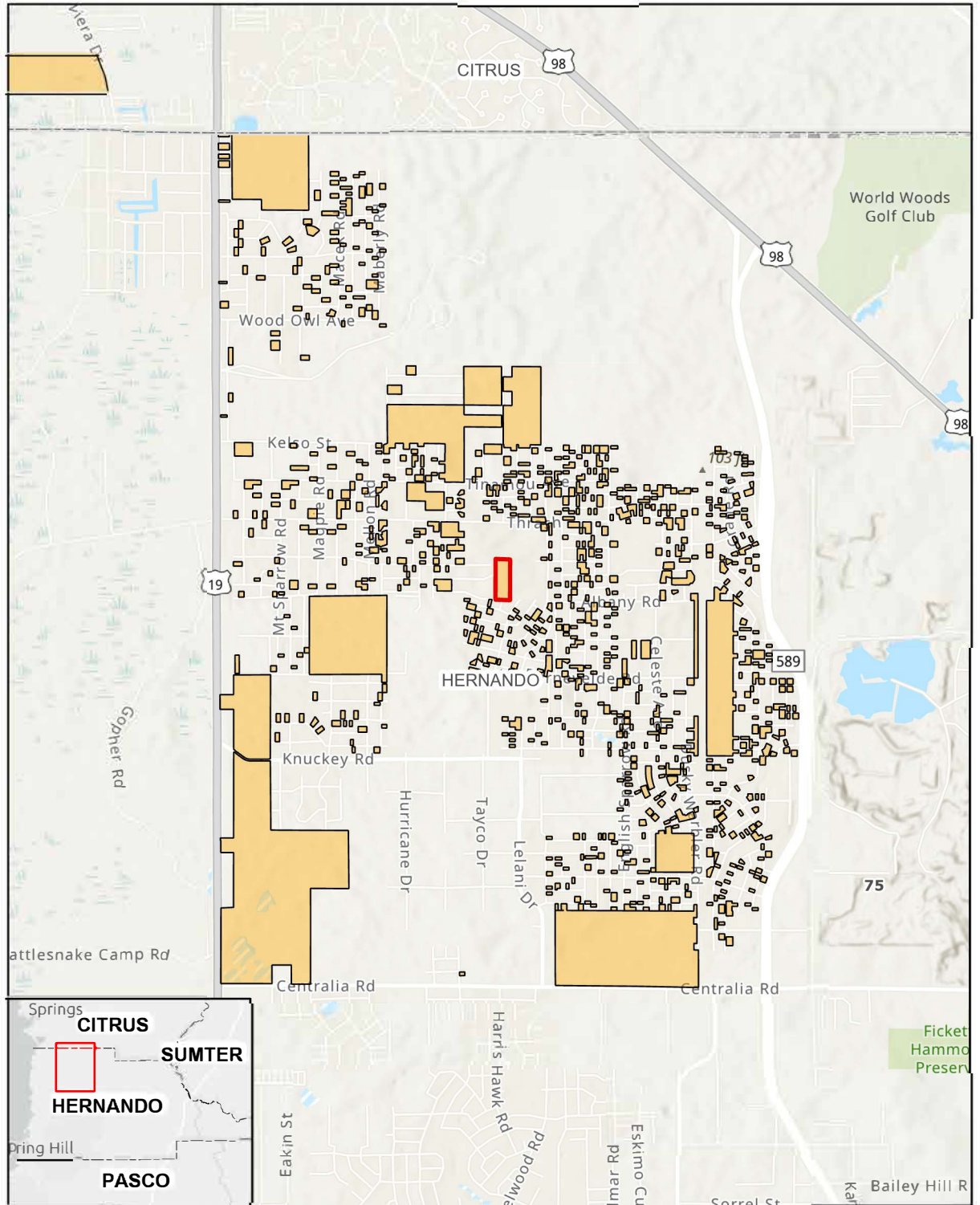
Exhibit "B"
**Southwest Florida Water
Management District Requirements
for Surplus Boundary Surveys**

- ☐ All improvements within 10 feet of the boundary lines must be shown (including, but not limited to: wells, septic tanks, fencing, gates, and utilities). Visible evidence of underground installations or apparent cross rights uses will be located and noted.
- ☐ The survey will be certified to the Southwest Florida Water Management District
- ☐ The following certification will appear on the survey map:

THIS _____ SURVEY IS CERTIFIED TO THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AS MEETING OR EXCEEDING, IN QUALITY AND PRECISION, THE STANDARDS APPLICABLE FOR THIS WORK, AS SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
- ☐ Title Commitment exceptions must be addressed on the survey.
- ☐ When applicable, the existence of Sovereign Boundaries will be determined by coordinating with the Bureau of Survey and Mapping, Florida Department of Environmental Protection. The demarcation will be a part of this scope.
- ☐ When the question or establishment of mean high water, safe upland elevation or ordinary high-water lines is required, a scanned copy of the signed letter from DEP will be provided in PDF format (filename: DEP Sovereign Letter.pdf)
- ☐ All monumentation recovered outside the boundaries of the subject survey that was included in the analysis and resolution of the survey will be shown and dimensioned on the map of survey.
- ☐ The legal description of the parcel being surveyed will be shown on the map of survey.

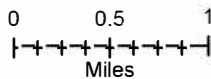
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Exhibit 2 – SWF Parcel No. 15-228-2068S



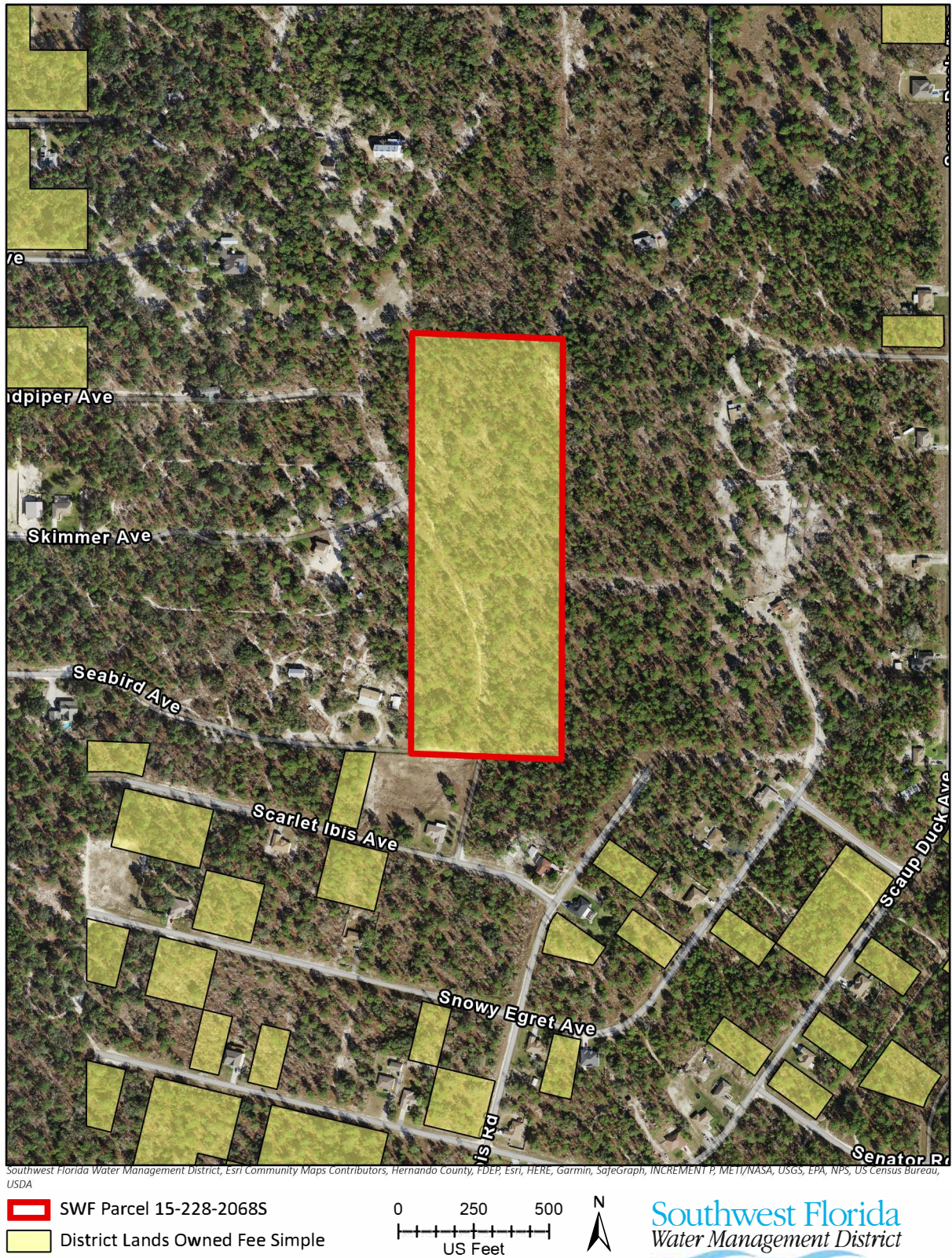
Esri, NASA, NGA, USGS, FDEP, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS, FDEP, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

- SWF Parcel 15-228-2068S
- District Lands Owned Fee Simple



Southwest Florida
Water Management District

Exhibit 3 – SWF Parcel No. 15-228-2068S



SALES SUMMARY & ADJUSTMENT GRID

	SUBJECT	SALE 1	SALE 2	SALE 3	SALE 4
Location	Northern Terminus of Bold Ibis Court	Knuckey Rd	Thrasher Ave	Jenifer Ln	12277 Eskimo Curlew Rd
	Weeki Wachee, Florida 33614	Brooksville, FL 34614	Weeki Wachee, FL	Weeki Wachee, FL	Weeki Wachee, FL
Tax ID		R20-421-18-7179-0000-0190	R17-421-18-0000-0030-0090	R08-421-18-0000-0040-0020	R04-422-18-7156-0000-0040
Grantor	Southwest Florida Water Management District	G&S Land Investors, Inc.	Venoris Rodriguez	Ronald C. Bell	Vincent W. Oliva & Irene C. Olliva, Trustee
Grantee		SJNB Group, LLC	Flomac Enterprises, LLC	Christopher & Jessica Chiger	Thomas A. & Jayne Windeler
OR Book/Page		3924/1415	3885/1571	3868/40	3819/1409
Land Area	15.98 acres	9.90 acres	14.20 acres	10.00 acres	9.90 acres
Configuration	Rectangular	Rectangular	Rectangular	Rectangular	Rectangular
Street Frontage	1 street(s)	1 street(s)	1 street(s)	1 street(s)	1 street(s)
Utilities	Well and Septic	Well and Septic	Well and Septic	Well and Septic	Well and Septic
Highest & Best Use	Rural Residential/Recreation	Rural Residential/Recreation	Rural Residential/Recreation	Rural Residential/Recreation	Rural Residential/Recreation
Zoning	Agricultural	Agricultural	Agricultural	Agricultural	Agricultural
Future Land Use	Rural	Rural	Rural	Rural	Rural
Sale Date	March 29, 2021	October 2, 2020	September 4, 2020	July 24, 2020	March 10, 2020
Adjusted Sale Price		\$124,000	\$125,000	\$100,000	\$95,000
ELEMENTS OF COMPARISON					
Transactional Adjustments					
Property Rights	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Financing Terms	Cash Equivalent	Cash Equivalent	Cash Equivalent	Cash Equivalent	Cash Equivalent
Conditions of Sale	Arm's-length Sale	Arm's-length Sale	Arm's-length Sale	Arm's-length Sale	Arm's-length Sale
Market Conditions	Current	5 months ago	6 months ago	8 months ago	12 months ago
Adjustment		0%	0%	0%	0%
Adjusted Price		\$124,000	\$125,000	\$100,000	\$95,000
Adjusted Unit Price					
Price per Lot		\$124,000	\$125,000	\$100,000	\$95,000
Property Adjustments					
Location		Similar	Similar	Similar	Similar
Access/Road Frontage		Similar	Similar	Similar	Similar
Size		Similar	Similar	Similar	Similar
Configuration		Similar	Similar	Similar	Similar
Topography		Similar	Similar	Similar	Similar
Zoning/Future Land Use		Similar	Similar	Similar	Similar
Overall Comparability		Similar	Similar	Similar	Similar
ADJ UNITS OF COMPARISON					
Price per Lot		\$124,000	\$125,000	\$100,000	\$95,000

CONSENT AGENDA

August 24, 2021

Regulation Committee: Water Use Permit No.20020949.000, GPWCA/Gibson Place Water Conservation Authority (Sumter County)

This is a new Water Use Permit (WUP) for landscape/recreation irrigation for the Villages of Southern Oaks development located in Sumter County. This permit authorizes an annual average quantity of 6,058,600 gallons per day (gpd) and a peak month quantity of 16,425,300 gpd from all sources, including stormwater and the Lower Floridan Aquifer. Of the total permitted quantities, the permit authorizes an annual average quantity and peak month quantity from groundwater of 2,750,700 gpd and 14,748,800 gpd, respectively. The additional demand for the irrigation of 1,380 acres of landscape and 1,150 acres of golf course will be met by utilizing reclaimed water and captured stormwater. At build-out and full occupancy, this permit will utilize an estimated 2,813,900 gpd of reclaimed water and 1,677,500 gpd of captured stormwater to meet the irrigation demands. Additionally, only 1,634,300 gpd of the groundwater annual average quantity and 7,543,200 gpd of the groundwater peak month are new quantities due to the transfer of quantities from WUP No. 20020687.004. The permit transfers 2,915 acres of the service area from WUP No. 20020687.004. Additional standby groundwater quantities are not authorized by this permit. A portion of the service area of this permit totaling 247 acres is within the St. John's River Water Management District.

Special conditions include those that require the Permittee to construct wells to specifications, install flow meters on all withdrawals, record and report monthly meter readings, immediately begin implementation of the approved environmental monitoring plan, utilize alternative water sources before groundwater, implement the conservation plan that was submitted in support of the application, submit updates for Environmental Resource Permits applied for and issued, modify the permit issued by the St. John's River Water Management District to remove the area serviced by this permit, and submit a mid-term report documenting realization of projected irrigation demands and sources.

The permit application meets all conditions for permit issuance under Rule 40D-2, Florida Administrative Code.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

Darrin W. Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 020949.000**

PERMIT ISSUE DATE: August 24, 2021

EXPIRATION DATE: August 24, 2041

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: New

GRANTED TO: Gibson Place Water Conservation Authority/Attn: Marty Dzuro
3619 Kiessel Road
The Villages, FL 32613

PROJECT NAME: GPWCA

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

COUNTY: Sumter, Lake

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

ANNUAL AVERAGE	2,750,700 gpd
PEAK MONTH ¹	14,748,800 gpd

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

ABSTRACT:

This is a new water use permit for landscape/recreation use. This permit authorizes an annual average quantity of 6,058,600 gallons per day (gpd) and a peak month quantity of 16,425,300 gpd. However, the permit only authorizes an annual average quantity and peak month quantity from groundwater of 2,750,700 gpd and 14,748,800 gpd, respectively, to be withdrawn from eight new wells completed in the lower Floridan Aquifer. The additional demand for the irrigation of 1,380 acres of landscape and 1,150 acres of golf course will be met by utilizing reclaimed water and captured storm water. Additional standby groundwater quantities are not authorized by this permit. This permit is the result of a transfer of 2,915 acres of the service area of Water Use Permit No. 20020687.004 along with groundwater quantities totaling 1,116,400 gpd annual average and 7,205,600 gpd peak month. A portion of the service area of this permit totaling 247 acres is within the St. John's River Water Management District.

Special Conditions include those that require the Permittee to construct wells to specifications, install flow meters on all withdrawals, record and report monthly meter readings, immediately begin implementation of the approved environmental monitoring plan, utilize alternative water sources before groundwater, implement the conservation plan that was submitted in support of the application, submit updates for Environmental Resource Permits applied for and issued, modify the permit issued by the St. John's River Water Management District to remove the area serviced by this permit, and submit a mid-term report documenting realization of projected irrigation demands and sources.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Landscape/Recreation	2,750,700	14,748,800

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>
Golf Course	1,150.00	Sprinkler Over Plant	37.70"/yr.
Lawn & Landscape	1,219.00	Sprinkler Over Plant	27.30"/yr.
Lawn & Landscape	161.00	Sprinkler Over Plant	29.80"/yr.

WITHDRAWAL POINT QUANTITY TABLE

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

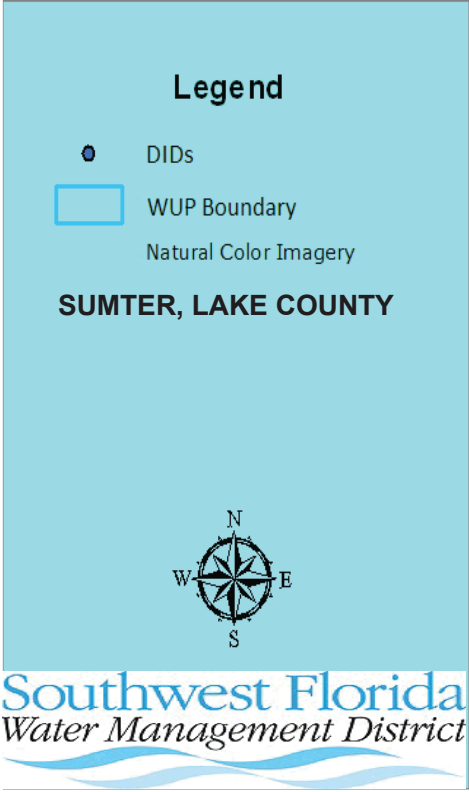
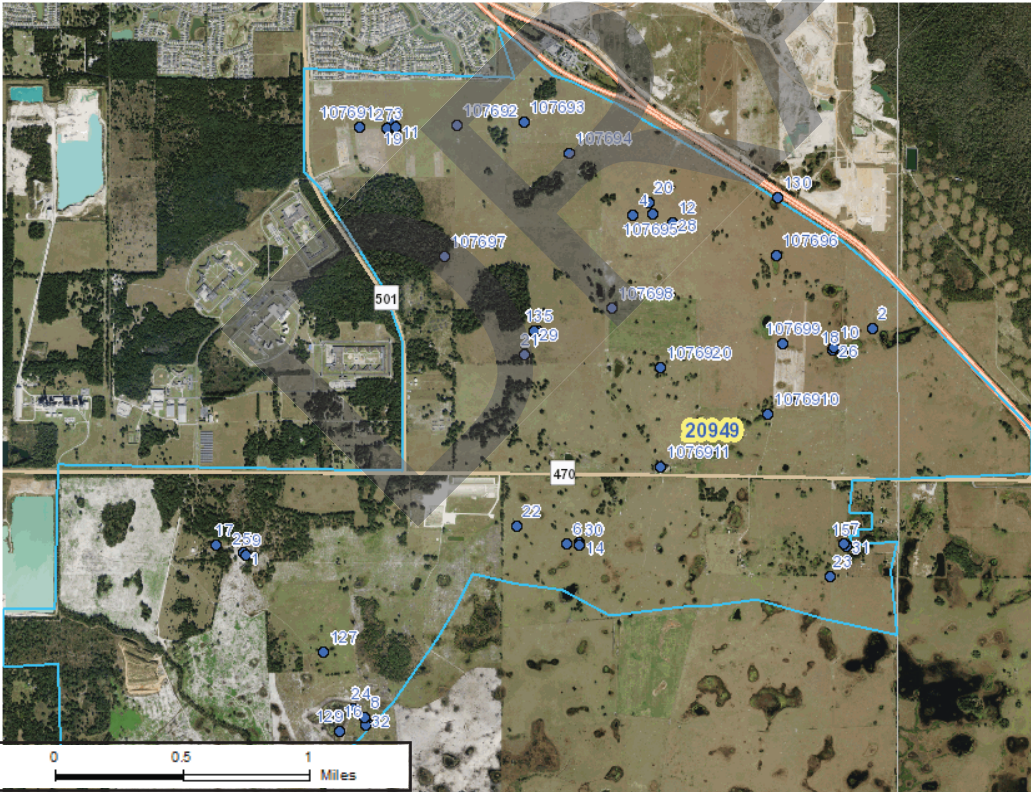
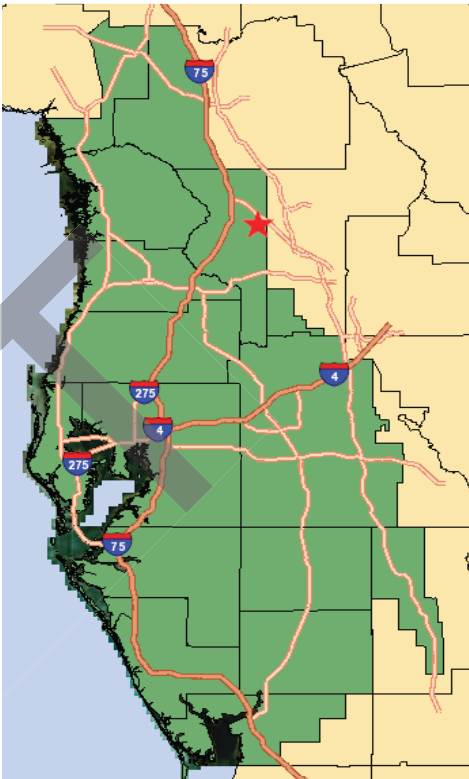
<u>I.D. NO.</u> <u>PERMITTEE/</u> <u>DISTRICT</u>	<u>DIAM</u> <u>(in.)</u>	<u>DEPTH</u> <u>TTL./CSD.FT.</u> <u>(feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE</u> <u>(gpd)</u>	<u>PEAK</u> <u>MONTH</u> <u>(gpd)</u>
GPWCA-IR-1 / 1	16	1,000 / 600	Augmentation	343,900	1,843,600
GPWCA-IR-2 / 2	16	1,000 / 600	Augmentation	343,900	1,843,600
GPWCA-IR-3 / 3	16	1,000 / 600	Augmentation	343,900	1,843,600
GPWCA-IR-4 / 4	16	1,000 / 600	Augmentation	343,800	1,843,600
GPWCA-IR-5 / 5	16	1,000 / 600	Augmentation	343,800	1,843,600
GPWCA-IR-6 / 6	16	1,000 / 600	Augmentation	343,800	1,843,600
GPWCA-IR-7 / 7	16	1,000 / 600	Augmentation	343,800	1,843,600
GPWCA-IR-8 / 8	16	1,000 / 600	Augmentation	343,800	1,843,600
GPWCA-SW-1 / 9	30	N/A / N/A	Irrigation	354,000	931,500
GPWCA-SW-2 / 10	30	N/A / N/A	Irrigation	354,000	931,500
GPWCA-SW-3 / 11	30	N/A / N/A	Irrigation	354,000	931,500
GPWCA-SW-4 / 12	30	N/A / N/A	Irrigation	354,000	931,500
GPWCA-SW-5 / 13	30	N/A / N/A	Irrigation	354,000	931,500
GPWCA-SW-6 / 14	30	N/A / N/A	Irrigation	354,000	931,500
GPWCA-SW-7 / 15	30	N/A / N/A	Irrigation	354,000	931,500
GPWCA-SW-8 / 16	30	N/A / N/A	Irrigation	354,000	931,500
GPCWA-EF-1 / 17		N/A / N/A	Augmentation	351,800	703,600
GPWCA-EF-2 / 18		N/A / N/A	Augmentation	351,800	703,600
GPWCA-EF-3 / 19		N/A / N/A	Augmentation	351,800	703,600
GPWCA-EF-4 / 20		N/A / N/A	Augmentation	351,800	703,600
GPWCA-EF-5 / 21		N/A / N/A	Augmentation	351,800	703,600
GPWCA-EF-6 / 22		N/A / N/A	Augmentation	351,800	703,600
GPWCA-EF-7 / 23		N/A / N/A	Augmentation	351,800	703,600
GPWCA-EF-8 / 24		N/A / N/A	Augmentation	351,800	703,600
GPWCA-GL F-1 / 25	30	N/A / N/A	Irrigation	403,300	1,121,700
GPWCA-GL F-2 / 26	30	N/A / N/A	Irrigation	403,300	1,121,700

GPWCA-GL F-3 / 27	30	N/A / N/A	Irrigation	403,300	1,121,700
GPWCA-GL F-4 / 28	30	N/A / N/A	Injection	403,300	1,121,700
GPWCA-GL F-5 / 29	30	N/A / N/A	Irrigation	403,300	1,121,700
GPWCA-GL F-6 / 30	30	N/A / N/A	Irrigation	403,300	1,121,700
GPWCA-GL F-7 / 31	30	N/A / N/A	Irrigation	403,400	1,121,600
GPWCA-GL F-8 / 32	30	N/A / N/A	Irrigation	403,400	1,121,600
4 (10769) / 107694	10	698 / UNK	To Be Plugged	N/A	N/A
5 (10769) / 107695	10	700 / UNK	To Be Plugged	N/A	N/A
6 (10769) / 107696	10	715 / UNK	To Be Plugged	N/A	N/A
7 (10769) / 107697	6	678 / UNK	To Be Plugged	N/A	N/A
8 (10769) / 107698	10	700 / UNK	To Be Plugged	N/A	N/A
9 (10769) / 107699	10	155 / 92	To Be Plugged	N/A	N/A
10 (10769) / 1076910	6	686 / UNK	To Be Plugged	N/A	N/A
11 (10769) / 1076911	4	83 / 82	To Be Plugged	N/A	N/A
20 (10769) / 1076920	12	200 / 100	To Be Plugged	N/A	N/A

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	28° 44' 59.49"/82° 00' 34.29"
2	28° 45' 59.63"/81° 57' 22.14"
3	28° 46' 52.94"/81° 59' 50.40"
4	28° 46' 29.73"/81° 58' 35.28"
5	28° 45' 58.79"/81° 59' 04.55"
6	28° 45' 01.88"/81° 58' 55.72"
7	28° 45' 02.04"/81° 57' 30.87"
8	28° 44' 15.66"/81° 59' 57.47"
9	28° 44' 58.95"/82° 00' 33.79"
10	28° 45' 54.48"/81° 57' 33.84"
11	28° 46' 53.18"/81° 59' 47.85"
12	28° 46' 27.87"/81° 58' 23.27"
13	28° 45' 58.94"/81° 59' 05.42"
14	28° 45' 02.39"/81° 58' 51.68"
15	28° 45' 01.77"/81° 57' 29.95"
16	28° 44' 14.26"/81° 59' 56.53"
17	28° 45' 01.62"/82° 00' 42.80"
18	28° 45' 52.96"/81° 57' 31.31"
19	28° 46' 54.45"/81° 59' 49.19"
20	28° 46' 33.20"/81° 58' 30.53"
21	28° 45' 52.36"/81° 59' 08.46"
22	28° 45' 06.77"/81° 59' 10.81"
23	28° 44' 53.14"/81° 57' 35.08"
24	28° 44' 18.10"/82° 00' 00.67"
25	28° 44' 59.24"/82° 00' 33.95"
26	28° 45' 53.85"/81° 57' 34.14"
27	28° 46' 52.71"/81° 59' 47.93"
28	28° 46' 27.56"/81° 58' 23.31"
29	28° 45' 58.17"/81° 59' 05.70"
30	28° 45' 01.80"/81° 58' 51.88"
31	28° 45' 01.42"/81° 57' 30.22"
32	28° 44' 13.68"/81° 59' 56.97"
107694	28° 46' 46.13"/81° 58' 54.70"
107695	28° 46' 30.00"/81° 58' 29.29"
107696	28° 46' 19.13"/81° 57' 51.54"
107697	28° 46' 18.77"/81° 59' 32.99"
107698	28° 46' 04.76"/81° 58' 41.79"
107699	28° 45' 55.51"/81° 57' 49.67"
1076910	28° 45' 36.63"/81° 57' 54.09"
1076911	28° 45' 22.61"/81° 58' 26.92"
1076920	28° 45' 48.92"/81° 58' 26.92"

Location Map
Gibson Place Water Conservation Authority/Attn: Marty Dzuro
WUP No. 20 020949.000



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/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)

2. The Permittee shall construct the proposed wells 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. 1, Permittee ID No. GPWCA-IR-1 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 2, Permittee ID No. GPWCA-IR-2 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 3, Permittee ID No. GPWCA-IR-3 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 4, Permittee ID No. GPWCA-IR-4 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 5, Permittee ID No. GPWCA-IR-5 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 6, Permittee ID No. GPWCA-IR-6 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 7, Permittee ID No. GPWCA-IR-7 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

District ID No. 8, Permittee ID No. GPWCA-IR-8 having a surface diameter of 16 inches, with a minimum casing depth of 600 feet drilled to an estimated total depth of 1,000 feet.

(240)

3. 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)
4. 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)
5. 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)
6. Within 30 days of construction of the withdrawal facility, the Permittee shall install and/or properly maintain a District approved automated augmentation control system for the wells augmenting all surface water bodies within the permit boundary. The system shall be installed such that augmentation does not take place when the water level is at or above six-inches below the outfall elevation or one foot below the top of the liner, whichever is lower. Provisions shall be made by the Permittee in the augmentation schedule to allow for the maximum possible runoff/rainfall capture. The regulatory elevation may be modified by the Water Use Permit Bureau Chief, as necessary to protect environmental and water resources of the District. (314)
7. 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)
8. By December 1, 2021, the Permittee shall construct the following proposed monitor well(s)/piezometer(s) at the location(s) specified and pursuant to the stipulations given below in accordance with Chapter 62-532, "Water Well Permitting and Construction Requirements". All depths given are relative to feet below land surface. Land surface shall be surveyed relative to North American Vertical Datum 1988 (NAVD 88), and a monitor point elevation identified. A copy of the certified survey and well completion report shall be filed with the District within 30 days of well completion.

District ID No. 127/Permittee ID No. VOSO-MW-7, with surface casing diameter of 2 inches, to monitor the upper Floridan aquifer, and cased continuously from the surface with casing set in competent limestone, with a minimum of 5 feet of slotted screen to be located at Latitude 28° 44' 32.74" North and Longitude 82° 0' 9.85" West.

District ID No. 128/Permittee ID No. VOSO-MW-8, with surface casing diameter of 2 inches, to monitor the upper Floridan aquifer, and cased continuously from the surface with casing set in competent limestone, with a minimum of 5 feet of slotted screen to be located at Latitude 28° 47' 36.76" North and Longitude 82° 4' 11.36" West.

A. The well shall be constructed with a surface seal and a sand filter pack emplaced using the tremie method. The filter pack shall have a minimum annular space of two (2) inches around the borehole and be placed to a depth of two feet above the well screen. If the well is constructed using a hollow-stem auger, the filter pack shall be set by pouring the filter material directly into the annular space of the borehole, provided that a PVC pipe is used as a tamping device to prevent bridging of the filter pack, and that the amount of filter pack sand is continuously tagged during the emplacement by the driller. In addition, the auger must be retrieved slowly to allow the filter pack to spread into the area of the well annulus occupied by the auger flights.

B. The casing shall be constructed of slotted Schedule 40 PVC, stainless steel or other materials that are resistant to degradation due to interaction with the ground water and shall be continuous from 18 inches above land surface to the minimum depth stated above.

C. The finished well casing depth and total 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.

D. Advance approval from the Water Use Permit Bureau Chief, is required if the location and/or construction specifics of any monitor well is changed.

E. The District shall be given two weeks notification prior to commencement of drilling in order to schedule a site visit to witness the drilling and completion of each monitor well.

(416)

9. The Permittee shall immediately implement the District-approved water conservation plan 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 August 1, 2031.(449)
10. 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)
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, F.A.C.(568)
12. The Permittee shall acquire an Environmental Resource Permit (ERP) for construction in each development area prior to commencement of increased incremental groundwater withdrawal. The Permittee shall submit an annual report detailing all submitted completed, or issued ERPs. This report shall include details of the ERP application or permits such as ERP number, propose changes, expected water use increase, and estimated construction schedule. This report shall be due June 1 of each year.(571)
13. By August 1, 2022, District ID Nos. 107691, 107692, 107693, 107694, 107695, 107696, 107697, 107698, 107699, 1076910, 1076911, and 1076920 shall be properly abandoned (plugged bottom to top) by a licensed water well contractor in accordance with Chapter 62-532.500(4), F.A.C., under a Well Abandonment Permit issued by the District unless an extension of time is granted by the Water Use Permit Bureau Chief.(582)
14. The Permittee shall submit a copy of each well completion/abandonment report to the District's Water Use Permit Bureau, within 30 days of each well completion/abandonment.(583)
15. The Permittee shall not irrigate golf course roughs with non-alternative water supplies unless such water supplies are derived from a portion of the quantities permitted for the tees, greens, and fairways. The amount of permitted ground or surface water plus alternative water supply applied to the entire golf course shall not exceed reasonable-beneficial quantities for tees, greens and fairways alone.(594)
16. 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)
17. Augmentation to and withdrawal of water from the irrigation ponds that is authorized under this Water Use Permit, shall be conducted so as not to impair the function of the Surface Water Management System.(670)
18. The Permittee shall catalog development of sinkholes or changes to existing sinkholes which occur within 500 feet of permitted withdrawals. The report shall include descriptions of the investigation and any mitigation actions undertaken by the permittee or a note that the county conducted the sinkhole investigation.(677)

19. The Permittee shall implement and maintain a data collection programs as documented in the Environmental Monitoring Plan (EMP) dated May 2021 that was submitted in support of this permit modification throughout the term of the permit. Collected data shall include groundwater quality monitoring within the lower Floridan aquifer, groundwater level monitoring within the upper Floridan aquifer, surface water level and ecological monitoring (vegetation, wildlife) in select wetlands and surface waters. By April 1 of each year, the Permittee shall submit a report summarizing data collected and analyzed as well as any updates to the EMP. The report shall include an anlysis of upland and wetland conditions, including interpretation of applicable parameters such as treefalls per unit area, rate of soil subsidence, effects on fish and wildlife, and evidence of vegetational succession. Data shall be obtained through field measruements and observations. Hydrographs from surface water gauages and wells shall be included for the period of record and discussed in the report. Any mitigation activities will be noted. The annual report shall include presentation and analysis of data collected for the Southeast Wildwood Water Conservation Authority water use permit, as both permit areas were included in the submitted EMP. Any changes to the methods or frequency of monitoring for any of these data collection programs may be made only after approval by the Water Use Permit Bureau Chief.(692)
20. The following proposed reclaimed water inflow lines shall be metered within 90 days of completion of construction of the reclaimed water delivery system: District ID Nos. 17, 18, 19, 20, 21, 22, 23, and 24, Permittee ID Nos. GPCWA-EF-1, GPCWA-EF-2, GPWCA-EF-3, GPWCA-EF-4, GPWCA-EF-5, GPWCA-EF-6, GPWCA-EF-7, and GPWCA-EF-8. Monthly 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)
21. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 25, 26, 27, 28, 29, 30, 31, and 32, Permittee ID Nos. GPWCA-IR-1, GPWCA-IR-2, GPWCA-IR-3, GPWCA-IR-3, GPWCA-IR-4, GPWCA-IR-5, GPWCA-IR-6, GPWCA-IR-7, GPWCA-IR-8, GPWCA-SW-1, GPWCA-SW-2, GPWCA-SW-3, GPWCA-SW-4, GPWCA-SW-5, GPWCA-SW-6, GPWCA-SW-7, GPWCA-SW-8, GPWCA-GC-1, GPWCA-GC-2, GPWCA-GC-3, GPWCA-GC-4, GPWCA-GC-5, GPWCA-GC-6, GPWCA-GC-7, and GPWCA-GC-8. Monthly 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)
22. Water quality samples from the withdrawal points listed below shall be collected after pumping the withdrawal point at its normal rate for a pumping time specified below, or to a constant temperature, pH, and conductivity. The frequency of sampling per water quality parameter is listed in the table according to the withdrawal point. The recording and reporting shall begin according to the first sample date for existing wells and shall begin within 90 days of completion of any proposed wells. Samples shall be collected whether or not the well is being used unless infeasible. If sampling is infeasible, the Permittee shall indicate the reason for not sampling on the water quality data form or in the space for comments in the WUP Portal for data submissions. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.
- Proposed District ID Nos. 1, 2, 5, and 7/Permittee ID Nos. GPWCA-IR-1, GPWCA-IR-2, GPWCA-IR-5, and GPWCA-IR-7, for chloride, sulfate, and total dissolved solids on a quarterly basis, with first analyzed sample due within 90 days of completion of the withdrawal point or per the first reporting period as given in Exhibit B after completion of the monitor site.
(752)
23. Within 90 days of the completion of the following proposed monitor well(s) or piezometer(s), the Permittee shall record water levels using an electronic water level meter relative to North American Vertical Datum 1988 (NAVD88) and report them to the District at the frequency listed for the interval, aquifer system, or geologic formation listed. The monitor well(s) or piezometer(s) shall be surveyed by a surveyor licensed in the State of Florida and referenced to NAVD88, and a certified survey indicating the datum reference shall be submitted with the first water level data report. To the maximum extent possible, water levels shall be recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate to the frequency noted. The readings shall be reported online via the Permit Information Center at the District website, (www.watermatters.org/permits/epermitting/), or mailed in hardcopy on District-provided forms to the address given in this permit for mailing data and reports on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as

necessary to ensure the protection of the resource.

District ID No. 127, Permittee ID No. VOSO-MW-7, to monitor the Upper Floridan aquifer on a twice monthly basis.

District ID No. 128, Permittee ID No. VOSO-MW-8, to monitor the Upper Floridan aquifer on a twice monthly basis.

(755)

24. By December 1, 2021, the Permittee shall install and maintain a District-approved staff gauge in the water bodies at the location(s) specified by latitude and longitude below and report measurements of water levels referenced to the North American Vertical Datum 1988, at the frequency indicated. Instructions for installation of the staff gauge, and for recording and reporting the data are given in Exhibit B, Water Level Instructions, attached to and made part of this permit.

District ID No. 129, Permittee ID No. W209 on a twice monthly basis at Lat. 28° 44' 11.98" Long. 82° 0' 5.22"

District ID No. 130, Permittee ID No. W29 on a twice monthly basis at Lat. 28° 46' 34.36" Long. 81° 57' 51.18"

(761)

25. Groundwater withdrawals shall not exceed 2,750,700 gallons per day (gpd) on an annual average basis and 14,748,800 gpd on a peak month basis. Combined groundwater and stormwater withdrawals shall not exceed 6,058,600 gpd on an annual average basis or 16,425,300 gpd on a peak month basis.(991)
26. The water use authorized by this permit is based on demand and AWS projections. Due to a lag in expected AWS contributions in the period immediately following construction, this permit is structured to allow a proportionally larger groundwater withdrawal in the near term which is projected to decrease as the population within the service area rises late in the permit term. Therefore, by September 1, 2031, the Permittee shall provide a report documenting construction progress, population growth within the service area, gross irrigation demands, and AWS flows. If the totality of the data indicates that additional AWS flows are available, the permit shall be modified to reflect the additional AWS availability by reducing the authorized groundwater quantities.(992)
27. Within 60 days of permit issuance, the Permittee shall submit documentation to the District that an application has been submitted to the St. Johns River Water Management District to remove that portion of the service area of this permit that is also included in Consumptive Use Permit (CUP) 153230 issued by the St. Johns River Water Management District. Failure to modify CUP 153230 to remove the duplicated service area will result in a reduction in the authorized groundwater quantities on this permit by 110,000 gpd annual average and 590,000 gpd peak month, based on the proportional area of the subject area relative to the total service area.(993)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

1. With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, collect samples, take measurements, observe permitted and related facilities and collect and document any information deemed necessary to determine compliance with the approved plans, specifications and conditions of this permit. 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. 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.
4. The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of 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.
5. The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:
 - 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.
6. Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
7. All withdrawals authorized by this WUP shall be implemented as conditioned by this permit, including any documents submitted as part of the permit application incorporated by reference in a permit condition. This permit is subject to review and modification, enforcement action, or revocation, in whole or in part, pursuant to Section 373.136 or 373.243, F.S.
8. This 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.
9. 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.
10. 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.

11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. 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.
13. 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.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. 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 a statement in the application and in the supporting data are found to be untrue and inaccurate, 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, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. All permits 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 for monthly reporting frequencies. For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data. The Permittee shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/epermitting/ 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.101.00 (5/14) 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.

WATER QUALITY INSTRUCTIONS

The Permittee shall perform water quality sampling, analysis and reporting as follows:

1. The sampling method(s) from both monitor wells and surface water bodies shall be designed to collect water samples that are chemically representative of the zone of the aquifer or the depth or area of the water body.
2. Water quality samples from monitor wells shall be taken after pumping the well for the minimum time specified (if specified) or after the water reaches a constant temperature, pH, and conductivity.
3. The first submittal to the District shall include a copy of the laboratory's analytical and chain of custody procedures. If the laboratory used by the Permittee is changed, the first submittal of data analyzed at the new laboratory shall include a copy of the laboratory's analytical and chain of custody procedures.
4. Any variance in sampling and/or analytical methods shall have prior approval of the Water Use Permit Bureau Chief.
5. The Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis.
6. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories."
7. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).
8. Unless other reporting arrangements have been approved by the Water Use Permit Bureau Chief, reports of the analyses shall be submitted to the Water Use Permit Bureau, online at the District WUP Portal or mailed in hardcopy on or before the tenth day of the following month. The online submittal shall include a scanned upload of the original laboratory report. The hardcopy submittal shall be a copy of the laboratory's analysis form. If for some reason, a sample cannot be taken when required, the Permittee shall indicate so and give the reason in the space for comments at the WUP Portal or shall submit the reason in writing on the regular due date.
9. The parameters and frequency of sampling and analysis may be modified by the District as necessary to ensure the protection of the resource.
10. Water quality samples shall be collected based on the following timetable for the frequency listed in the special condition:

Frequency

Weekly
Quarterly
Semi-annually
Monthly

Timetable

Same day of each week
Same week of **February, May, August, November**
Same week of **May, November**
Same week of each month

WATER LEVEL INSTRUCTIONS

The staff gauge(s) shall be surveyed according to instructions given on the District website and referenced to the North American Vertical Datum 1988, and a copy of the survey indicating the datum reference shall be submitted with the first water level data report. The staff gauge(s) shall be scaled in one-tenth foot increments and shall be sized and placed so as to be clearly visible from an easily accessible point of land. Water levels shall be recorded on a frequency as indicated in the table provided in the special condition and reported to the Water Use Permit Bureau, online via the WUP Portal at the District website or in hardcopy on District-provided forms on or before the tenth day of the following month. To the maximum extent possible, water levels shall be recorded on a regular schedule as indicated in the recording timetable below. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

Water Level Recording Timetable

<u>Frequency</u>	<u>Recording Schedule</u>
Daily	Same time of each day
Weekly	Same day of each week
Monthly	Same week of each month
Quarterly	Same week of months specified

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.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes 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**August 24, 2021****Regulation Committee: Approval of Coordination Agreement Between the U.S. Army Corps of Engineers (Jacksonville District) and the Southwest Florida Water Management District - State Programmatic General Permit VI (SPGP-VI)***Purpose*

The purpose of this agenda item is to request that the Board approve the Coordination Agreement between the U.S. Army Corps of Engineers (Corps) Jacksonville District and the District implementing the Corps' State Programmatic General Permit (SPGP VI) for certain low risk activities. A copy of the SPGP VI and Coordination Agreement are attached as Exhibits "A" and "B", respectively.

Background

In July 2011, the Corps' Jacksonville District issued SPGP IV-R1, which authorized the Florida Department of Environmental Protection (FDEP) or a designee, to administer Section 404 of the Clean Water Act (33 U.S.C. § 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) on behalf of the Corps for certain low risk activities. The purpose of the delegation was to reduce duplication of permitting efforts. That agreement, which was valid for 5 years, expired on July 25, 2016.

Based on direction received from the Governing Board in 2014, District staff worked with the Corps in 2015 on a Coordination Agreement between the Corps and the District that would delegate to the District authority to implement the SPGP IV-R1 in the applicable areas of the District. That Coordination Agreement, approved by the Governing Board in July 2015, ran concurrent with the Corps' SPGP IV-R1 and also expired on July 25, 2016.

District staff then worked with the Corps on a new Coordination Agreement for the implementation of SPGP V, the successor to SPGP IV-R1. That process remained essentially unchanged from the previous SPGP IV-R1 Coordination Agreement, with a few minor changes and the addition of a fifth activity category for transient activities.

SPGP V was then modified in 2019. The most recent version, SPGP V-R1, expired on July 26, 2021. SPGP V-R1 changed some of the authorized activities including removing the ability for the District to authorize maintenance dredging under the SPGP program.

The FDEP has been working with the Corps on a replacement SPGP. The new SPGP VI is essentially unchanged from the previous SPGP V-R1. The categories of work authorized under the SPGP VI are minor activities that are currently authorized by existing Corps' Nationwide and Regional General Permits. The SPGP VI authorization eliminates the need for separate approval from the Corps for minor work located in waters of the United States, including navigable waters. Additionally, SPGP VI addresses the FDEP's recent assumption of the 404 program for certain waters of the U.S. SPGP VI specifies that it is only valid for those Section 404 waters that were retained by the Corps.

As with the previous version of the SPGP, the SPGP VI delegates authority for five specific types of activities:

1. shoreline stabilization;
2. boat ramps;
3. docks, piers, associated facilities, and other minor piling-supported structures;
4. removal of derelict vessels; and
5. transient activities related to scientific sampling, measurement, and monitoring devices.

Staff Recommendation:

Approve the Coordination Agreement between the U.S. Army Corps of Engineers Jacksonville District and the District regarding the Corps' State Programmatic General Permit (SPGP VI).

Presenter:

Cliff Ondercin, P.W.S., Environmental Manager, Environmental Resource Permit



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Regulatory Division

July 27, 2021

**DEPARTMENT OF THE ARMY PERMIT
STATE PROGRAMMATIC GENERAL PERMIT VI
(SPGP VI)
STATE OF FLORIDA**

Permittee: Recipient of a verification of a State of Florida Exemption or General permit from the Florida Department of Environmental Protection (FDEP), a water management district (Designee), or a local government with delegated authority under section 373.441, F.S. (Designee).

Effective Date of SPGP VI: July 27, 2021.

Expiration Date: July 27, 2026.

Issuing Office: U.S. Army Corps of Engineers District, Jacksonville.

NOTE: The term "you" and its derivatives, as used in this permit, means the Permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

NOTE: The term "Applicant", as used in this permit, means a person or authorized agent submitting an application for verification of a State of Florida Exemption or General Permit from the FDEP, a water management district (Designee), or a local government with delegated authority under section 373.441, F.S. (Designee). After you receive written verification for your project under this State Programmatic General Permit (SPGP VI), you are authorized to perform work in accordance with the terms and conditions specified below.

Coordination Agreements between the Corps and the FDEP and Designees outline the steps each agency will take during the processing of an application under the SPGP VI. For the prior State Programmatic General Permit (SPGP V-R1), agreements were in place with the following agencies: FDEP, the St. Johns River Water Management District, Hillsborough County Environment Protection Commission (EPC), and the Southwest Florida Water Management District. These agencies, and others, may implement SPGP VI upon execution of updated agreements.

DEPARTMENT OF THE ARMY PERMIT: SPGP VI

I. Procedures:

1. Applicants requesting verification of activities covered under SPGP VI will submit their application to the appropriate FDEP or Designee office and not submit a separate application to the Corps.
2. Applicants will also fill in and concurrently submit the applicable Jacksonville District's Programmatic Biological Opinion (JAXBO) checklists. Every project will submit the summary checklist and all the checklists applicable to the activities included in the Project. For example, a project proposing the installation of a dock and a seawall will submit the summary checklist, activity 1 checklist, and activity 2 checklist. The checklists are titled:
 - a. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Summary Checklist",
 - b. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 1: Shoreline Stabilization",
 - c. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 2: Pile Supported",
 - d. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 5: Scientific Survey",
 - e. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 6: Boat Ramps", and
 - f. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 9: Marine Debris Removal".

The JAXBO Checklists must be filled out electronically using the form fields and then submitted in their original electronic format. For example, a printed and/or scanned version of the checklist is not to be submitted. If the checklists are not filled out electronically, the Project does not qualify for SPGP VI. Through submission of the "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Summary Checklist" and one or more of the individual activity sheets, the applicant assures the Project complies with the qualifying criteria within the text of this SPGP VI even though not specifically enumerated on the JAXBO Checklists. The relevant Project Design Criteria (PDCs) in the National Marine Fisheries Service's (NMFS) JAXBO dated November 20, 2017 have been transcribed into the SPGP VI instrument checklists.

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3. Applicants must comply with the following procedures when a condition in this permit requires determination of the presence of submerged aquatic vegetation (SAV) or emergent (e.g. marsh habitats) aquatic vegetation:
 - a. Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida (Attachment 1)), the presence of SAV will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 2). If no survey is performed, SAV, including Johnson's seagrass, will be presumed to be present for purposes of this qualification.
 - b. Outside the range of Johnson's seagrass (Attachment 1) but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within freshwater tidal waters, the presence of seagrass and tidal freshwater SAV will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 2) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past. Growing season is defined as June 1 and September 30 of each year.
4. The FDEP or Designee will review the application and the JAXBO Checklists to determine whether the Project qualifies for SPGP VI. Projects that qualify for SPGP VI will be processed by the FDEP or Designee. Verification of the State Exemption or General Permit will include language confirming Federal Authorization under SPGP VI. A Project qualifies for SPGP VI when all the following apply:
 - a. it is one of the activities described in the Work Authorized section;
 - b. the FDEP or Designee has reviewed and confirmed the proposed Project meets the conditions outlined in the Work Authorized section as well as the applicable Special Conditions;
 - c. the FDEP or Designee has reviewed and confirmed the proposed Project meets all the relevant PDCs in the JAXBO) dated November 20, 2017 (these have been transcribed into this SPGP VI as special conditions) (Reference: JAXBO Section 2.3, page 236);
 - d. JAXBO Checklists are complete, accurate, and submitted electronically (using the fillable form fields); and
 - e. the FDEP or Designee submits the JAXBO Checklists to NMFS at the following address: nmfs.ser.statewideprogrammatic@noaa.gov , with a copy of the email

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furnished to spgp@usace.army.mil not later than the date the FDEP or Designee verifies authorization under SPGP VI (Reference: JAXBO Section 2.3, page 237).

5. The FDEP or Designee will review the application and complete the “The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida” to determine the effects of the Project on the West Indian manatee. When using the “The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida” April 2013 and 2019 addendum (Manatee Key, Attachment 3), SPGP VI can only be verified when FDEP or Designee walks the project through the Manatee Key and it results in “May affect, not likely to adversely affect” and no further consultation is required.
6. Self-Certification. The FDEP may authorize certain single-family docks and boatlifts under this SPGP VI through their online, electronic self-certification process, if all the following requirements are implemented:
 - a. Limitations:
 - (1) Construction of boatlifts and repair or replacement of an existing single-family dock with no changes from the previous configuration with a maximum cumulative size of 1,000 square feet, except in an Aquatic Preserve or Outstanding Florida Water where the maximum cumulative size is no more than 500 square feet.
 - (2) Project meets all the terms and conditions of this SPGP VI.
 - (3) Projects are excluded, if meeting any of the following (Reference: JAXBO Section 2.3, page 238):
 - (i) On an unbridged, undeveloped coastal island or undeveloped coastal island segment or undeveloped coastal barrier island;
 - (ii) On sandy beaches fronting the Gulf of Mexico or Atlantic coast shoreline, exclusive of bays, inlets, rivers, bayous, creeks, passes, and the like;
 - (iii) Within 50 feet of the Mean High Water Line (MHWL) at any riparian coastal location fronting the Gulf of Mexico or Atlantic Coast shoreline;
 - (iv) Located in the coastal counties of Wakulla, Taylor, Dixie, Levy, Pasco, and Monroe;
 - (v) Located in Biscayne Bay Aquatic Preserve;

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(vi) Located in the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida);

(vii) In Federal Special Waters (Biscayne Bay National Park, Blackwater Creek, Faka Union Canal, Garfield Point, Loxahatchee River, Okeechobee Waterway, Rock Springs Run, St. Marys River, Tampa Bypass Canal, Timucuan Preserve, Wekiva River);

(viii) Located in any of the following restriction or exclusion zones (described by Section 2.1.1 of JAXBO): Smalltooth Sawfish Critical Habitat Limited Exclusion Zone (Attachment 4); Gulf Sturgeon Critical Habitat Migratory Restriction Zones (Attachment 5); Atlantic Sturgeon Critical Habitat Exclusion Zone (Attachment 6); and North Atlantic Right Whales Educational Sign Zones (Attachment 7); and

(ix) Located in an area with non-ESA listed seagrasses and will result in any impacts or shading to these seagrasses.

b. FDEP cannot verify requests through the Self-Certification process unless they maintain the following revisions to their web pages and/or automated process (Reference: JAXBO Section 2.3, page 239):

(1) The on-line process includes a screen and button by which the Permittee certifies that the Project authorized via the self-certification meets the relevant Project Design Criteria (PDCs) in the National Marine Fisheries Service's (NMFS) Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017 (these will be an attachment on the web page that will then be an attachment to the authorization issued by the Self-Certification process); and

(2) The automated process will include addition of the PDCs attachment, as a separate document, to the email FDEP uses to transmit its authorization to the Applicant. The automated process will concurrently send a copy of FDEP's transmittal email to the Corps at spgp@usace.army.mil.

c. The Corps may, upon written notice to FDEP, terminate or require modification of the restrictions in the self-certification process applicable to the federal authorization. The event triggering such a notice is expected to either be a problem identified during the monthly, quarterly, and annual reviews between the Corps and NMFS, as required by JAXBO (Reference: JAXBO Section 2.4, page 240), or Corps review of FDEP and/or Corps compliance reports. Upon identification of a problem, the Corps and FDEP will identify potential solutions and timing of webpage programming changes to implement those solutions, recognizing that immediate termination would also shut down other (non-SPGP) self-certifications.

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7. For all authorizations under this SPGP VI, including Self-Certifications, the Permittee will provide the following notifications to the Corps, as described in Special Condition 7 or the General Conditions.

- a. *Commencement Notification* form (Attachment 8). Within 10 days from the date of initiating the authorized work.
- b. *Corps Self-Certification Statement of Compliance* form (Attachment 9) within 60 days of completion of the work.
- c. *Permit Transfer* form. Signed by the new owner if transferred to a new owner (Attachment 10).

II. Work Authorized: The Projects authorized by this SPGP VI are those activities that qualify for and are authorized by the specific State of Florida Exemptions and General Permits cited below, as adopted by reference in Chapter 62-330, Florida Administrative Code (F.A.C.) **and** meet the activity description provided below.

1. **Shoreline Stabilization** (Authorities: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344)).

- a. Activity description:

(1) New vertical seawalls and footers will not be placed further waterward than 1.5 feet (18 inches) MHWL or Ordinary High Water Line (OHWL), unless necessary to align with existing adjacent seawalls, and not to exceed 150ft in length (Reference: JAXBO PDC A1.1.1.). If aligning with adjacent seawalls, this activity is limited to 5 feet as measured from the High Tide Line to the waterward extent of the seawall.

(2) The repair and replacement of seawalls and footers cannot extend any further than 1.5 ft (18 in) waterward of its previous location, as measured from the waterward face (wet face) of the existing seawall to the waterward face of the replacement seawall, measured wet face to wet face at MHWL or OHWL (Reference: JAXBO PDC A1.1.1.). A SAV survey is not required for repair or replacement within 18 inches of the existing structure.

(3) Riprap repair and replacement cannot extend any further than 1.5 ft (18 in) waterward of its previous location, as measured from the waterward slope of the existing riprap to the waterward slope of the replacement, measured at toe of slope (Reference: JAXBO PDC A1.1.1.). A SAV survey is not required for repair or replacement within 18 inches of the existing structure.

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(4) New riprap (or other materials including articulating blocks or mats, sand cement, geotextile/filter fabric and mattresses) will not be placed more than 10 feet waterward of the MHWL or OHWL, including the toe of slope (Reference: JAXBO PDC A1.1.2.).

(5) Living shorelines can only be constructed in unvegetated, nearshore waters along shorelines to create tidal marshes or mangrove habitat for the purpose of shoreline erosion control or aquatic habitat enhancement. Only native plants can be placed along the shoreline or between the shoreline and the living shoreline structure (Reference: JAXBO PDC A7.4.).

b. Specific State of Florida Exemptions and General Permits:

(1) 62-330.051(12)(a), F.A.C. Synopsis: Seawalls or riprap in artificially created waterways, including backfilling.

(2) 62-330.051(12)(b), F.A.C. Synopsis: Restoration of seawall or riprap at its previous location or upland of, or within 18 inches waterward of, its previous location.

(3) 62-330.051(12)(c), F.A.C. Synopsis: Construction of private vertical seawalls or riprap between and adjoining existing seawalls or riprap at both ends of no more than 150 feet.

(4) 62-330.051(12)(d), F.A.C. Synopsis: Installation of seawall cap, batter piles, or king piles used exclusively to stabilize and repair seawalls and that do not impede navigation.

(5) 62-330.051(12)(e), F.A.C. Synopsis: Living Shorelines (restoration of an eroding shoreline with native wetland vegetative enhancement plantings) no more than 500 linear feet and plantings no more than 10 feet waterward of approx. MHWL or OHWL.

(6) 62-330.431, F.A.C. Synopsis: Installation of no more than 100 linear feet of riprap. The riprap shall be no steeper than two horizontal to one vertical and no more than 10 feet waterward of existing mean high water line (MHWL) or ordinary high water line (OHWL).

2. **Boat Ramps** (Authorities: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344)):

a. Activity description:

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- (1) Private, single-family boat ramp or structure requiring 25 cubic yards of fill material or less.
- (2) Ramp width does not exceed 30 feet (Reference: JAXBO PDC A6.1.2 and 3 but reduced.).
- (3) Maximum of 1 boat lane for either construction of new boat ramps and the repair and/or expansion of existing boat ramps (Reference: JAXBO PDC A6.1.2 but reduced.).
- (4) No more than 2 trailered vehicle parking spaces associated with the boat ramp (Reference: JAXBO PDC A6.1.2 but reduced.).
- (5) Repair and replacement of existing boat ramps occurs within the same footprint of the existing ramp (Reference: JAXBO PDC A6.1.4.).

b. Specific State of Florida Exemptions and General Permits:

- (1) 62-330.051(5)(e), F.A.C. Synopsis: Installation and maintenance to design specifications of boat ramps on artificial bodies of water or public boat ramps on any waters. Boat ramps less than 30 ft wide and will involve the removal of less than 25 cubic yards of material. The material to be removed shall be placed on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state.

3. **Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures** (Authority: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403)).

a. Activity description:

- (1) Pile supported structures:

(a) This SPGP VI authorizes only the following pile-supported and anchored structures: docks and piers; boatlifts; mooring piles and dolphin piles associated with docks/piers; Aids to Navigation (ATONs) and Private Aids to Navigation (PATONs); floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); and other minor pile-supported structures. This does not include structures, such as ferry terminals and large ports, which support large commercial vessels including ferries, tankers, and cargo ships (Reference: JAXBO PDC A2.1.1.).

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(b) Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. This limit is cumulative: existing and proposed/new; wet and dry slips. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number (Reference: JAXBO PDC A2.1.2.). A wet slip is defined as a space designated for storing or keeping a boat in or over the water. A dry slip is defined as a space designated for storing or keeping a boat on land.

(c) Pile-supported structures for marinas and multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures) are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips). This numeric limit is the cumulative sum of existing wet and dry slips and proposed/new wet and dry slips (Reference: JAXBO PDC A2.1.3.).

(d) Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to preconstruction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth (MLLW) under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).

(2) Additional conditions for pile supported structures in Monroe County:

(a) The only minor structures authorized in Monroe County are boatlifts, catwalks around boatlifts, davits, fenders, fender piles, and dolphin piles, and mooring pilings. All minor structures must be associated with an existing boat slip.

(b) If seagrass is present within the footprint of the boatlift, the uncovered boat lift may have a narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard pilings (spaced no closer than 10 feet apart). If grated decking is used for the catwalk, the decking must meet the specifications outlined in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11).

(c) The FDEP or Designee will forward a copy of the application to the Corps Miami Office at SEAPPLS@usace.army.mil.

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(d) The Corps Miami Office will reply within 5 working days either:

(i) The FDEP or Designee can authorize the project under the SPGP and, when applicable, the Corps will provide conditions to be included in the authorization measures the Florida Keys National Marine Sanctuary (FKNMS) has developed to avoid, minimize, and/or mitigate any effects on non-listed corals to implement paragraph 20 of the Work Authorized section of this permit (JAXBO PDC AP.14); or

(ii) The FDEP or Designee cannot authorize the project under the SPGP because of navigation, coral, or other concerns. The Corps will then review the project to determine whether can be authorized by the Corps.

b. Specific State of Florida Exemptions and General Permits:

(1) 62-330.051(5)(a), F.A.C. Synopsis: Installation or repair of pilings and dolphins associated with private docking facilities or piers.

(2) 62-330.051(5)(b), F.A.C. Synopsis: Installation of private and government docks where the cumulative square footage of all structures does not exceed 500/1000 square feet.

(3) 62-330.051(5)(c), F.A.C. Synopsis: Construction of private docks of 1,000 square feet or less in artificial waters and residential canal systems.

(4) 62-330.051(5)(d), F.A.C. Synopsis: Replacement or repair of existing docks and piers, including mooring piles, with no more than minor deviations and no larger in size than the existing dock or pier.

(5) 62-330.051(5)(f), F.A.C. Synopsis: Floating vessel platforms and floating boat lifts.

(6) 62-330.051(5)(h), F.A.C. Synopsis: installation of a boat lift in an existing facility.

(7) 62-330.051(8), F.A.C. Synopsis: Installation of aids to navigation and buoys associated with such aids.

(8) 62-330.427, F.A.C. Synopsis: Construction, extension, and removal of certain piers up to 2,000 square feet for a private residential single-family dock and associated structures, excluding fishing piers. Fishing piers are not authorized by SPGP VI.

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(9) 62-330.474(1)(a), F.A.C. Synopsis: Piling supported structures, other than docks and piers, provided that the structure is not used for mooring, cumulative total size less than 1,000 square feet outside of Outstanding Florida Waters, or less than 500 square feet in Outstanding Florida Waters.

4. **Derelict vessels** (Authorities: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403)):

a. Activity description: In-water activities are limited to the removal of derelict vessels that poses a threat to human health and safety and/or aquatic natural resources (flora, fauna, and their habitats).

b. Specific State of Florida Exemptions and General Permits:

(1) 62-330.051(5)(g), F.A.C. Synopsis: The removal of derelict vessels by federal, state, and local agencies.

5. **Scientific Devices** (Authorities: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403)):

a. Activity description: Work authorized only covers the installation, repair, and removal of scientific survey devices, including any related equipment and anchors, for up to 24 months if those devices are intended to measure and/or record scientific data in tidal waters, such as staff gages, weirs, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, vibracore samplings, and similar structures.

b. Specific State of Florida Exemptions and General Permits: 62-330.051(11)(b), F.A.C. Synopsis: Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices.

III. Work NOT Authorized. The following Projects are not authorized by this SPGP VI:

1. A Project that requires a state individual permit.
2. A Project authorized under FDEP or Designee enforcement or compliance resolution actions.
3. A Project authorized under FDEP or Designee emergency permitting.
4. A Project authorized by FDEP or Designee "after-the-fact".
5. A Project that is:

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- a. Located in Federal rights-of-way or easements.
 - b. Located between the shoreline and federally authorized navigation channels (Attachment 12) or within 300 feet of the design edge, whichever is less, or within such channels, including but not limited to the Intracoastal Waterways, channels and turning basins of a port or inlet, and wideners (where the width of the channel is widened, for example, when the channel changes direction)
 - c. Located within or crossing a flood control channel/canal or the levees, dikes, dams, or other water retaining structures of a federally authorized project (either federally or locally maintained) or within those channels.
6. A Project located within the following geographic boundaries: Monroe County (except boat lifts and some minor structures to support mooring in boat slips may be authorized under SPGP VI in Monroe County); the Timucuan Ecological and Historical Preserve (Duval County); the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; projects that impact mangroves in canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).
 7. A Project is located in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (Attachment 13).
 8. A Project is located on or contiguous to sea turtle nesting beaches on the Atlantic Ocean, Gulf of Mexico, or in the Florida Keys.
 9. A Project is within 2,500 feet of an active wood stork nesting colony (Attachment 14).
 10. Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat under the purview of National marine Fisheries Service Protected Resource Division unless covered under the Jacksonville District Programmatic Biological Opinion (JAXBO).

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11. A Project which will adversely impact the following Essential Fish Habitats: Estuarine emergent vegetated wetlands (flooded saltmarshes, brackish marsh and tidal creeks), Estuarine scrub/shrub (mangrove fringe), Submerged rooted vascular plants (seagrasses), Oyster Reefs and Shell Banks, Tidal freshwater (palustrine) wetlands, Tidal palustrine forested, Tidal freshwater SAV, Coral and Live/Hard Bottom Habitats.
12. A Project located in a real estate parcel that is substantially submerged and largely covered by seagrass (unless owned by the U.S. Government or State of Florida).
13. Smalltooth Sawfish Critical Habitat Limited Exclusion Zone. Any project within the areas on the Caloosahatchee River (Lee County) shown on page 25 of JAXBO (Attachment 4) (Reference: JAXBO PDCs AP.4, A1.8.5, A2.12.).
14. Gulf Sturgeon Critical Habitat Migratory Restriction Zone. Any project at the mouths of Gulf sturgeon spawning rivers (Escambia River, Blackwater/Yellow Rivers, Choctawhatchee River, Apalachicola River, and Suwannee River) and narrow inlets (Indian Pass and Government Cut in Apalachicola Bay and Destin Pass in Choctawhatchee Bay) shown on the page 28 of JAXBO (Attachment 5) (Reference: JAXBO PDCs AP.4, A.1.9, A2.11).
15. Atlantic Sturgeon Critical Habitat Exclusion Zone. The main stem St. Marys River from the confluence of Middle Prong St. Marys and the St. Marys Rivers downstream to its mouth (river kilometer zero) shown in Attachment 5 (the page from the Federal Register) (Reference: JAXBO PDC AP4.).
16. Projects within shipping safety fairways and anchorage areas defined by 33 C.F.R. § 166.200 (Attachment 15).
17. A Project on canals or channels where the structures extend to more than 25% of the canal/channel width, excluding dense areas of shoreline vegetation such as mangrove, as measured from the Project location to the opposite shoreline (in order to maintain no less than 50% of the open-water portion of the waterbody for public use).
18. For activities other than pile-supported structures, if seagrass is found within the project footprint, the Project is not authorized (Reference: JAXBO PDC AP.13). The presence or absence of seagrass will be determined in accordance with the *I. Procedure* section, paragraph 3.
19. Project located in the Florida panther focus area (Attachment 16).
20. Regarding coral and hard bottom habitat, the design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.14.):

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- a. Projects are not authorized that may affect, directly or indirectly, species of coral listed under the Endangered Species Act found from St. Lucie Inlet, Martin County south to the Dry Tortugas.
- b. Projects occurring within the Florida Keys National Marine Sanctuary (FKNMS) shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals.
- c. Projects outside the boundaries of the FKNMS are not authorized if corals are found within the project footprint.
- d. Projects are not authorized if hard bottom habitat is found within the project footprint. Hard bottom is defined in the following ways:

(1) Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.

(2) Nearshore and surf-zone, low-profile hard bottom outcroppings. (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hardbottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

21. The following shoreline stabilization projects are not authorized by this SPGP VI:

- a. Construction and/or repairs to groins, jetties, breakwaters and beach nourishment/renourishment (Reference: JAXBO PDC A1.5.).
- b. Installation of a seawall or riprap to remove/fill an upland cut area (e.g., boat slip, boat ramp, boat basins).
- c. Living Shorelines (62-330.051(12)(e), F.A.C.), if the work extends water ward past the adjacent shorelines (this provision is to preclude changes in down drift currents).
- d. A Project located in the main channels or tributaries of the following rivers (because of various mussel species): Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe River, New River

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(Bradford-Union County Line), Escambia River, Yellow River, or the Choctawhatchee River.

e. A Project located in designated critical habitat, where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:

- (1) American crocodile (Attachment 17), or
- (2) Piping plover (Attachment 18), or
- (3) Freshwater mussels (Attachment 19)

f. Within smalltooth sawfish critical habitat

(1) Living Shorelines placed in waters containing the shallow, euryhaline essential feature (between MHWL and -3 ft mean lower low water (MLLW)) (Reference: JAXBO PDC A7.25.).

(2) For all other shoreline stabilization activities, placement of new shoreline stabilization materials (i.e., riprap, articulated concrete mats) in waters between MHWL and -3 ft MLLW. (Reference: JAXBO PDC A1.8.)

(a) However, repair and replacement of shoreline stabilization materials (i.e., riprap, articulated concrete mats) is allowed within the same footprint of existing materials in depths between the MHWL and -3 ft MLLW (this means that these materials cannot result in the waterward extension or lateral expansion of materials beyond the previous footprint).

(b) However, installation of new or repair/replacement seawalls within 1.5 ft waterward of existing seawall or MHW is allowed.

g. Within Gulf sturgeon critical habitat all new shoreline stabilization materials (e.g., riprap, articulating concrete mats) and living shorelines placed deeper than -6 ft MHW, (i.e., new shoreline stabilization materials and living shorelines can only be placed between the shoreline and where the water reaches a depth of -6 ft MHW) (Reference: JAXBO PDC A1.9.).

h. Within *Acropora* critical habitat (Attachment 20), if essential features are present (table in Attachment 21):

(1) Living Shoreline activities are not allowed (Reference: JAXBO PDC A7.28).

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(2) For all other shoreline stabilization activities, new or repair/replacement of shoreline protection cannot occur. However, repair/replacement of shoreline protection within existing footprint is authorized (Reference: JAXBO PDC A1.10.).

i. Within Johnson's seagrass critical habitat (Attachment 22):

(1) Living Shorelines placed in waters shallower than -13 ft MHW (Reference: JAXBO PDC A7.29.).

(2) For all other shoreline stabilization activities, installation of shoreline stabilization material (e.g., riprap and scour control materials, not vertical seawalls and footers) cannot occur if essential features are present (table in Attachment 23). Repair and replacement of these materials (riprap and scour) is covered within the existing footprint. Vertical seawalls and footers can be installed, repaired, and replaced in Johnson's seagrass critical habitat even if the essential features are present (Reference: JAXBO PDC A1.11.).

j. A Project within Loggerhead sea turtle critical habitat. (Reference: JAXBO PDC A7.30., (Attachment 24)).

k. A Project within North Atlantic right whale critical habitat (Reference: JAXBO PDC A7.27., (Attachment 25)).

l. Mangrove removal or trimming except as provided by Section IV paragraph 23 above, e.g., replacement of a seawall within 18 inches not authorized if involves removal of prop roots that extend into the water below MHWL.

22. The following boat ramp projects are not authorized by this SPGP VI:

a. A Project other than a private single-family boat ramp.

b. A Project located in the following rivers (because of various mussel species): the main channels or tributaries of the Chipola River; Apalachicola River; Ochlockonee River; Econfinia Creek; Suwannee River; Santa Fe River; New River (Bradford-Union County Line); Escambia River, Yellow River; or the Choctawhatchee River.

c. A Project located in designated critical habitat where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:

(1) Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas), or

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- (2) American crocodile (Attachment 17), or
- (3) piping plover (Attachment 18), or
- (4) freshwater mussels (Attachment 19), or
- (5) North Atlantic right whale (Attachment 25).

d. For Projects located within smalltooth sawfish critical habitat (Attachment 26) (Reference: JAXBO PDC A6.7.):

- (1) New or expanded ramps cannot result in the loss of an essential feature (table in Attachment 27) of that critical habitat (red mangroves or shallow [MHWL to -3 ft MLLW], euryhaline water).
- (2) Boat ramps can be constructed in waters between MHWL and -3 ft MLLW (shallow, euryhaline habitat essential feature), provided that the water depth is not increased to deeper than -3 ft MLLW.
- (3) However, a boat ramp in smalltooth sawfish critical habitat is authorized to be repaired and replaced if within the existing footprint.

e. Within *Acropora* critical habitat (Attachment 20), if essential features present (table in Attachment 21), new or expanded boat ramps are not allowed. However, repair/replacement within existing footprint is authorized (Reference: JAXBO PDC A6.8.).

f. Within Johnson's seagrass critical habitat (Attachment 22), if essential features present (table in Attachment 23), new or expanded boat ramps are not allowed. However, repair and replacement is allowed within the existing footprint (Reference: JAXBO PDC A6.9.).

g. A Project located within Loggerhead sea turtle critical habitat (Attachment 24) (Reference: JAXBO PDC A7.30.).

23. The following pile-supported projects are not authorized by this SPGP VI:

a. A Project located in designated critical habitat where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:

- (1) American crocodile, or

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- (2) Piping plover, or
- (3) North Atlantic right whale

- b. A Project located in the Florida panther focus area.
- c. Municipal or commercial fishing piers (Reference: JAXBO PDC A2.17.).
- d. Within *Acropora* critical habitat, if essential features present (table in Attachment 21), new or expanded pile supported structures not allowed (Reference: JAXBO PDC A2.10.).

- (1) However, repair/replacement within existing footprint is authorized.

(2) The distance from Aids to Navigation (ATONs) to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.

- e. Within Johnson's seagrass critical habitat (Reference: JAXBO PDC A2.14.):

- (1) New marinas or multifamily facilities are not authorized.

(2) Repair, replacement, and reconfiguration of existing marinas or multifamily facilities may be covered if it:

- (a) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations),
- (b) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and
- (c) does not affect Johnson's seagrass.

24. The following derelict vessel removal projects are not authorized by this SPGP VI:

- a. A Project for a derelict vessel where that vessel does not pose a threat to human health and safety and/or aquatic natural resources (flora, fauna, and their habitats) (Reference: JAXBO PDC A9.1.).

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b. A Project located in designated critical habitat where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:

(1) Acroporid corals (*Acropora* spp. critical habitat (Attachment 20) does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation, artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas), or

(2) American crocodile (Attachment 17), or

(3) Piping plover (Attachment 28), or

(4) North Atlantic right whale (Attachment 25).

25. The following scientific survey device projects are not authorized by this SPGP VI:

a. A Project other than for the following: installation, repair, and removal of scientific survey devices, including any related equipment and anchors, for up to 24 months if those devices are intended to measure and/or record scientific data in tidal waters, such as staff gages, weirs, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, vibracore samplings, and similar structures (Reference: JAXBO PDC A5.1.).

b. A Project located in designated critical habitat where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:

(1) Acroporid corals (*Acropora* spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation, artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas), or

(2) American crocodile (Attachment 17), or

(3) Piping plover (Attachment 18), or

(4) North Atlantic right whale (Attachment 25).

IV. Special Conditions for all Projects:

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1. Authorization, design and construction must adhere to the terms of the SPGP VI instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 28, from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86):
 - a. Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
 - b. Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles.
 - c. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.).
 - d. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
5. The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 29).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant’s/Permittee’s behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

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- a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Archeologist at 904-232-3270 to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.
 - b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Archeologist at 904-232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
7. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
8. Mangroves. The design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):
 - a. All projects must be sited and designed to avoid or minimize impacts to mangroves.
 - b. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
 - (1) Removal to install up to a 4-ft-wide walkway for a dock.
 - (2) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.
 - (3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.

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(a) Projects with associated mangrove trimming waterward of the MHWL are authorized if the trimming: (a) occurs within the area where the authorized structures are placed or will be placed (i.e., removal of branches that overhang a dock or lift), (b) is necessary to provide temporary construction access, and (c) is conducted in a manner that avoids any unnecessary trimming.

(b) Projects proposing to remove red mangrove prop roots waterward of the MHWL are not authorized, except for removal to install the dock walkways as described above.

9. For Projects authorized under this SPGP VI in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
10. Notifications to the Corps. For all authorizations under this SPGP VI, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
 - a. Commencement Notification. Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" form (Attachment 8).
 - b. Corps *Self-Certification Statement of Compliance* form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 9) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
 - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 10).

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d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.

11. The District Engineer reserves the right to require that any request for authorization under this SPGP VI be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP VI does not automatically guarantee Federal authorization.
12. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
13. Failure to comply with all conditions of the SPGP VI constitutes a violation of the Federal authorization.
14. The SPGP VI will be valid through the expiration date unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending expiration date, is not contrary to the public interest. The SPGP VI will not be extended beyond the expiration date but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP VI will be evaluated by the Corps.
15. If the SPGP VI expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP VI will remain in effect provided the activity is completed within 12 months of the date the SPGP VI expired or was revoked.

Special Conditions for Shoreline Stabilization activities.

16. Shoreline stabilization structures other than vertical seawalls shall be no steeper than a 2 horizontal:1 vertical slope (Reference: JAXBO PDC A1.1.4.).
17. Placement of backfill is limited to those situations where it is necessary to level the land behind seawalls or riprap.

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18. Living shoreline structures and permanent wave attenuation structures can only be constructed out of the following materials: oyster breakwaters, clean limestone boulders or stone (sometimes contained in metal baskets or cages to contain the material), small mangrove islands, biologs, coir, rock sills, and pre-fabricated structures made of concrete and rebar that are designed in a manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7.5.).
- a. Reef balls or similar structures are authorized if they are not open on the bottom, are open-bottom structures with a top opening of at least 4 ft, or are pre-fabricated structures, such as reef discs stacked on a pile, and are designed in a manner that would not entrap sea turtles.
 - b. Oyster reef materials shall be placed and constructed in a manner that ensures that materials will remain stable and that prevents movement of materials to surrounding areas (e.g., oysters will be contained in bags or attached to mats and loose cultch must be surrounded by contained or bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7.2.).
 - c. Oyster reef materials shall be placed in designated locations only (i.e., the materials shall not be indiscriminately dumped or allowed to spread outside of the reef structure) (Reference: JAXBO PDC A7.3.)
 - d. Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).
 - e. Other materials are not authorized by this SPGP VI (Reference: JAXBO PDC A7.5.).

Special Conditions for *Boat Ramp* activities.

19. Restrictions on Dredged Material and Disposal: Excavation is limited to the area necessary for site preparation. All excavated material shall be removed to an area that is not waters of the United States, as that term is defined and interpreted under the Clean Water Act, including wetlands (Reference: JAXBO PDC A6.2.).
20. Turbidity: The length of new boat ramps and repair and replacement of existing boat ramps to make them longer should ensure a water depth at the end of the ramp is deep enough to minimize sediment resuspension associated with launching vessels in shallow water (Reference: JAXBO PDC A6.5.).

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Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures.

21. Chickees must be less than 500 ft² and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).
22. The design and construction of a Project over marsh (emergent vegetation) must comply with the following:
 - a. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
 - b. The over-marsh portion of the piling-supported structure (decking) shall be elevated to at least 4 feet above the marsh floor.
 - c. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.
23. Mangroves. For pile-supported structures, the following additional requirements for mangroves found in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) shall apply:
 - a. The width of the piling-supported structure is limited to a maximum of 4 feet.
 - b. Mangrove clearing is restricted to the width of the piling-supported structure.
 - c. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.
24. Regarding SAV, the design and construction of a Project must comply with the following:
 - a. A pile supported structure
 - (1) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and
 - (2) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce

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Inlet), but outside of the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) will be constructed to the following standards:

(a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then SAV is presumed present and the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of SPGP, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts and minor structures in Monroe County may be installed within existing boat slips without completion of a SAV survey. Boatlift accessory structures, like catwalks, shall adhere to *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) if a SAV survey has not been completed.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then the pile-supported structure must comply with, or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

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(ii) Boatlifts may be installed within existing boat slips without completion of a SAV survey.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), then no design restrictions are required and boatlifts may include a cover.

(d) A pile supported structure

(i) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties); and

(ii) that is within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida) but not within Johnson's seagrass critical habitat will be constructed to the following standards:

(iii) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(e) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

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(f) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), THEN no design restrictions are required and boatlifts may include a cover.

(g) A pile supported structure located within Johnson's seagrass critical habitat will be constructed to the following standards:

(i) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(ii) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent and the project is

1. A dock replacement in the same footprint, no design restrictions are required.
2. A new dock or dock expansion THEN pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(iii) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then pile-supported structure must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated

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November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

25. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 30) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. The FDEP or Designee will attach the North Atlantic Right Whale Information Form to their authorizations for any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of an inlet that leads to areas within the known range of North Atlantic right whale. These zones, with an 11 nm radius, are described by the North Atlantic Right Whale Educational Sign Zones, Attachment 7 (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive). (Reference JAXBO PDC A2.4).
26. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):
 - a. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>). The signs required to be posted by area are stated below: <https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>
 - (1) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.
 - (2) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.
 - (3) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
27. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile

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Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):

a. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

(1) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.

(2) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

28. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).

29. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).

30. Aids to Navigation (ATONs). ATONs must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).

31. Aids to Navigation (ATONs) in Acropora critical habitat. The distance from ATONs to ESA-listed corals and Acropora critical habitat (Attachment 20) shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

32. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2.15.):

(1) ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of loggerhead sea turtle critical habitat.

DEPARTMENT OF THE ARMY PERMIT: SPGP VI

- (2) No other pile-supported structures are allowed in nearshore reproductive habitat.

Special Conditions for *Derelict vessels*

33. Visual confirmation (e.g., divers, swimmers, and camera) will be completed prior to removal to ensure that the item can be removed without causing further damage to aquatic natural resources.
34. Coral. If an item cannot be removed without causing harm to surrounding coral (ESA listed or non-listed), the item will be disassembled as much as practicable so that it no longer can accidentally harm or trap species.
35. Monofilament debris will be carefully cut loose from coral (ESA listed or non-listed) so as not to cause further harm. Under no circumstance will line be pulled through coral since this could cause breakage of coral.
36. Marine debris removal methods. Marine debris shall be lifted straight up and not be dragged through seagrass beds, coral reefs, coral, or hard bottom habitats. Trawling also cannot be used as a means of marine debris removal. Debris shall be properly disposed of in appropriate facilities in accordance with applicable federal and state requirements.
37. An absorbent blanket or boom shall be immediately deployed on the surface of the water around any derelict vessel to be removed if fuel, oil, or other free-floating pollutants are observed during the work.

Special Conditions for *Scientific Devices*

38. Aquatic Life Passage. The scientific survey device, including any related equipment and anchors, shall not block access of species to an area. For example, the structures shall not prevent movement in or out of a river or channel.
39. Restoring Affected Area. No later than 24 months after initial installation or upon completion of data acquisition, whichever comes first, the measuring device and any other structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to pre-construction conditions.
40. Preventing Device Relocation. The scientific survey device, including any related equipment and anchors, shall be inspected and any required maintenance performed at least twice a year and following storm events that may have moved or dislodged the structure to ensure that equipment and anchors are still in place and have not moved to areas containing ESA-listed corals.

DEPARTMENT OF THE ARMY PERMIT: SPGP VI

General Conditions for All Projects:

1. The time limit for completing the work authorized ends on July 27, 2026.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form (Attachment 10) and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.

DEPARTMENT OF THE ARMY PERMIT: SPGP VI

2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or Construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

DEPARTMENT OF THE ARMY PERMIT: SPGP VI

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

This SPGP VI becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

for Shawn H. Zinszer
 (DISTRICT ENGINEER)
 Andrew D. Kelly, P.E.
 Colonel, U.S. Army
 District Commander

7/22/21
 (DATE)

DEPARTMENT OF THE ARMY PERMIT: SPGP VI

**Attachments to
Department of the Army State Programmatic General Permit (SPGP VI)**

1. Johnson's Seagrass Range Map
2. Submerged Aquatic Vegetation Survey Guidelines
3. The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida
4. Smalltooth Sawfish Critical Habitat Limited Exclusion Zones
5. Gulf Sturgeon Critical Habitat Maps
6. Atlantic Sturgeon Critical Habitat Exclusion Zone
7. North Atlantic Right Whales Educational Sign Zones
8. Commencement Notification Form
9. Self-Certification Statement of Compliance
10. Department of the Army Permit Transfer Form
11. Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
12. Federal Navigation Channels
13. Beach Mice Habitat
14. Wood Stork Active Nesting Colony Map
15. Shipping Fairways
16. Florida Panther Focus Area
17. American Crocodile Critical Habitat Map
18. Piping Plover Critical Habitat Maps
19. Freshwater Mussels Critical Habitat Maps
20. *Acropora* spp. Critical Habitat Maps
21. *Acropora* critical habitat essential features table
22. Johnson's Seagrass Critical Habitat Maps
23. Johnson's Seagrass Critical Habitat Maps essential features table
24. Loggerhead Turtle Nearshore Reproductive Critical Habitat
25. North Atlantic Right Whale Critical Habitat
26. Smalltooth Sawfish Critical Habitat Maps
27. Smalltooth Sawfish Critical Habitat Maps essential features table
28. PDCs for In-Water Activities
29. Standard Manatee Conditions for In-Water Work (Manatee Construction Conditions)
30. North Atlantic Right Whale Information Form

COORDINATION AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS
(JACKSONVILLE DISTRICT)
AND SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
STATE PROGRAMMATIC GENERAL PERMIT

I. PREAMBLE:

Under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), the Jacksonville District, U.S. Army Corps of Engineers (Corps) has regulatory jurisdiction in the geographic area of Florida, Puerto Rico, and the U.S. Virgin Islands over all obstructions and alterations of any navigable water of the United States, the construction of any structures in or over any navigable water of the United States, and any work affecting the course, location, condition, or capacity of navigable waters of the United States. Additionally, under Section 404 of the Clean Water Act (33 U.S.C. § 1344), the Corps has regulatory jurisdiction over the discharge of dredged or fill material into waters of the United States that are retained by the Corps. The definition of waters to be retained by the Corps is located in the Memorandum of Agreement between the Florida Department of Environmental Protection and the Department of the Army signed on August 5, 2020. Under both authorizations, the Corps has authority to issue general permits on a statewide basis for specific categories of work.

The Southwest Florida Water Management District (SWFWMD) has regulatory authority over activities regulated under Part IV of Chapter 373 Florida Statutes (F.S.) within its jurisdictional boundaries, which includes dredging and filling in wetlands and other surface waters (State Authorization).

II. PURPOSE:

The Corps and the Florida Department of Environmental Protection (FDEP) have developed a State Programmatic General Permit (SPGP) for use in the State of Florida. The SPGP has undergone several iterations designated SPGP I, SPGP II, SPGP III, SPGP III-R1, SPGP IV, SPGP IV-R1, SPGP V, and SPGP V-R1. This Coordination Agreement, with referenced materials, will cover the implementation of the SPGP VI, and is applicable where the Corps has regulatory jurisdiction in all counties within the State of Florida except those areas specifically excluded by conditions of the SPGP VI. Furthermore, the Section 10 activities covered by SPGP are applicable to all navigable waters of the United States, including those that are navigable due to historic commerce only, and waters of the United States that are retained by the Corps. Section 404 activities covered by SPGP are not applicable in those waters of the United States that are not retained by the Corps and are regulated under the State 404 Program. This Coordination Agreement is required to implement the processing of requests for authorization under the SPGP VI. A copy of the SPGP VI is attached hereto as Exhibit "A".

III. PROCEDURES

A. SWFWMD Procedures:

1. Upon receipt of an application or a request to verify the use of an Exemption or General Permit under Part IV of Chapter 373, F.S. and Sections 403.813 and 403.814, F.S. (Project), the SWFWMD will review the Project to determine whether it is also a candidate for review under the SPGP VI. If the Project is a candidate for review under the SPGP VI, SWFWMD will also determine whether the Project adheres to the conditions of SPGP VI.

2. SWFWMD will evaluate a project's potential effects to Federally listed threatened or endangered species or designated critical habitat. The SWFWMD will determine if the Project adheres to the conditions of the SPGP VI, and will implement, as applicable, the Special Conditions in the SPGP VI permit, the restrictions and reporting requirements in the NMFS Biological Opinion, and amendments, if any, of these documents. The latest versions of the various tools referenced in the SPGP VI (including the dichotomous keys, maps, and Geographic Information System data) will be used. Any project not satisfying the terms and conditions in the SPGP VI permit or the Biological Opinion are not eligible for authorization under SPGP VI. In the event additional information indicates that an evaluation of a specific project's effects to Federally listed or endangered species or designated critical habitat was made in error, the National Marine Fisheries Service (NMFS) or United States Fish and Wildlife Service (FWS) retain the right to request the Corps to initiate consultation under the Endangered Species Act.

3. For all projects that the SWFWMD have determined adhere to the conditions of SPGP VI, the SWFWMD will e-mail a copy of the "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Summary Checklist" and one or more of the individual activity sheets, i.e., "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 1: Shoreline Stabilization", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 2: Pile Supported", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 5: Scientific Survey", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 6: Boat Ramps", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 7: Aquatic Habitat Enhancement, Establishment, and Restoration", and "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 9: Marine Debris Removal" (JAXBO Checklists), to NMFS at the following address: nmfs.ser.statewideprogrammatic@noaa.gov, with a copy of the email furnished to spgp@usace.army.mil.

a. The email to NMFS will be sent no later than the date the SWFWMD issues the Federal authorization.

b. The JAXBO Checklists are to be submitted by the applicant to the SWFWMD concurrently with their application otherwise the SWFWMD will consider the application incomplete for processing under SPGP VI. All JAXBO Checklists must be filled out electronically using the existing form fields (i.e. not handwritten or filled out by creating new text boxes). The applicant therein assures the project complies with the Project Design Criteria (PDCs) in the NMFS Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017. This assurance encompasses PDCs that are in JAXBO even though not specifically enumerated on the checklists and/or within the text of SPGP VI. The SWFWMD will review and confirm the proposed Project meets all the PDCs, are filled out electronically, and that the JAXBO Checklists are complete and accurate.

4. For projects that adhere to the terms and conditions of SPGP VI and are authorized or verified by SWFWMD, the applicant will receive the following.

a. Accompanying the SWFWMD authorization or verification will be language noting that the project is also authorized under the SPGP VI. Language in the notification shall read as follows:

"Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit VI, and a SEPARATE permit or authorization will not be required from the Corps. Please note that the Federal authorization expires on July 27, 2026. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 15 of the SPGP VI permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP VI with all terms and conditions and the General Conditions may be found at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>."

b. Where applicable, SWFWMD shall attach the applicable construction or species guidelines to the notification for the verified SPGP VI.

5. For actions that are located in wetland or surface water impacts where SWFWMD determines the activity does not qualify for SPGP VI or is one of the types of activities authorized by SPGP VI, but does not meet all of the applicable conditions of SPGP VI, SWFWMD will send notification to the applicant, as part of the authorization or verification, that the project is not authorized under the SPGP VI and requires a separate application to the Corps. Language in the notification shall read as follows:

"Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345 or ENG FORM 6082, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>. "

6. If the Corps advises SWFWMD that a particular project is not covered by the SPGP VI and that permitting for the activities is not required by the Corps, language in the notification shall read as follows:

"Your proposed activity as outlined on your application and attached drawings has been reviewed for compliance with the State Programmatic General Permit VI and it has been determined to not be within the jurisdiction of the Corps. No further permitting for these activities is required by the Corps."

7. If SWFWMD discovers or is advised by the Corps that Federal authorization pursuant to SPGP was issued inappropriately or for a Project that requires Corps review, the SWFWMD shall so notify the applicant as follows:

"Our prior notification included a paragraph stating your proposed activity qualified for Federal authorization pursuant to the State Programmatic General Permit VI. We hereby rescind that paragraph either because that was included through an administrative error or because of new information discovered by SWFWMD or from the Corps. A SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345 or ENG FORM 6082, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>."

B. Corps Procedures:

1. Projects that are determined by SWFWMD to not adhere to the conditions of the SPGP VI will be evaluated by the Corps through the Federal permitting process.

2. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 27, 2026, is not contrary to the public interest. The SPGP VI will not be extended beyond July 27, 2026 but may be replaced by a new SPGP.

IV. MONITORING:

Coordination Agreement Between Corps and SWFWMD (SPGP VI)

Page 4 of 6

A. SWFWMD will furnish to the Corps Jacksonville District a report of the projects verified under the SPGP VI on a quarterly basis as a spreadsheet that includes the latitude and longitude location, permittee name, address, description of the activity authorized, date issued and permit number. Copies of the authorizations will either be made available for the Corps to download or will be transmitted to the Corps at time of the authorization. The quarterly reports will be sent by e-mail to spgp@usace.army.mil.

B. The SWFWMD will inspect at least 10% of all projects verified under the SPGP VI within one year after verification. SWFWMD will furnish to the Jacksonville District office a report, including inspection data and summaries of findings, on a quarterly basis as a spreadsheet that identifies the number of the projects inspected, date of compliance completed, and the result. Where a Designee is the administering entity and the Designee is not entering data directly into the FDEP database, within ten working days of the end of the quarter, the Designee will furnish the information to the Corps. If the project does not appear to fully comply with the terms of the SPGP, the full inspection report for that project will be sent by e-mail to SAJ-RD-Enforcement@usace.army.mil.

C. Projects that do not comply with one or more of the terms and conditions of the verification and SPGP will first be reviewed by SWFWMD to assess potential resolution of the non-compliance. If SWFWMD is not able to achieve a compliance resolution, SWFWMD will refer the case to the Corps. The Corps may at any time, upon being notified of project non-compliance, request to serve as lead for addressing the non-compliance. Initial compliance resolutions for non-compliant activities can be defined as voluntary restoration (e.g. voluntary reduction of structure footprint to design criteria) or issuance of an after-the-fact verification. The Corps shall be responsible for determining appropriate action to address any work completed without the benefit of federal authorization or any unresolved compliance matter that has been referred from SWFWMD. The SPGP VI non-compliance rate should not exceed 20% in any given year.

D. SWFWMD shall refer unresolved compliance matter or actions requiring after-the-fact Federal authorizations to the Corps for processing. No after-the-fact verifications shall be verified by SWFWMD. All referrals to the Corps shall be sent via email to SAJ-RD-Enforcement@usace.army.mil.

E. To better assist with compliance/enforcement coordination, FDEP, Designees, and the Corps will conduct semiannual coordination meetings to improve the integrity of this SPGP.

V. COORDINATION WITH OTHER FEDERAL AGENCIES:

A. Prior to implementation of this Coordination Agreement, Corps personnel may meet with SWFWMD personnel to familiarize them with: the Endangered Species Act;

the threatened and endangered species issues within SWFWMD boundaries; the protocols utilized in contacting the appropriate personnel concerning threatened and endangered species issues; and issues related to essential fish habitat.

B. During implementation of this Coordination Agreement, the Corps may meet with the SWFWMD on a regular interval to evaluate whether the issued permits are in compliance with applicable Federal regulations. Initially the meetings will be scheduled as needed, and the interval will be adjusted accordingly as the implementation proceeds. The meetings may be conducted telephonically if the Corps and SWFWMD agree.

C. All parties acknowledge that under Condition 4 in the Further Information Section of the General Conditions of the SPGP VI, impacts to threatened and endangered species and essential fish habitat are considered in the public interest to review. Should any unanticipated threatened and/or endangered species or essential fish habitat impacts arise, it may be necessary to suspend the SPGP VI, or specific sections of it, in all or portions of the authorized geographic areas, until they can be resolved.

VI. MODIFICATIONS AND TERMINATION:

A. This Coordination Agreement may be modified in writing at any time as necessary by mutual consent of the Corps and the SWFWMD. Modifications may be made in whole, by part, or by section; and upon approval shall supersede previous versions of this Coordination Agreement. Approvals of modifications to the language of this Coordination Agreement shall be approved and signed by the District Engineer for the Corps and the SWFWMD, or their designees.

B. Either party may terminate this Coordination Agreement upon 90 days written notice.

Brian Armstrong
Executive Director
Southwest Florida Water
Management District

Andrew D. Kelly, P.E.
Colonel, U.S. Army
District Engineer

Date

Date

CONSENT AGENDA**August 24, 2021****General Counsel's Report: Approval of Consent Order Between SWFWMD and La Forest at Green Springs the Gardens Homeowners' Association - Permit Condition Violation - Environmental Resource Permit No. 44005187.002 - CT No. 403833 - Pinellas County**

This enforcement matter involves restoration of a drainage swale contained within a surface water management system constructed pursuant to Environmental Resource Permit (ERP) Number 405187, issued by the District on June 29, 1989, to Belpark Holdings Development, Inc. ERP Number 405187 authorized the construction of a surface water management system to serve a 30.67-acre residential subdivision, known then as "Harbor Run Subdivision," consisting of forty-two homes and no amenities located in Safety Harbor. On May 29, 1991, the construction of the surface water management system was completed and the project was transferred to the operation and maintenance phase. On March 30, 2012, after minor modifications to the system which resulted in ERP Number 4405187.002 (Permit), La Forest at Green Springs the Gardens Homeowners' Association (La Forest HOA) assumed responsibility for the operation and maintenance of the surface water management system serving the subdivision, now called "La Forest at Green Springs the Gardens" (Subdivision).

On April 17, 2019, the District received a flooding complaint from the owner of real property located at 2125 Bow Lane, which borders the Subdivision. In response to the complaint, District staff conducted a site inspection on April 19, 2019, and determined that the drainage swale along the eastern side of the Subdivision had been altered over time and that underdrains had been installed beneath the property line fence without authorization from the District. On June 17, 2019, and November 4, 2019, District staff issued Complaint Investigation letters to La Forest HOA advising of the complaint and requesting that La Forest HOA bring the Subdivision into compliance.

District staff conducted an additional site inspection on August 11, 2020, to further investigate the non-compliance issue. On November 5, 2020, District legal staff issued a Notice of Violation to La Forest HOA requiring it to contact the District to discuss appropriate corrective actions to resolve the non-compliance issue. The president of La Forest HOA contacted District staff immediately and agreed to bring the Subdivision into compliance, despite its limited resources. On July 14, 2021, District staff issued a proposed Consent Order to La Forest HOA. On August 4, 2021, La Forest HOA agreed to the District's proposed Consent Order which requires payment of the District's enforcement costs of \$2,500 and provides that the surface water management system located on Block A, Lots 11, 12, and 13 of the Subdivision be restored to its original permitted condition within thirty (30) days of approval of the Consent Order. La Forest HOA began the required restoration work in early August.

Staff Recommendation:

1. Approve the Consent Order
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

Presenter:

Megan Albrecht, Staff Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 21 –

IN RE: LA FOREST AT GREEN SPRINGS THE GARDENS
HOMEOWNERS' ASSOCIATION, INC.
CT NO. 403833
ERP NO. 44005187.002
PINELLAS COUNTY, FLORIDA

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes (F.S.), this Consent Order is entered into by and between the Southwest Florida Water Management District (District), and La Forest at Green Springs the Gardens Homeowners' Association, Inc. (La Forest HOA), collectively referred to as "the Parties," to settle certain matters at issue between the Parties. The Parties hereby voluntarily agree to the following finds of fact, conclusions of law, and corrective actions:

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries and to administer and enforce Chapter 373, F.S., and Chapter 62-330, Florida Administrative Code (F.A.C.).

2. La Forest HOA is a homeowners' association having a principal place of business and mailing address of 303 Main Street, #1220, Safety Harbor, Florida 34695. La Forest HOA is the entity responsible for the operation and maintenance of the surface water management system serving La Forest at Green Springs the Gardens residential

subdivision (Subdivision) located within Section S34, Township 28S, Range 16E, in Pinellas County, Florida.

3. On June 29, 1989, the District issued Environmental Resource Permit (ERP) Number 405187 to Belpark Holdings Development, Inc. (Permittee), for the construction of a surface water management system to serve the Subdivision, known at the time as "Harbor Run."

4. On March 2, 1990, the District issued ERP Number 405187.001 to Permittee modifying off-site wetland compensation acreage within the Subdivision.

5. On March 7, 1991, the District received a "Statement of Completion and Request to Transfer to Operation Entity" from Permittee certifying that the Subdivision, including the surface water management system, was constructed according to the permitted plans and was in compliance with ERP Numbers 405187 and 405187.001. At that time, Permittee was designated as the legal entity responsible for the operation and maintenance of the surface water management system serving the Subdivision.

6. On August 17, 2011, the District issued ERP Number 4405187.002 (Permit) to Permittee (renamed "Belpark Homes, Inc.") authorizing minor modifications and repairs to the original surface water management system.

7. On March 30, 2012, the District received a "Statement of Completion and Request to Transfer to Operation Entity" from Permittee certifying that the modifications and repairs were constructed in accordance with the Permit, and designating La Forest HOA as the operation and maintenance entity for the surface water management system.

8. On April 17, 2019, the District received a flooding complaint from the owner of residential property (not part of the Subdivision) located at 2125 Bow Lane, which

borders Block A, Lot 12 (1212 Woodcrest Avenue) of the Subdivision. In response to the complaint, District staff conducted a site inspection on April 19, 2019, and confirmed that the draining swale along the eastern side of the Subdivision had been altered and that at least two (2) underdrains had been installed beneath the property line fence, allowing surface water to drain from 1212 Woodcrest Avenue directly into the backyard of 2125 Bow Lane. The aforementioned drainage swale is part of the surface water management system serving the Subdivision; the underdrains, however, are not authorized under the Permit.

9. On August 11, 2020, District staff conducted a site inspection and determined that the drainage swale on Block A, Lots 11, 12, and 13, has been altered or filled, and that at least two (2) underdrains have been installed beneath the property line fence at 1212 Woodcrest Avenue without authorization by the District.

10. As of the date of this Consent Order, the unauthorized alterations to the surface water management system have not been corrected and the Subdivision remains in noncompliance.

11. The Parties have agreed to resolve all disputed issues regarding the violations set forth above as described in this Consent Order.

CONCLUSIONS OF LAW

12. The District has jurisdiction over this matter pursuant to Chapter 373, Part IV, F.S., and Chapter 62-330, F.A.C.

13. Pursuant to Sections 373.413, F.S., and Chapter 62-330.020(2), F.A.C., a permit is required prior to the construction, alteration, operation, maintenance, removal or abandonment of any regulated activity described in Part IV of Chapter 373, F.S., or

Chapter 62-330, F.A.C., that is not otherwise exempt from permitting requirements. It is a violation of Section 373.430, F.S., to fail to obtain any permit required by Chapter 373, F.S., or by any rule or regulation adopted thereunder.

14. The activities described in Paragraphs 8 and 9 herein constitute violations of the Permit and are regulated activities that require an ERP pursuant to Chapter 373, Part IV, F.S., and Chapter 62-330.020(2), F.A.C.

15. The activities described in Paragraphs 8 and 9 herein constitute violations Sections 373.413 and 373.430(1)(b), F.S., and Chapter 62-330.020(2), F.A.C., in that an ERP was not obtained from the District prior to modifying the surface water management system.

CORRECTIVE ACTIONS

16. Except as authorized herein, La Forest HOA shall not engage in any further activity within the Subdivision that constitutes the construction, alteration, operation, maintenance, removal or abandonment of the surface water management system without prior District approval.

17. Within thirty (30) days of the approval of this Consent Order by the District's Governing Board, La Forest HOA shall restore the surface water management system located on Lots 11, 12, and 13 of Block A within the Subdivision in accordance with the Permit. The restoration work shall include the removal of any and all underdrains not authorized under the Permit. Within five (5) days of completion of the restoration work, La Forest HOA shall submit to the District a notification that the work was completed in accordance with the Permit. If, upon inspection of the Subdivision after submission of the notification that the restoration work was completed, District staff discover deviations from

the Permit or other violations of District rules, La Forest HOA shall perform any necessary remedial work within thirty (30) days of issuance of written notice by the District. Within five (5) days of completion of any remedial work, La Forest HOA shall submit to the District a notification that the remedial work was completed.

18. La Forest HOA shall pay to the District enforcement costs of Two Thousand Five Hundred Dollars (\$2,500.00) by certified check or money order within thirty (30) days of the approval of this Consent Order by the District's Governing Board. If mailed, the address for payment is:

Southwest Florida Water Management District
Finance Department
2379 Broad Street
Brooksville, Florida 34604-6899

19. La Forest HOA may apply in writing to the District for an extension of the time limits contained within this Consent Order no later than five (5) days prior to the expiration of such time limit. The District may grant an extension of time in writing for good cause shown.

20. For each day of unauthorized delay beyond any due date specified in this Consent Order, La Forest HOA shall pay to the District an additional sum of Fifty Dollars (\$50.00) per day. This additional sum shall be paid by La Forest HOA upon the District's mailing of a demand letter for payment. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action, as appropriate, in the event any due date is not met.

21. La Forest HOA hereby waives its right to an administrative hearing or judicial review of the terms of this Consent Order. La Forest HOA reserves the right to

dispute any allegation of noncompliance with the Consent Order or any permit or approval issued hereunder.

22. For and in consideration of the complete and timely performance by La Forest HOA of its obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violation described herein. If La Forest HOA fails to completely and timely perform its obligations under this Consent Order, the District retains its right to pursue civil or administrative action for any violations described herein.

23. The District hereby expressly reserves and retains its right to initiate appropriate legal action against La Forest HOA to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Consent Order. La Forest HOA acknowledges by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject La Forest HOA to administrative or civil suit in which penalties of up to Fifteen Thousand Dollars (\$15,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

24. This Consent Order is not a license or a permit. La Forest HOA shall not undertake any further construction or modification activities without necessary District authorizations.

25. Entry of this Consent Order shall not relieve La Forest HOA of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

26. La Forest HOA shall allow authorized District representatives to access the Subdivision at all reasonable times without prior notice to determine compliance with this Consent Order, Chapter 373, F.S., and District rules.

27. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.083(1), and 373.129, F.S.

28. The effectiveness of this Consent Order is subject to review and approval by the District's Governing Board. In the event the District's Governing Board does not approve this Consent Order, this Consent Order shall be null, void, and of no legal effect.

29. No modifications of the terms of this Consent Order are effective unless reduced to writing and executed by the Parties.

30. Any person, who is not a party to this Consent Order, whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address, and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute,

contain the same information set forth above, with the exception of item (2), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 US Highway North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-9772, within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth (5th) day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

**LA FOREST AT GREEN SPRINGS THE
GARDENS HOMEOWNERS'
ASSOCIATION, INC.**



Stephany Charpentier, President -

09 AUGUST 2021

Date

FOR THE
ENTIRE
BOARD
OF
DIRECTORS

Approved by the Governing Board of the Southwest Florida Water Management

District this ____ day of _____, 2021.

By: _____
Kelly S. Rice, Chair

Attest: _____
Rebecca Smith, Secretary

Approved as to Legal Form and Content
_____ Attorney

Filed this ____ day of
_____, 2021.

Deputy Agency Clerk

CONSENT ORDER
LA FOREST AT GREEN SPRINGS THE GARDENS
HOMEOWNERS' ASSOCIATION, INC.
CT NO. 403833
PINELLAS COUNTY, FLORIDA

CONSENT AGENDA

August 24, 2021

General Counsel's Report: Approval of Consent Order between SWFWMD and Southern Aggregates, LLC. - Unauthorized Construction Activities - Southern Aggregates, LLC. - CT No. 406210 - Sumter County

This enforcement matter involves unauthorized construction activities, including filling in existing floodplain area with impervious and semi-impervious materials, and dredging and filling wetland areas at 7598 SE 59th Court, Ocala, FL 34472 (Property).

On August 20, 2019, District staff received a complaint from adjacent property owners about runoff and flooding reportedly caused by the unpermitted filling in and clearing activities that occurred at the Property. On August 21, 2019, a site inspection was conducted at the Property and District staff observed that land was cleared and filled with impervious and semi-impervious materials to include fill and placement into an existing floodplain area. Additionally, an on-site wetland was dredged and filled, causing it to disappear. The placement of the impervious/semi-impervious materials and dredging and filling of wetlands occurred without an Environmental Resource Permit (ERP), which is a violation of Section 373.413 of the Florida Statutes (F.S.), and the rules promulgated thereunder in Chapter 62-330.020(2)(c) of the Florida Administrative Code (F.A.C.).

From September 2019 to May 2020, District staff met with Rick Juliano, President of Southern Aggregates, Inc., on a number of occasions and conducted a pre-application meeting to discuss bringing the matter into compliance through the permitting process. Mr. Juliano did not comply with the direction of District staff and ultimately was denied an extension of time to respond to the Final Notice of Unauthorized Activities. On May 18, 2021, the Office of General Counsel sent a Notice of Violation letter and Proposed Consent Order to Mr. Juliano outlining penalties, enforcement costs, and corrective actions needed to bring the matter into compliance. On June 9, 2021, District staff and members of the Office of General Counsel met with the Mr. Juliano, his wife, and Michael Radcliffe, P.E. This meeting occurred on-site, and District staff and Mr. Juliano discussed options for bringing the Property into compliance.

On July 7, 2021, after meeting with Mr. Juliano at the Property, an amended Notice of Violation was sent along with an updated proposed Consent Order based on the condition of the site at the time of the latest inspection.

On August 5, 2021, Mr. Juliano executed the proposed Consent Order, agreeing to the terms for full penalties and costs.

Staff Recommendation:

1. Approve the Consent Order
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

Presenter:

Ashley Allen, Staff Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 21-_____

IN RE: SOUTHERN AGGREGATES LLC
UNAUTHORIZED CONSTRUCTION
SUMTER COUNTY, FLORIDA
CT NO. 406210

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes (F.S.), this Consent Order is entered into by and between the Southwest Florida Water Management District (District) and Southern Aggregates LLC (Respondent), collectively referred to as "the Parties." The Parties hereby voluntarily agree to the following findings of fact, conclusions of law, and corrective actions:

FINDINGS OF FACT

1. The District is the administrative agency of the State of Florida charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapter 62-330, Florida Administrative Code (F.A.C.).
2. The Respondent owns a parcel of real property at 9330 N. US 301 in Wildwood, Florida, located within Section 30, Township 18, Range 23, in Sumter County (Property). The Property is further identified by Parcel ID Number D30-021 by the Sumter County Property Appraiser.
3. On August 20, 2019, the District received a complaint stating that unauthorized construction was occurring at the Property, causing runoff and flooding to neighboring properties.
4. On August 21, 2019, District staff visited the Property and observed approximately 2.54 acres had been cleared and filled with impervious and semi-impervious materials including placement of the fill and other materials into an existing floodplain area without an Environmental Resource Permit (ERP).

5. The Respondent's unauthorized construction caused an on-site wetland to disappear by dredging 0.13 acres and filling 0.32 acres with the remaining soil. The total wetland Impact area includes approximately 0.45 acres. See attached Exhibit A (aerial photos of the Property through the years).

6. The District issued a Notice of Unauthorized Activities (Notice) to the Respondent on October 8, 2019, concerning the unauthorized activities occurring on the Property and the resulting violations of Chapter 373, Part IV (F.S.) and the rules promulgated thereunder in Chapter 62-330 (F.A.C.). The Notice advised the Respondent to cease activities until the question of permit requirements was resolved.

7. On September 4, 2019, District staff met with Respondent and his consultant at the Property. At that time, Respondent was advised of the ongoing violations.

8. On February 17, 2020, a Final Notice of Unauthorized Activities was issued to the Respondent.

9. On March 10, 2020, Respondent sent a letter to District staff denying having done "any construction" at the Property; requesting a sixty (60) day extension; and advising that he would not be seeking an ERP, but rather, would like to "eliminate any alteration you [the District] are contending I did."

10. On March 16, 2020, a sixty (60) day extension was granted to Respondent to comply with the Final Notice of Unauthorized Activities letter sent February 17, 2020.

11. Based on the aforementioned in paragraphs nine (9) through ten (10), on April 30, 2020, a Final Notice of Unauthorized Activities- Restoration Plan was sent to Respondent, requesting that he respond within sixty (60) days and submit a restoration plan to the District.

12. As of the Date of this Consent Order, the Respondent has not complied with the rules and requirements of the District's ERP permitting process.

13. Respondent agrees to take the below corrective actions.

CONCLUSIONS OF LAW

14. The District has jurisdiction over this matter pursuant to Chapter 373, Part IV, F.S., and Chapter 62-330, F.A.C.

15. Pursuant to Section 373.413, F.S., and Rule 62-330.020(2), F.A.C., a permit is required prior to the construction, alteration, operation, maintenance, removal, or abandonment of any regulated activity described in Chapter 373, F.S., or Rule 62-330, F.A.C., that is not otherwise exempt from permitting requirements. It is a violation of Section 373.430, F.S., to fail to obtain any permit required by Chapter 373, Part IV, F.S., or by any rule promulgated thereunder.

16. The activities described in paragraphs four (4) and five (5) herein constitute the construction or alteration of a surface water management system and the filling of wetlands, as defined in the ERP Applicant's Handbook Volume I, Sections 2.0(a)(18) and (44), incorporated by reference in Rule 62-330.010(4), F.A.C.

17. The activities described in paragraphs four (4) and five (5) herein are regulated activities that require an ERP pursuant to Rule 62-330.020(2), F.A.C., and are otherwise not exempt from permitting requirements.

18. The activities described in paragraphs four (4) and five (5) herein constitute a violation of section 373.413 and 373.430(1)(b), F.S., and rule 62-330.020(2), F.A.C.

CORRECTIVE ACTIONS

19. The Respondent shall not place any further fill into wetlands or otherwise engage in any further activity on the Property that constitutes the construction, alteration, operation, or abandonment of a project subject to regulation pursuant to Chapter 373, F.S. Any further activity shall be authorized by and conducted in accordance with an ERP or a Restoration Plan.

20. In order to bring the Property into compliance, respondent shall:

- a. Within sixty (60) days of this Consent Order's approval by the District's Governing Board, remove the impervious/semi-impervious fill that was placed in the floodplain

back to a total square footage not to exceed 9,000 square feet, in accordance with Chapter 62-330.020(2)(c) F.A.C.; and

- b. Within sixty (60) days of this Consent Order's approval by the District's Governing Board, restore the 0.45 acre impacted wetland by regrading the wetland to the pre-Impact elevations and install wetland plantings in accordance with the Restoration Plan; and
- c. Within thirty (30) days of this Consent Order's approval by the District's Governing Board, the Respondent shall submit a Restoration Plan to the District for approval that addresses unauthorized grading, floodplain, and wetland impacts.

21. Respondent shall pay the District a penalty in the amount of \$43,700, investigative enforcement costs in the amount of \$2,800, and attorney's fees in the amount of \$1,500, for a total amount of \$48,000. Respondent shall pay by certified check or money order within thirty (30) days of this Consent Order's approval by the District's Governing Board. If mailed, the address for payment is:

Southwest Florida Water Management District
Finance Department
2379 Broad Street
Brooksville, FL 34604-6899

22. For each day of delay beyond any due date specified in this Consent Order, the Respondent shall pay to the District an additional sum of Two Hundred and Fifty Dollars (\$250.00) per day. This additional sum shall become immediately due to the District upon the District's written demand for such. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

23. The Respondent hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order. The Respondent reserves the right to dispute any allegation of noncompliance with the Consent Order, or any permit or approval issued hereunder.

24. For and in consideration of the complete and timely performance by the Respondent of the obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violation described herein. If the Respondent fails to completely and timely perform the obligations under this Consent Order, the District retains its right to pursue civil or administrative action for any violations described herein.

25. The District hereby expressly reserves and retains the right to initiate appropriate legal action against the Respondent to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Consent Order. The Respondent acknowledges by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject the Respondent to criminal prosecution, administrative action, or civil suit in which penalties of up to Ten Thousand Dollars (\$10,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

26. This Consent Order is not a license or a permit. The Respondent shall not undertake any further construction activities without necessary District authorizations.

27. Entry of this Consent Order shall not relieve the Respondent of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

28. The Respondent shall allow authorized District representatives to access the Property at all reasonable times without prior notice to determine compliance with this Consent Order, Chapter 373, F.S., and District rules.

29. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.083(1), and 373.129, F.S.

30. The effectiveness of this Consent Order is subject to review and approval by the District's Governing Board. In the event the District's Governing Board does not approve this Consent Order, this Consent Order shall be null, void, and of no legal effect.

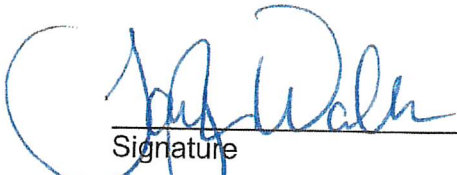
31. No modifications of the terms of this Consent Order are effective unless reduced to writing and executed by all Parties.

32. Any person, who is not a party to this Consent Order, whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (with the exception of Item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-9772, within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request

a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

WITNESS:


SOUTHERN AGGREGATES LLC



Signature
Taylor Wallman

Printed Name
8-5-21

Date



Signature
8-5-2021

Date

Approved by the Governing Board of the Southwest Florida Water Management District
this ____ day of _____, 2021.

By: _____
Kelly S. Rice, Chair

Attest: _____
Rebecca Smith, Secretary

Approved as to Legal Form and Content

Ashley G. Allen, Staff Attorney

Filed this ____ day of _____, 2021.

Deputy Agency Clerk

CONSENT ORDER
SOUTHERN AGGREGATES LLC
CT NO. 406210
SUMTER COUNTY, FLORIDA

CONSENT ORDER
SOUTHERN AGGREGATES LLC
CT NO. 406210
SUMTER COUNTY, FLORIDA

CONSENT AGENDA

August 24, 2021

Executive Director's Report: Approve Governing Board Minutes - July 27, 2021

Staff Recommendation:

Approve minutes as presented.

Presenter:

Brian J. Armstrong, P.G., Executive Director



**GOVERNING BOARD MEETING
TUESDAY, JULY 27, 2021 – 9:00 AM
2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211**

MINUTES

Board Members Present

Kelly Rice, Chair
Joel Schleicher, Vice Chair*via Zoom
Rebecca Smith, Ph.D., Secretary
Ed Armstrong, Treasurer
Michelle Williamson, Member
Roger Germann, Member*via Zoom
Jack Bispham, Member
John Mitten, Member*via Zoom
John E. Hall, Member
William Hogarth, Member*via Zoom

Board Members Absent

Seth Weightman, Member
Ashley Bell Barnett, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen West, General Counsel
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
John Campbell, Division Director
Brian Starford, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lori Manuel, Administrative Coordinator

1. Convene Public Meeting

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., July 27, 2021, at the Brooksville Office, 2379 Broad Street, Brooksville, Florida 34604-6899.

This meeting was available for live viewing through Internet streaming. An attendance roster is archived in the District's permanent records. Approved minutes from meetings can be found on the District's website (www.WaterMatters.org).

1.1 Call to Order

Chair Kelly Rice called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input will be provided in person. Chair Rice 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 complete and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a Request to Speak card to comment on agenda items only during the meeting. If someone wishes to address the Board

on an issue not on the agenda, a Request to Speak card may be submitted for comment during "Public Input." Chair Rice 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 topic designate a spokesperson.

Chair Rice introduced each member of the Governing Board and staff (this served as roll call). Secretary Rebecca Smith confirmed that a quorum was present.

1.2 Invocation and Pledge of Allegiance

Board Member Jack Bispham offered the invocation and led the Pledge of Allegiance.

1.3 Employee Recognition

Chair Rice recognized employees who have reached at least 20 years of service and thanked them. The following staff was recognized: Karen West.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated there were no additions or deletions to the agenda.

Vice Chair Schleicher requested the following Consent items be moved to Discussion:

Resource Management Committee

2.1 FARMS – Bermont Properties, LLC, Section 22, (H793), Charlotte County

2.2 FARMS – M and R Groves, Inc. (H790), DeSoto County

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis, Jr., spoke regarding red tide and coastal contamination and the use of grant money to assist with recovery efforts.

CONSENT AGENDA

FINANCE/OUTREACH & PLANNING COMMITTEE – No Items

RESOURCE MANAGEMENT COMMITTEE

2.1 FARMS – Bermont Properties, LLC, Section 22, (H793), Charlotte County

Staff recommended the Board:

1. Approve the Bermont Properties, LLC – Section 22 project for a not-to-exceed project reimbursement of \$180,000 with \$180,000 provided by the Governing Board.
2. Authorize the transfer of \$180,000 from fund 010 H017 Governing Board FARMS Fund to the H793 Bermont Properties, LLC – Section 22 project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

2.2 FARMS – M and R Groves, Inc. (H790), DeSoto County

Staff recommended the Board:

1. Approve the M and R Groves, Inc., project for a not-to-exceed project reimbursement of \$96,235 with \$96,235 provided by the Governing Board.
2. Authorize the transfer of \$96,235 from fund 010 H017 Governing Board FARMS Fund to

- ~~the H790 M and R Groves, Inc. fund.~~
~~3. Authorize the Division Director to sign the agreement.~~

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

2.3 Hampton Tract Resident Security Lease - SWF Parcel No. 10-200-1263X

Staff recommended the Board approve, accept, and authorize the Governing Board Chair to sign the Lease Agreement for Hampton Tract - SWF Parcel No. 10-200-1263X on behalf of the District.

2.4 Decline Right of First Refusal to Acquire Remainder Fee Interest, Green Swamp Wilderness Preserve, SWF Parcel No. 10-200-1230C, Lake County Ranch LLC

Staff recommended the Board:

1. Approve declining the right of first refusal to purchase the remainder fee simple interest for SWF Parcel No. 10-200-1230C that is subject to a District conservation easement.
2. Authorize the Executive Director to execute the necessary documents to decline the right of first refusal on SWF Parcel 10-200-1230C.

2.5 Easement for CFWI Thornhill Ranch Replacement Site - SWF Parcel No. 20-020-141

Staff recommended the Board approve the Easement Agreement and authorize the Executive Director to sign on behalf of the District.

REGULATION COMMITTEE – No Items

GENERAL COUNSEL'S REPORT

2.6 Approval of Release of Conservation Easement and Quit Claim Deed - Environmental Resource Permit No. 43026119.001 - Heritage Landing f/k/a Tern Bay - Charlotte County

Staff recommended the Board approve and accept the attached Release of Conservation Easement and Quit Claim Deed for Heritage Landing.

2.7 Authorization to Issue Administrative Complaint and Order - Failure to Plug Abandoned Water Well - Nasib Properties, Inc. - CT Number 39945 - Hillsborough County

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Nasib Properties Inc., and any necessary parties, to obtain compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
2. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

EXECUTIVE DIRECTOR'S REPORT

2.8 Approve Governing Board Minutes - June 22, 2021

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion passed unanimously. (Audio - 00:10:18)

FINANCE/OUTREACH & PLANNING COMMITTEE

Treasurer Ed Armstrong called the Committee to order.

3.1 Consent Item(s) Moved to Discussion - None

3.2 Investment Strategy Quarterly Update

Mr. John Grady, representing Public Trust Advisors, presented current information regarding the economy, Gross Domestic Product (GDP), labor market, housing market, inflation, monetary policy, Bloomberg economic forecast survey, manufacturing/service information, inflation impacts and economic expectations.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended June 30, 2021.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:27:00)

3.3 Investment Strategy Discussion

Mr. John Grady provided information regarding the District's current investment strategy. He explained that Public Trust Advisors work with District Finance staff to prepare the monthly and quarterly Dashboard report. Mr. Grady explained the investment portfolios are managed with a Safety of Principal primary investment objective and diversification designed to minimize risk. The Board presentation included an economic update that is generally focused on commonly discussed economic indicators (labor markets, inflation, Federal Reserve meetings and commentary, fixed income yield curves). The economic commentary is provided as a reference to the general fixed income markets. He explained the information presented is often sourced from information aggregated by Bloomberg. Mr. Grady emphasized that Public Trust does not rely on economic indicators for portfolio management. Portfolio management is implemented within the parameters of the Investment Policy Statement (IPS) and the two primary strategies are duration and asset allocation. Mr. Grady provided an outline of investment recommendations.

Based on Board discussion, if necessary, staff will submit a revised Investment Policy reflecting any changes to the Policy as directed by the Board. Approval for the revised Policy will be submitted through consent at the August 2021 board meeting.

This item was for information only. No action was necessary.

3.4 Fiscal Year (FY) 2022 Budget Development

Mr. John Campbell, Management Services Director, provided a presentation that included: a budget development calendar; metrics for expenditure goals and outcomes; expenditures by category; expenditures by program; comparison summary of FY21 and FY22 Ad Valorem and millage rates, summary of revenue budget changes since the Recommended Annual Service Budget (RASB) presented in June; and revenues by source.

Mr. Campbell stated the tentative FY2022 total budget is approximately \$191.2 million. He stated the proposed rollback-millage rate is 0.2535 mill. This is a five percent reduction from the FY21 millage rate. Mr. Campbell stated the proposed Ad Valorem budget is \$118 million which uses an actual new construction growth rate of 2.7 percent.

Vice Chair Schleicher stated he would like further reductions in the millage rate.

Staff recommended the Board:

1. Approve the budget changes presented at the Governing Board meeting.
2. Approve Resolution No. 21-08, Adoption of Proposed Millage Rate for Fiscal Year 2022.

3. Approve the August 1 submittal of the Standard Format Tentative Budget Submission for FY2022.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:26:35)

3.5 Budget Transfer Report

This item was for information only. No action was required.

3.6 Office of Inspector General Quarterly Update April 1, 2021 to June 30, 2021

This item was for information only. No action was necessary.

RESOURCE MANAGEMENT COMMITTEE

Board Member Jack Bispham called the Committee to order.

4.1 Consent Item(s) Moved to Discussion

2.1 FARMS – Bermont Properties, LLC, Section 22, (H793), Charlotte County

Vice Chair Schleicher requested this item be moved to facilitate a separate vote.

Staff recommended the Board:

- Approve the Bermont Properties, LLC – Section 22 project for a not-to-exceed project reimbursement of \$180,000 with \$180,000 provided by the Governing Board.
- Authorize the transfer of \$180,000 from fund 010 H017 Governing Board FARMS Fund to the H793 Bermont Properties, LLC – Section 22 project fund.
- Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion passed with nine in favor and one opposed. Vice Chair Schleicher expressed his support for the project but his opposition regarding the associated cost-share guidelines. (Audio – 01:28:27)

2.2 FARMS – M and R Groves, Inc. (H790), DeSoto County

Vice Chair Schleicher requested this item be moved to facilitate a separate vote.

Staff recommended the Board:

- Approve the M and R Groves, Inc., project for a not-to-exceed project reimbursement of \$96,235 with \$96,235 provided by the Governing Board.
- Authorize the transfer of \$96,235 from fund 010 H017 Governing Board FARMS Fund to the H790 M and R Groves, Inc. fund.
- Authorize the Division Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion passed with nine in favor and one opposed. Vice Chair Schleicher expressed his support for the project but his opposition regarding the associated cost-share guidelines. (Audio – 01:28:27)

4.2 Fiscal Year 2023 Cooperative Funding Process

Mr. Scott Letasi, Project Management Office Chief, presented information that included a timeline of the Fiscal Year (FY) 23 process, information regarding future large-scale

alternative water supply projects prioritized for funding by the Board, and the need for a project scoring system. He provided an overview of the evaluation process and the new scoring system developed by staff for the FY23 CFI cycle. Mr. Letasi outlined the differences between the current and new project scoring systems. He explained the criteria that will be used to score the projects and the criteria for not recommending projects for funding. Mr. Letasi responded to questions.

This item was for information only. No action was required.

4.3 Pasco County Magnolia Valley Storage and Wetland Enhancement - Third-Party Review (N865)

Mr. JP Marchand, Water Resources Bureau Chief, provided information that outlined increases in current construction cost trends and explained the third-party review process

Mr. Marchand presented an overview of project N865. This included a description, current project conditions, benefits associated with the project, current cost estimates, third-party review results, cost savings associated with the reduction in the scope of work and the staff evaluation ranking.

Board Member Williamson asked what assurances the cooperator has provided that any contaminated materials that are deposited in the stormwater ponds will not travel into the Gulf of Mexico. Mr. Marchand stated a permit must be obtained from the Florida Department of Environmental Protection (FDEP) prior to excavation and the County will have to follow FDEP's requirements.

Staff recommended the Board authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$8,976,900 with the District's share of \$4,488,450 for third-party review, design, permitting and construction of the Magnolia Valley Storage and Wetland Enhancement Project (N865).

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 02:15:47/2:18:37)

4.4 Tampa Bay Water Southern Hillsborough County Booster Pump Station – Third-Party Review (Q146)

Mr. Marchand provided an overview of project Q146. This included a project description, benefits associated with the project, current cost estimates, third-party results, information regarding cost changes, conceptual cost estimates and staff evaluation rankings.

Staff recommended the Board authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$12,686,049 with a District share of \$3,300,000 for TPR, design, permitting and construction of the in-line booster pump station.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 02:26:14)

4.5 City of Tampa Southeast Seminole Heights Flood Relief – Third-Party Review (N949)

Mr. Marchand provided an overview of project N949. This included a project description, benefits associated with the project, current cost estimates, third-party results, information regarding cost changes and staff evaluation rankings.

Secretary Smith expressed concern regarding the large difference between the conceptual cost estimate, which included a 30 percent contingency to cover unexpected additional costs and the current cost estimate. Mr. Marchand explained the current estimate includes a contingency of seven percent. He provided a history of the implementation of the third-party review requirement. Chair Rice asked that consideration be made to evaluate alternatives to managing the potential for increased costs related to third-party reviews. Mr. Marchand stated that staff will evaluate and present alternatives to the board later this year.

Staff recommended the Board authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$31,540,049 with the District's share of \$15,770,024 for third-party review and to design, permit and construct the Southeast Seminole Heights Project (N949).

A motion was made and seconded to approve staff's recommendation. The motion passed with eight in favor and one opposed. (Audio – 02:50:28)

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

Board Member Jack Bispham called the Committee to order.

5.1 Consent Item(s) Moved to Discussion - None

REGULATION COMMITTEE

Secretary Rebecca Smith called the Committee to order.

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

GENERAL COUNSEL'S REPORT

7.1 Consent Item(s) Moved to Discussion

7.2 Polk Regional Water Cooperative (PRWC) Funding Update

Mr. Chris Tumminia, General Counsel, provided background information regarding the creation and funding of the PRWC. He stated the request for funding associated with 30 percent design status for two Alternative Water Supply (AWS) projects, Southeast Wellfield and West Polk Lower Floridan Aquifer projects, will be presented to the Board for approval later this year. Mr. Tumminia stated in the interim, implementation agreements have been developed for these projects. He explained that not all PRWC members have approved the implementation agreements. Mr. Tumminia outlined the voting process of members as part of the implementation agreement.

Mr. Tumminia explained the District has some concerns regarding these proposed AWS projects. These concerns include whether the proposed projects meet the qualifications associated with the District Cooperative Funding policy, whether the District's investments will be protected and whether funding will be utilized as appropriated. The District is also concerned about the commitment from the PRWC members. Board Member Williamson stated that she would like to see the projects producing water before funds are committed.

Board Member Hall asked if it would be beneficial to request the PRWC to attend a future Board meeting to respond to questions. Mr. Brian Armstrong, Executive Director, stated that

negotiations are still taking place and an invitation would be extended at the appropriate time. Secretary Smith advised that the Board wait until that recommendation is made by the Executive Director. Treasurer Armstrong and Board Member Williamson agreed.

Board Member Hall asked if it would be beneficial to request the PRWC to attend a future Board meeting to respond to questions. Mr. Brian Armstrong, Executive Director, stated that negotiations are still taking place and an invitation would be extended at the appropriate time. Secretary Smith advised that the Board to wait until that recommendation is made by the Executive Director. Treasurer Armstrong and Board Member Williamson agreed.

This item was for information only. No action was required.

COMMITTEE/LIAISON REPORTS

8.1 Agricultural and Green Industry Advisory Committee

A written summary of the June 8 meeting was provided.

EXECUTIVE DIRECTOR'S REPORT

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, thanked retiring General Counsel, Karen West, for her service with the District and the guidance she has provided.

CHAIR'S REPORT

10.1 Chair's Report

Chair Rice stated that the next Board meeting will be on August 24 at 9:00 a.m., in the Brooksville office.

10.2 Milestones

Chair Rice recognized Mr. David Testerman for serving 25 years with the District.

ADJOURNMENT

The meeting adjourned at 12:11 p.m.

CONSENT AGENDA

August 24, 2021

Executive Director's Report: Approve Calendar for Fiscal Year 2022 Meeting Dates

Staff Recommendation:

Approve calendar as presented.

Presenter:

Brian J. Armstrong, P.G., Executive Director

**Southwest Florida Water Management District Schedule of Meetings
Fiscal Year 2022**

8/24/2021

Governing Board Meeting

October 19, 2021 – 9:00 a.m., Brooksville Office
November 16, 2021 – 9:00 a.m., Tampa Office
December 14, 2021 – 9:00 a.m., Brooksville Office
January 25, 2022 – 9:00 a.m., Tampa Office
February 22, 2022 – 9:00 a.m., Brooksville Office
March 22, 2022 – 9:00 a.m., Tampa Office
April 26, 2022 – 9:00 a.m., Brooksville Office
May 24, 2022 – 9:00 a.m., Tampa Office
June 21, 2022 – 9:00 a.m., Brooksville Office
July 26, 2022 – 9:00 a.m., Tampa Office
August 23, 2022 – 9:00 a.m., Brooksville Office
September 20, 2022 – 3:00 p.m., Tampa Office

Governing Board Public Budget Hearing – 5:01 p.m., Tampa Office
2022 – September 6 & 20

Agricultural & Green Industry Advisory Committee – 10:00 a.m.
2021 – December 7
2022 – March 8, June 7, September 13

Environmental Advisory Committee – 10:00 a.m.
2021 – October 12
2022 – January 11, April 12, July 12

Industrial Advisory Committee – 10:00 a.m.
2021 – November 9
2022 – February 8, May 10, August 9

Public Supply Advisory Committee – 1:00 p.m.
2021 – November 9
2022 – February 8, May 10, August 9

Springs Coast Management Committee – 1:30 p.m.
2021 – October 20, December 8
2022 – January 5, February 23, May 25, July 13

Springs Coast Steering Committee – 2:00 p.m.
2021 – November 10
2022 – January 26, March 9, July 27

Well Drillers Advisory Committee – 1:30 p.m., Tampa Office
2021 – October 6
2022 – January 12, April 6, July 13

Cooperative Funding Initiative – all meetings begin at 10:00 a.m.
2022 – February 2 – Northern Region, Brooksville Office
2022 – February 3 – Southern Region, TBD
2022 – February 9 – Heartland Region, TBD
2022 – February 10 – Tampa Bay Region, Tampa Office
2022 – April 6 – Northern Region, Brooksville Office
2022 – April 7 – Southern Region, TBD
2022 – April 13 – Heartland Region, TBD
2022 – April 14 – Tampa Bay Region, Tampa Office

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604
Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637

Governing Board Meeting

August 24, 2021

3. FINANCE/OUTREACH & PLANNING COMMITTEE

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FINANCE/OUTREACH & PLANNING COMMITTEE

August 24, 2021

Discussion: Information Only: Consent Item(s) Moved to Discussion

Presenters:

Michael Molligan, Division Director, Employee and External Relations

John J. Campbell, Division Director, Management Services

FINANCE/OUTREACH & PLANNING COMMITTEE

August 24, 2021

Discussion: Information Only: Knowledge Management: Governing Board Procurement Policy

Purpose

As part of the District's Knowledge Management initiative, the District's Procurement policy is being updated.

Background History

The Procurement Policy, last revised in 2018; applies to the District's procurement of commodities / goods, services and all other acquisitions of value. Pursuant to Section 373.083(1), Florida Statutes (F.S.), the Governing Board is authorized to contract with public agencies, private corporations, or other persons. Delegation to the Executive Director of all or part of the Governing Board's authority is authorized under Sections 373.079(4)(a) and 373.083(5), F.S.

The current Procurement policy delegates to the Executive Director, or designee, procurement authority for amendments and construction project change orders that fall below the monetary thresholds indicated below, provided the amount is included in the District approved budget or as increased in accordance with the Budget Transfer Policy as long as there is no material change in scope as presented to the Board. The Executive Director may delegate this authority, in writing, to one or more designees.

- Amendment(s) to an existing contract for unanticipated increase(s) or overage(s) that cumulatively exceed \$50,000
- Construction project change orders that exceed 10% of the contract amount or \$50,000 or that cumulatively exceed \$100,000

Discussion

The language in the current Procurement Board policy (above) is not necessary as the recently updated Executive Director Signature Authority procedure governs the approval thresholds for amendments and change orders consistent with the Board's delegation of authority to the Executive Director. In addition, under the current policy language, waiting for Board approval, by a month or more, could significantly delay work being performed and impact stakeholders negatively.

Additional revisions include the following:

Standards:

- Grammatical clarification that the District promotes fair and open competition to all contractors interested in doing business with the District.

Special Procurements:

- When only one submittal is received in response to a formal competitive procurement, the District may negotiate with the responding firm for the best price, terms, and conditions.

Exemptions:

- Single source procurements, in addition to sole source procurements, with appropriate justification that one source is the best or only available solution, may be exempt from the competitive

process, if approved by the Executive Director or the Executive Director's designee.

Benefits

The revised policy ensures change orders and contract amendments can be executed in a timely fashion to prevent work delays. Single source procurements are now exempt which reduces administrative effort for highly technical purchases. Lastly, if a firm is the only respondent to a formal solicitation, the District may not only negotiate terms and conditions, but may also negotiate the price.

Staff Recommendation:

This item is presented for the Board's information only. The revised Procurement policy will be on the Governing Board September 2021 consent agenda for the board's review and approval.

Presenters:

John J. Campbell, Division Director, Management Services
Felicia Holmes, Procurement Services Office Chief

DRAFT

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: PROCUREMENT

Document Owner: Felicia Holmes,
Procurement Services Office Chief

Approved By: Kelly S. Rice; Chair

Effective Date: MM/DD/YYYY

Supersedes: 10/01/2018

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PURPOSE

The purpose of this Policy is to establish requirements for the procurement of commodities / goods, services, and all other acquisitions by the Southwest Florida Water Management District (District).

SCOPE

This Policy applies to the District's procurement of commodities / goods, services and all other acquisitions of value.

AUTHORITY

Pursuant to Section 373.083(1), Florida Statutes (F.S.), the Governing Board is authorized to contract with public agencies, private corporations or other persons.

Delegation to the Executive Director of all or part of the Governing Board's authority is authorized under Sections 373.079(4)(a) and 373.083(5), F.S.

DEFINITIONS

N/A

STANDARDS

The following standards are hereby adopted by the Governing Board:

GOVERNING BOARD POLICY

Title: Document Name

Effective Date: MM/DD/YYYY

Page 2 of 6

- 1) The procurement practices of the District shall follow generally accepted public procurement practices, and to the extent practical, comply with the legislative intent of Section 287.001, F.S.
- 2) The District shall promote fair and open competition to contractors interested in doing business with the District. Such competition is conducive to assuring public confidence that contracts are awarded equitably, economically and efficiently. However, the District also recognizes that, in some limited circumstances, the competitive process may not be practical or efficient.
- 3) The District recognizes that certain performance factors of a procurement may outweigh the cost factor. Therefore, the District reserves the right to award a contract to the contractor that is determined to be the most advantageous to the District, all factors considered.
- 4) Contract negotiations shall be conducted in a manner to ensure the District receives fair value for its money and contractors receive fair compensation.
- 5) The District will actively solicit and encourage a diversity of qualified contractors, including woman-owned and minority-owned businesses, to participate in the District's procurement process without discrimination.
- 6) The District desires to enter into contracts with language that is clear, concise and comprehensive with terms and conditions that are fair and equitable to the contracting parties.
- 7) Appropriate records and standards shall be maintained to ensure public confidence in District procurement activities.
- 8) For procurements of replacement equipment or vehicles, the competitive requirements set forth in this Policy shall be deemed met when receiving bids/quotations for similar sized equipment or vehicles from different manufacturers.
- 9) District contracts will generally not exceed a contract term of five years including renewal options.
- 10) The District shall comply with all applicable laws, regulations and requirements for procurements or agreements involving federal, state, or other funds (including, but not limited to, 2 C.F.R. 200.318 through 200.326, and Appendix II to C.F.R. Part 200).
- 11) The District's procurement activities shall comply with all applicable laws including the statutes and regulations referenced in this Policy as they may be modified from time to time.

POLICY

- 1) The required competition for each procurement shall be based upon the procurement amount of the transaction as set forth below:

GOVERNING BOARD POLICY

Title: Document Name

Effective Date: MM/DD/YYYY

Page 3 of 6

Procurement Amount*	Competition Requirement
under \$10,000	Minimum one documented quotation or best source catalog price
\$10,001 - \$25,000	Minimum two competitive written quotations
\$25,001 - \$100,000**	Minimum three competitive written quotations
over \$100,000	Formal competitive procurement requiring public advertisement and sealed responses

* The thresholds above apply to the entire contract amount including renewal periods for all purchases including leased or rented items.

** Formal competitive procurement is required for electrical services that meet the monetary threshold included in Section 255.20, F.S. and for professional services that meet the monetary threshold included in Section 287.055, F.S.

2) Special Procurements.

- a) If one response is received in response to a formal competitive procurement, the District may negotiate with the respondent for the best price, terms, and conditions.
- b) A list of qualified contractors may be established for a single purpose procurement when in the best interest of the District.
- c) Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, shall be procured as required by Section 287.055, F.S., the Consultants' Competitive Negotiation Act (CCNA).
- d) Group insurance shall be procured as required by Section 112.08, F.S.
- e) Auditor services shall be procured as required by Section 218.391, F.S.
- f) Construction and electrical services shall be procured as required by Section 255.20, F.S.
- g) District contracts to procure independent contractors to aid in legislative affairs in support of the District's mission before state or federal elected officials will require prior Governing Board approval regardless of the contract amount.

3) Exemptions - The following procurements are exempt from competition unless competition is requested by the Governing Board or District staff; however, competitive quotations should be obtained whenever practical:

GOVERNING BOARD POLICY

Title: Document Name

Effective Date: MM/DD/YYYY

Page 4 of 6

Exempt Procurements
Subscriptions, vendor offered training programs, memberships and travel costs (i.e., airfare, accommodations).
Artistic and media services.
Legal services including attorney, paralegal, expert witness, court reporter, appraisal, mediator and arbitration services; hearing facilities and equipment rental and related support services.
Rental of rooms or facilities for events such as trainings, meetings and workshops.
Health services.
Academic program reviews; research or study programs with educational institutions; services or commodities provided by governmental agencies.
Lectures by individuals.
Warranty or existing service agreement limits selection to one contractor.
Parts, repairs, maintenance and support of existing equipment, machinery or vehicles.
On-going licenses, software usage fees, maintenance, and services (such as implementations, upgrades and custom development) relating to existing software/hardware.
Services or products from a correction work program pursuant to Section 946.515, F.S. (PRIDE); or from the blind or other severely handicapped individuals pursuant to Section 413.036, F.S. (RESPECT).
Procurements related to an existing contract involved in a breach or early termination that is needed to mitigate damages or continue uninterrupted performance of the contract.
Procurements in the best interest of the District as approved by the Executive Director or designee such as price discounts, bulk purchases and used equipment.
Purchases from contracts competitively solicited by another entity as allowed under Florida law when determined to be cost effective and in the best interest of the District.
Existence of an emergency that creates an immediate danger to the public health, safety, welfare, or other substantial loss to the District, as determined by the Executive Director or designee.
Single or sole source procurement, upon justification by staff that one source is the best or only available solution with approval of the Executive Director or designee.
Upon the request of the Executive Director, the Governing Board grants an exception to the procurement requirements.

GOVERNING BOARD POLICY

Title: Document Name

Effective Date: MM/DD/YYYY

Page 5 of 6

- 4) The Governing Board delegates procurement approval and contract execution authority to the Executive Director as provided below. The Executive Director may delegate, in writing, any or all of this approval to one or more designees.
 - a) Up to the approved District budget including budget transfers with no material change to the project scope as presented in the approved budget.
 - b) No limit for emergency procurements. Each emergency procurement approved by the Executive Director or designee exceeding \$100,000 shall be reported to the Governing Board at the next regularly scheduled meeting after the procurement.

DISTRIBUTION

This Policy will be stored in the designated Governing Board Policy Repository.

REFERENCES

N/A

REVIEW PERIOD

This Policy will be reviewed every two years by the Executive Director or designee and updated for Governing Board approval if needed to implement policy revisions. The Policy will be reviewed by the Governing Board every six years.

GOVERNING BOARD POLICY

Title: Document Name

Effective Date: MM/DD/YYYY

Page 6 of 6

DOCUMENT DETAILS

Document Name	Procurement
Formerly Known As	Procurement
Document Type	Policy
Author(s)	Felicia Holmes
Reviewing Stakeholder(s)	Procurement Services Office
Document Owner Name	Felicia Holmes
Document Owner Title	Procurement Services Office Chief
Review Period (in days)	730 Days
Span of Control	Governing Board
Supersedes Date	10/01/2018
Effective Date	xx/xx/xx

APPROVAL

Kelly S. Rice
Chair

Date

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Procurement
Document Owner: Finance Bureau Chief

Approved By: Jeffrey M. Adams, Chair

Effective Date: 10/01/2018

Supersedes: 08/01/2004

PURPOSE

The purpose of this Policy is to establish requirements for the procurement of commodities / goods, services, and all other acquisitions by the Southwest Florida Water Management District (District).

SCOPE

This Policy applies to the District's procurement of commodities / goods, services and all other acquisitions of value.

AUTHORITY

Pursuant to Section 373.083(1), Florida Statutes (F.S.), the Governing Board is authorized to contract with public agencies, private corporations or other persons.

Delegation to the Executive Director of all or part of the Governing Board's authority is authorized under Sections 373.079(4)(a) and 373.083(5), F.S.

DEFINITIONS

N/A

STANDARDS

The following standards are hereby adopted by the Governing Board:

1. The procurement practices of the District shall follow generally accepted public procurement practices, and to the extent practical, comply with the legislative intent of Section 287.001, F.S.
2. Fair and open competition to contractors with an interest in doing business with the District. Such competition is conducive to assuring public confidence that contracts are awarded equitably, economically and efficiently. However, the District also recognizes that, in some limited circumstances, the competitive process may not be practical or efficient.
3. The District recognizes that certain performance factors of a procurement may outweigh the cost factor. Therefore, the District reserves the right to award a contract to the contractor that is determined to be the most advantageous to the District, all factors considered.
4. Contract negotiations shall be conducted in a manner to ensure the District receives fair value for its money and contractors receive fair compensation.

5. The District will actively solicit and encourage a diversity of qualified contractors, including woman-owned and minority-owned businesses, to participate in the District's procurement process without discrimination.
6. The District desires to enter into contracts with language that is clear, concise and comprehensive with terms and conditions that are fair and equitable to the contracting parties.
7. Appropriate records and standards shall be maintained to ensure public confidence in District procurement activities.
8. For procurements of replacement equipment or vehicles, the competitive requirements set forth in this Policy shall be deemed met when receiving bids/quotations for similar sized equipment or vehicles from different manufacturers.
9. District contracts will generally not exceed a contract term of five (5) years including renewal options.
10. The District shall comply with all applicable laws, regulations and requirements for procurements or agreements involving federal, state, or other funds (including, but not limited to, 2 C.F.R. 200.318 through 200.326, and Appendix II to C.F.R. Part 200).
11. The District's procurement activities shall comply with all applicable laws including the statutes and regulations referenced in this Policy as they may be modified from time to time.

POLICY

1. The required competition for each procurement shall be based upon the procurement amount of the transaction as set forth below:

Procurement Amount*	Competition Requirement
under \$10,000	Minimum one (1) documented quotation or best source catalog price
\$10,001 - \$25,000	Minimum two (2) competitive written quotations
\$25,001 - \$100,000	Minimum three (3) competitive written quotations
over \$100,000**	Formal competitive procurement requiring public advertisement and sealed responses

* The thresholds above apply to the entire contract amount including renewal periods for all purchases including leased or rented items.

** Formal competitive procurement is required for electrical services that meet the monetary threshold included in Section 255.20, F.S., and for professional services that meet the monetary threshold included in Section 287.055, F.S.

2. Special Procurements.

- a. If one response is received in response to a formal competitive procurement, the District may negotiate on the best terms and conditions.
- b. A list of qualified contractors may be established for a single purpose procurement when in the best interest of the District.
- c. Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, shall be procured as required by Section 287.055, F.S., the Consultants' Competitive Negotiation Act (CCNA).
- d. Group insurance shall be procured as required by Section 112.08, F.S.
- e. Auditor services shall be procured as required by Section 218.391, F.S.
- f. Construction and electrical services shall be procured as required by Section 255.20, F.S.
- g. District contracts to procure independent contractors to aid in legislative affairs in support of the District's mission before state or federal elected officials will require prior Governing Board approval regardless of the contract amount.

3. Exemptions - The following procurements are exempt from competition unless requested by the Governing Board or District staff; however, competitive quotations should be obtained whenever practical:

Exempt Procurements
Subscriptions, vendor offered training programs, memberships and travel costs (i.e., airfare, accommodations).
Artistic and media services.
Legal services including attorney, paralegal, expert witness, court reporter, appraisal, mediator and arbitration services; hearing facilities and equipment rental and related support services.
Rental of rooms or facilities for events such as trainings, meetings and workshops.
Health services.
Academic program reviews; research or study programs with educational institutions; services or commodities provided by governmental agencies.
Lectures by individuals.
Warranty or existing service agreement limits selection to one contractor.
Parts, repairs, maintenance and support of existing equipment, machinery or vehicles.

On-going licenses, software usage fees, maintenance, and services (such as implementations, upgrades and custom development) relating to existing software/hardware.
Services or products from a correction work program pursuant to Section 946.515, F.S. (PRIDE); or from the blind or other severely handicapped individuals pursuant to Section 413.036, F.S. (RESPECT).
Procurements related to an existing contract involved in a breach or early termination that is needed to mitigate damages or continue uninterrupted performance of the contract.
Procurements in the best interest of the District as approved by the Executive Director or designee such as price discounts, bulk purchases and used equipment.
Purchases from contracts competitively solicited by another entity as allowed under Florida law when determined to be cost effective and in the best interest of the District.
Existence of an emergency that creates an immediate danger to the public health, safety, welfare, or other substantial loss to the District, as determined by the Executive Director or designee.
Sole source procurement, upon justification by staff that only one source is available and with approval of the Executive Director or designee.
Upon the request of the Executive Director, the Governing Board grants an exception to the procurement requirements.

4. The Governing Board hereby delegates procurement approval authority to the Executive Director. All other procurements must be approved by the Governing Board. The Executive Director may delegate, in writing, any or all of this approval to one or more designee.

Procurement Type(s)	Approval Authority
Budget approved commodities / goods and services (including construction, professional services and leased or rented equipment)	Up to the approved annual District budget amount or as increased in accordance with the Budget Transfer Policy with no material change in scope as presented in the approved annual District budget.
Unbudgeted commodities / goods and services (including construction, professional services and leased or rented equipment)	If not included in the approved annual District budget and funds can be made available in accordance with the Budget Transfer Policy.

Amendments or Change Orders	<p>Up to the approved annual District budget amount or as increased in accordance with the Budget Transfer Policy with no material change in scope as presented in the approved annual District budget.</p> <p>Amendment(s) to an existing contract, not to exceed \$50,000 cumulatively, for an unanticipated increase(s) or overage(s) that is not specifically approved as a scheduled line item in the annual District budget.</p> <p>Individual construction project change orders up to 10% of contract amount or \$50,000, whichever is greater (cumulatively, change orders not to exceed \$100,000) and for which provisions have been included in the approved annual District budget per scheduled line item.</p>
Emergency Procurements	<p>No limit, each Emergency Procurement approved by the Executive Director or their designee exceeding \$100,000 shall be reported to the Governing Board at its next regularly scheduled meeting after the procurement.</p>

DISTRIBUTION

This Policy will be stored in the designated Governing Board Policy Repository.

REFERENCES

N/A

PERIODIC REVIEW

This Policy will be reviewed every two (2) years by the Executive Director or designee and updated for Governing Board approval if needed to implement policy revisions. The Policy will be reviewed by the Governing Board every six (6) years.

FINANCE/OUTREACH & PLANNING COMMITTEE

August 24, 2021

Submit & File: Information Only: Budget Transfer Report

Purpose

Provide the Budget Transfer Report covering all budget transfers made during the month of July 2021.

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are presented to the Finance/Outreach & Planning Committee of the Governing Board as a Submit and File Report at the next regular scheduled meeting. The exhibit for this item reflects all such transfers executed during the month of July 2021.

Staff Recommendation:

Present the Budget Transfer Report for the Board's information. No action required.

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
July 2021

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category			
<u>Change from Original Budget Intent</u>					
1	Information Technology Software Maintenance	Information Technology Other Contractual Services	Transfer of funds originally budgeted for software maintenance. These funds are no longer required due to expenditures being less than anticipated. The funds are needed for an upgrade to the laboratory information management system in order for all system components to operate on a supported and secure version by January 2023.	\$	56,720.00
Total Change from Original Budget Intent					\$ 56,720.00
<u>Consistent with Original Budget Intent</u>					
1	Operations Other Contractual Services	Water Resources Consultant Services	Funds are needed for the original purpose budgeted for the restoration of the Hampton Borrow Pit South berm. The funds are being transferred from the Field Operations section to the Engineering section for management of the consultant services associated with the project.	\$	13,300.00
2	Information Technology Other Contractual Services	Information Technology Other Contractual Services	Funds are needed for the original purpose budgeted for information technology contracted services as-needed. The funds are being transferred to the appropriate accounting codes to track additional services required for the modernization of the ePermitting system. These funds will allow for a soft release of Environmental Resource Permit submittals by October 2021.		50,245.00
3	Water Resources Consultant Services	Natural Systems & Restoration Consultant Services	Funds are needed for the original purpose budgeted for consultant services for minimum flows and levels (MFLs) and modeling tasks. The funds are being transferred from the Resource Projects section to the Environmental Flows section as a result of a strategic reorganization to combine all MFLs evaluation and establishment responsibilities under one section.		1,667,045.51
4	Information Technology General Services Financed Equipment - Computer Leased Outside Equipment Leased Inside Equipment Lease Variable Usage Fees	Information Technology General Services Maintenance/Repair of Equipment Financed Equipment - Outside Rental of Other Equipment Rental of Photocopiers Financed Equipment - Inside Lease Variable Usage Fees	Funds are needed for the original purpose budgeted for equipment leased by the Information Technology bureau and the Fleet Services and Document Services sections. The funds are being transferred to comply with a change in how leases are accounted for by the Governmental Accounting Standards Board (GASB). The change is whether the terms of a lease require it to be classified as financed or rental based upon new GASB criteria and definitions, and the cost of maintenance included in the lease is required to be recorded separately when possible.		565,589.00
5	Communications and Board Services Education Services	General Services Postage and Courier Services	Funds are needed for the original purpose budgeted for implementing the fiscal year 2021 Conservation Education Program with participating utilities. The funds are being transferred from the Communications section to the Document Services section for the postage costs associated with mailouts to utility customers in the Riverside and Stone Creek communities.		2,910.00
Total Consistent with Original Budget Intent					\$ 2,299,089.51
Total Amount Transferred					\$ 2,355,809.51

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 designee, or the Finance Bureau Chief consistent with Budget Authority Transfer of Funds Board Policy, and are presented to the Governing Board as a Submit and File Report. This Board Policy limits transfers made for a purpose other than the original budget intent to \$75,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.

Governing Board Meeting

August 24, 2021

4. RESOURCE MANAGEMENT COMMITTEE

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RESOURCE MANAGEMENT COMMITTEE

August 24, 2021

Discussion: Information Only: Consent Item(s) Moved to Discussion

Presenter:

Jennette M. Seachrist, P.E., Division Director, Resource Management

RESOURCE MANAGEMENT COMMITTEE

August 24, 2021

Discussion: Action Item: Polk Regional Water Cooperative – Project Conditions Associated with Governing Board Resolution 18-06 (Amended)

Purpose

The purpose of this item is to request the Governing Board excuse four scheduled milestone exceedances associated with Polk Regional Water Cooperative Governing Board Resolution 18-06 (Amended) (see Exhibit).

Background/History

Polk County and the municipal utilities within Polk County primarily utilize traditional groundwater supplies to meet their water supply demand. Polk County lies within the Southern Water Use Caution Area (SWUCA) and the Central Florida Water Initiative (CFWI) where traditional water sources are nearing their sustainable limits and alternative water sources need to be developed to meet the projected demands. As a result, Polk County and the municipalities within Polk County, with the District's encouragement, have created a water supply entity (PRWC) to develop future alternative water supplies.

At the April 28, 2015 meeting, the Governing Board adopted Resolution 15-07 to promote regional cooperation between Polk County and the municipalities within Polk County in developing alternative water supply projects. Resolution 15-07 provided that the Governing Board would appropriate \$10,000,000 each year beginning in Fiscal Year (FY) 2015 through FY2018 for the development of alternative water supply projects if specific milestones were met. All the milestones contained in Resolution 15-07 were met, including the selection of three projects, and a total of \$40,000,000 was set aside for the PRWC alternative water supply projects. The three projects selected and approved by the PRWC Board and the Governing Board are the West Polk Lower Floridan Aquifer Wellfield and Transmission (N882), the Southeast Lower Floridan Aquifer Wellfield and Transmission (N905), and the Peace Creek Integrated Water Supply Plan (N928). In May 2017, the District transferred \$11,500,000 from the Resolution funds to the first phase of these projects.

At the April 24, 2018 meeting, the Governing Board adopted Resolution 18-06 to continue the practice of annually appropriating funds for these three projects based on meeting certain conditions. These funds would be used for the second phase of the selected project(s) which includes final design, permitting and construction. Resolution 18-06 provides that the Governing Board will appropriate \$5,000,000 per fiscal year from 2019 to 2023 as long as project milestones for each project plan in the funding agreements were met and all milestone dates specifically identified in the resolution were met. The resolution also allows the Governing Board to excuse missed deadlines.

Resolution 18-06 was amended by the Governing Board in April 2019 to add a fourth project for feasibility investigation – Peace River/Land Use Transition Treatment Facility and Reservoir Project (Q133). At the October 22, 2019 Governing Board meeting, the Governing Board excused two project milestone schedule delays for the West Polk Lower Floridan Aquifer Deep Wells Project (N882). The Governing Board also approved the schedule delay for the completion of third-party reviews associated with three of the four projects (N882, N928, Q133). At the August 2020 Governing Board Meeting, the Governing Board excused the schedule delays in the cooperative funding agreement project plans to Tasks 4, 5 and 7 associated with the Peace Creek Integrated Water Supply Plan (N928) and to Tasks 3,

5 and 6 associated with the Peace River/Land Use Transition Treatment Facility and Reservoir project (Q133). The Governing Board also reaffirmed the excusal associated with the schedule delay for the completion of third-party reviews associated with the two surface water cooperative funding projects (N928, Q133).

Amended Resolution 18-06 indicates that for the District to provide \$5,000,000 for FY2022, the following conditions must be met:

For FY2022, for those projects approved for continued scheduled work following the first third-party review, the following conditions shall be completed by September 30, 2021:

Southeast Wellfield project: A second third-party review of the regional transmission system and water treatment facility shall be conducted, and the project shall be brought to the District's Governing Board to consider project status and further action;

West Polk Wellfield project: A second third-party review of the regional transmission system and water treatment facility shall be conducted, and the project shall be brought to the District's Governing Board to consider project status and further action;

Peace Creek Integrated Water Supply project: An integrated water supply plan must be completed. The plan must quantify the available water supplies estimated from groundwater and surface water sources supplemented by wetland restoration, aquifer recharge, stormwater recovery, and reclaimed water use; and

Peace River/Land Use Transition Treatment Facility and Reservoir: The Conceptual Water Use and Feasibility Report ("Report") must be completed. The Report must quantify the available water supplies estimated from surface water and land use transitions and include an evaluation of project feasibility for permitting.

The status of each project is as follows:

Southeast Lower Floridan Aquifer Wellfield and Transmission (N905)

The project is behind schedule and the third party-review of the preliminary design (30 percent design) is scheduled to be presented to the Governing Board by October 2021. This will be the second of two third-party reviews for this project. In May 2021, the PRWC presented updated project definitions to the Governing Board, which resized the project based on updated 20-year demands to 12.5 million gallons per day (mgd) at buildout. The design changes were performed without exceeding the project budget and within the Resolution 18-06 deadline. The total contract amount for this phase of the project is \$11,117,916, with a District share of \$4,846,958 of which \$4,494,172 has been spent to date.

West Polk Lower Floridan Aquifer Wellfield and Transmission (N882)

The project is behind schedule. In May 2021, the PRWC presented updated project definitions to the Governing Board, which resized the project based on updated 20-year demands to 10 mgd at build out. The design changes were performed without exceeding the project budget. The first third-party review on the conceptual design was completed and presented to the Governing Board in August 2020. The third-party review of the preliminary design (30 percent design) is expected to be presented to the Governing Board in October 2021. The total contract amount for this phase of the project is \$8,940,734,

with a District share of \$3,970,367 of which \$3,696,303.53 has been spent to date.

Peace Creek Integrated Water Supply Plan (N928)

The project is behind schedule. The project will develop water supply options based on water availability from the Peace Creek Canal in central Polk County. The task completion date for the Integrated Water Supply Plan has been rescheduled for December 2021. The project was delayed while the PRWC focused on design updates to the Southeast and West Polk Lower Floridan Aquifer projects. That work took place between December 2020 through May 2021, and recent progress has been made on this project. The total contract amount for this phase of the project is \$1,980,250, with a District share of \$990,125 of which \$574,650.18 has been spent to date.

Peace River/Land Use Transition Treatment Facility and Reservoir (Q133)

The project is behind schedule. The project will develop water supply options based on water availability from the Upper Peace River in southern Polk County. The task completion date for the Conceptual Water Use and Feasibility Report has been rescheduled for February 2022. The project was delayed while the PRWC focused on design updates to the Southeast and West Polk Lower Floridan Aquifer projects. That work took place between December 2020 through May 2021, and recent progress has been made on this project. The total contract amount for this phase of the project is \$961,100 with a District share of \$480,550 of which \$314,266 has been spent to date.

To correct these schedule issues and still provide the \$5,000,000 funding incentive to the PRWC for FY2022 and anticipated to be provided in FY2023, the amended resolution indicates that the Governing Board can excuse the schedule lapses. Specifically, the resolution states:

If any action in any given year pertinent to this Amendment and upon which the Governing Board's appropriation of funding is contingent as described herein, is not completed by the date designated herein and not excused by the Governing Board, then funds appropriated pursuant to this amendment for that year will become available for re-appropriation by the Governing Board.

Therefore, staff is recommending the Governing Board excuse the anticipated delay in meeting four conditions associated with the Southeast Lower Floridan Aquifer Wellfield and Transmission (N905), the West Polk Lower Floridan Aquifer Wellfield and Transmission (N882), the Peace Creek Integrated Water Supply Plan (N928) and the Peace River/Land use Transition Treatment Facility and Reservoir Project (Q133). Excusal of exceeding these schedule milestones will allow the FY2022 funds, once approved in the District's final adopted FY2022 budget, to be encumbered to the PRWC, and keep future funds in FY2023, as noted in the resolution, available to the PRWC.

Staff Recommendation:

Staff request approval to excuse four scheduled milestone exceedances stipulated in Governing Board Resolution 18-06 (Amended) associated with the Southeast Lower Floridan Aquifer Wellfield and Transmission (N905), West Polk Lower Floridan Aquifer Wellfield and Transmission (N882), the Peace Creek Integrated Water Supply Plan (N928) and the Peace River/Land use Transition Treatment Facility and Reservoir Project (Q133) projects.

Presenter:

Jay Hoecker, PMP, Water Supply Manager, Water Resources Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AMENDMENT TO RESOLUTION NO. 18-06
REGARDING THE POLK REGIONAL WATER COOPERATIVE PHASE TWO PROJECTS**

WHEREAS, the Governing Board of the Southwest Florida Water Management District ("District") desires to promote regional cooperation between Polk County and the municipalities within Polk County, collectively referred to as the Polk Regional Water Cooperative ("PRWC"), in developing alternative water supply projects; and

WHEREAS, on May 19, 2015, the District's Governing Board approved Resolution No. 15-07 in furtherance of that goal; and

WHEREAS, on April 26, 2016, the District's Governing Board approved an Amendment to Resolution No. 15-07 to provide additional clarity regarding the selection of and funding for the Central Florida Water Resource Development Project ("the Project"); and

WHEREAS, the terms and conditions of Resolution 15-07 and the Amendment to Resolution 15-07 have been met, including the selection and District Governing Board approval of Phase One for three projects that can provide at least 30 mgd of alternative water supply; and

WHEREAS, the District and PRWC executed Phase One project agreements in August 2017 that are expected to conclude in 2021, when the District and PRWC will determine whether one or more of the projects will move on to Phase Two beginning in 2022 for final design, permitting, and construction of the selected project(s); and

WHEREAS, on April 24, 2018, the District's Governing Board approved Resolution No. 18-06, attached hereto as Exhibit A, to provide Five Million Dollars per year for five years for feasibility studies of the three approved Phase One projects; and

WHEREAS, on March 20, 2019, the PRWC approved a modification to the scope of the three Phase One projects and the addition of the Peace River/Land Use Transition Treatment Facility and Reservoir project ("Peace River Project") to assist in achieving the goal of providing at least 30 mgd of alternative water supply; and

WHEREAS, the District's Governing Board desires to continue to support and promote the PRWC in developing the four alternative water supply and conservation projects.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Southwest Florida Water Management District that the District hereby amends Resolution 18-06 to incorporate the change in scope to the three Phase One projects and the addition of the Peace River Project. The District will budget and encumber Five Million Dollars (\$5,000,000) per year for five fiscal years (FY2019 - FY2023) if the terms listed below are met prior to the end of each fiscal year:

For FY2019, the PRWC and its Consultant Team executed all necessary agreements for Phase One of the original three projects and met all scheduled milestones in each project plan through September 30, 2018;

For FY2020, the PRWC shall develop a long-term Conservation Plan including a needs assessment of regional water demands, potential water conservation measures and implementation strategies. The PRWC and its Consultant Team must be meeting all

scheduled milestones included in the Conservation Plan and in the three original and one additional Phase One project plans through September 30, 2019;

For FY2021, all Phase One work must be on schedule for each project; an initial third-party review must be conducted for each project by April 30, 2020; and all four projects must be brought to the District's Governing Board by September 30, 2020, to consider project status and further action;

For FY2022, for those projects approved for continued scheduled work following the first third-party review, the following conditions shall be completed by September 30, 2021:

Southeast Wellfield project: A second third-party review of the regional transmission system and water treatment facility shall be conducted, and the project shall be brought to the District's Governing Board to consider project status and further action;

West Polk Wellfield project: A second third-party review of the regional transmission system and water treatment facility shall be conducted, and the project shall be brought to the District's Governing Board to consider project status and further action;

Peace Creek Integrated Water Supply project: An integrated water supply plan must be completed. The plan must quantify the available water supplies estimated from groundwater and surface water sources supplemented by wetland restoration, aquifer recharge, stormwater recovery, and reclaimed water use; and

Peace River/Land Use Transition Treatment Facility and Reservoir: The Conceptual Water Use and Feasibility Report ("Report") must be completed. The Report must quantify the available water supplies estimated from surface water and land use transitions and include an evaluation of project feasibility for permitting.

For FY2023, Phase Two funding and water use commitments by the participating PRWC members, all financial planning for the funding of Phase Two, and the implementation agreement(s) for selected project(s) shall be finalized by the PRWC members and approved by the District's Governing Board by September 30, 2022.

BE IT FURTHER RESOLVED that following FY2023, if each of the terms and conditions of this Amendment to Resolution 18-06 have been met, any additional requests for funding of the Project must be submitted to the District through the Cooperative Funding Initiative program, and any agreement between the District and the PRWC required to complete the Project will supersede the provisions of this Amendment. If any action in any given year pertinent to this Amendment and upon which the Governing Board's appropriation of funding is contingent as described herein, is not completed by the date designated herein and not excused by the Governing Board, then funds appropriated pursuant to this Amendment for that year will become available for re-appropriation by the Governing Board. Notwithstanding the foregoing, if all activities upon which the Governing Board's appropriation is contingent have not been completed by September 30, 2022, then all funds previously appropriated pursuant to this Amendment will become available for re-appropriation by the Governing Board.

PASSED and ADOPTED this 23 day of April, 2019, by the Governing Board of the Southwest Florida Water Management District.

**SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**

By: _____

Jeffrey M. Adams, Chair

Attest: _____

Bryan K. Beswick, Secretary

Approved as to Legal Form and Content

Karen E. West
Karen E. West, General Counsel

[SEAL]

Filed this 23 day of April, 2019.

Dennis C. Calkins
Deputy Agency Clerk



CERTIFICATE AS TO AMENDMENT TO RESOLUTION NO. 18-06

STATE OF FLORIDA
COUNTY OF POLK

We, the undersigned, hereby certify that we are, Chair and Secretary, respectively, of the Southwest Florida Water Management District, organized and existing under and by virtue of the Laws of the State of Florida, and having its office and place of business at 2379 Broad Street, Brooksville, Hernando County, Florida, and that, on the 23 day of April, 2019, at a duly called and properly held hearing of the Governing Board of the Southwest Florida Water Management District, at which hearing a majority of the members of the Governing Board were present, the resolution, which is attached hereto and which this certificate is a part thereof, was adopted and incorporated in the minutes of that hearing.

Dated at Haines City, Florida, this 23 day of April, 2019.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

By: 

Jeffrey M. Adams, Chair

Attest: 

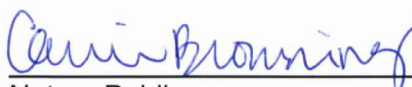
Bryan K. Beswick, Secretary

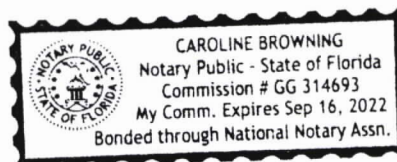
ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 23 day of April, 2019, by Jeffrey M. Adams and Bryan K. Beswick, Chair and Secretary, respectively, of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the corporation. They are personally known to me.

WITNESS my hand and official seal on this 23 day of April, 2019.


Notary Public
State of Florida at Large
My Commission Expires Sept 16, 2022
GG 314693



RESOURCE MANAGEMENT COMMITTEE**August 24, 2021****Discussion: Action Item: City of Venice Reclaimed Water Aquifer Storage and Recovery (ASR) – Third-Party Review (Q050)***Purpose*

The purpose of this item is to provide the results of the third-party review (TPR) on the City of Venice's Reclaimed Water ASR project and request Governing Board approval to amend the Cooperative Funding Agreement to move forward with final design, bidding, permitting, construction, testing, and Independent Performance Evaluation (IPE) for the project at a total project cost of \$5,489,752.

Background/History

The City of Venice (City) and the Southwest Florida Water Management District (District) entered into a Cooperative Funding Agreement in 2020 for the City of Venice Reclaimed Water ASR project. The construction of the ASR facility will allow the City to store excess reclaimed water in the wet season, to be used in the dry season for irrigation when demand exceeds plant flow. The availability of this water during the dry season will potentially reduce the use of potable water sources for irrigation by an estimated 0.24 million gallons per day. The facility will operate for 20 years at a minimum storage and recovery rate of 60 million gallons per year (mgpy) calculated using a 5-year moving average.

The existing Agreement includes 30 percent design and TPR. Governing Board approval of the TPR is required to proceed beyond the 30 percent design stage. The conceptual cost for the entire project was estimated to be \$5,065,000, which included estimates for the TPR, Full Design and Bid, Permitting, Construction, Testing, and an IPE.

Per our agreement, the City provided the Basis of Design Report (BODR) at 30 percent design for the TPR. District staff contracted with an engineering firm to conduct the TPR in February 2021. The firm completed the review in May 2021 and concluded that the proposed design is reasonable and constructable and that the proposed benefits can be achieved. In addition, the firm reviewed the engineer's Opinion of Probable Construction Cost (OPCC) estimate and project schedule and found them to be reasonable for the proposed project.

The engineer's OPCC estimate is \$5,489,752. The OPCC estimate is based on the 30 percent design and incorporates the following:

- ASR Recharge Pump Station;
- Inline Ultraviolet Disinfection Reactor;
- ASR Well; and
- Sodium Bisulfite Storage and Feed System.

Benefits/Costs

The construction of this ASR facility at the City's Eastside Water Reclamation Facility would allow the City to store excess reclaimed water in the wet season, to be used in the dry season for irrigation when demand exceeds plant flow. The availability of this water during the dry season will potentially reduce the use of potable water sources for irrigation by an estimated 0.24 million gallons per day. The Measurable Benefit of the project will be the recovery of 60 million gallons of water per year for irrigation use, calculated using a 5-year moving average for a 20-year period.

The total project cost of \$5,489,752 includes \$124,957 for 30 percent design, \$15,109 for TPR, \$525,000 for final design and bidding services, \$100,000 for test permitting, \$4,400,000 for construction, \$200,000 for cycle testing, \$24,686 for IPE, and \$100,000 for operation permitting. The City is requesting Governing Board approval to move forward with the project final design, permitting, construction, testing, and IPE with the District funding fifty percent of the total project cost of \$5,489,752. If approved, the District's share would be \$2,744,876.

The District has previously entered into an agreement for \$165,000 (\$82,500 District share) for 30 percent design and TPR. The City had requested \$150,000 in FY2021, which was approved by the Governing Board pending approval of the TPR results. The City also requested an additional \$1,100,000 in FY2022 for construction and, if authorized by the Board to move forward with this project, will request the remaining share in future years.

The project has been evaluated based on the latest information including the current total cost estimate of \$5,489,752. Both the TPR and staff agree that the project is reasonable and cost effective. The current evaluation form is provided as an exhibit to this recap. Project benefit, cost effectiveness, and strategic goal rankings all remain High, and the overall project ranking is also High.

Should the Governing Board decide to move forward with this project, the future costs would be funded through approval of future Cooperative Funding Initiative requests. The District's existing Cooperative Funding Agreement with the City requires Governing Board approval to modify the Agreement costs and scope before the City is eligible for reimbursement of any expenses beyond the TPR task.

Staff Recommendation:

Authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$5,489,752, with a DISTRICT share of \$2,744,876 for design, third-party review, permitting, construction, testing, and Independent Performance Evaluation of the reclaimed water ASR facility.

Presenter:

Tamera McBride, P.G., Manager, Resource Projects

Project No. Q050	ASR - City of Venice Reclaimed Water ASR			
City of Venice				
Risk Level:		Type 3	Multi-Year Contract: Yes, Year 3 of 5	
Description				
Description:	Design, permitting, construction, testing, and independent performance evaluation (IPE) of an Aquifer Storage and Recovery (ASR) system to store and recover at least 60 million gallons per year (mgy) of reclaimed water on-site at the City's Eastside Water Reclamation Facility, an advanced wastewater treatment plant. If constructed, ASR would let the City store excess reclaimed water in the wet season, to be used in the dry season when demand exceeds plant flow. Funding was previously approved for 30% design, third party review (TPR), final design, and construction permitting. The District required TPR because of project costs and complexity. The FY2022 funding request is for construction. Future funding will be for construction, testing, and operational permitting.			
Measurable Benefit:	The contractual Measurable Benefit is the design, permitting, construction, testing, and independent performance evaluation of an ASR system that will operate for 20 years at a minimum storage and recovery rate of 60 mgy calculated using a 5-year moving average. Construction will be done in accordance with the permitted plans.			
Costs:	Total conceptual project cost: \$5,489,752 (design, permitting, construction, testing, TPR, and IPE) City of Venice: \$2,744,876 District: \$2,744,876 with \$232,500 budgeted in previous years, \$1,100,000 requested in FY2022, and \$1,412,376 anticipated to be requested in future years.			
Evaluation				
Application Quality:	High	Application included all the required information identified in the CFI Guidelines.		
Project Benefit:	High	If constructed, the benefit would be development of at least 60 mgy in reclaimed water storage/recovery in the SWUCA; this would enable supply to approximately 740 additional reclaimed users, potentially reducing irrigation groundwater withdrawals by an estimated 0.24 million gallons per day (mgd). The City projects storing/recovering 185 mgy by 2035.		
Cost Effectiveness:	High	Costs are consistent with similarly funded District projects.		
Past Performance:	High	Based upon an assessment of the schedule and budget for 4 ongoing projects.		
Complementary Efforts:	High	Cooperator has a program in place that includes metering and an incentivized-based reuse rate structure for high volume users. Cooperator has a program in place that has proactive reclaimed expansion policies, which maximize utilization and environmental benefits.		
Project Readiness:	High	Project is ongoing and on schedule.		
Strategic Goals				
Strategic Goals:	High	Strategic Initiative - Reclaimed Water: Maximize beneficial use of reclaimed water to reduce demand on traditional water supplies. Southern Region Priority: Implement Southern Water Use Caution Area (SWUCA) Recovery Strategy.		
Overall Ranking and Recommendation				
Fund as a High Priority	Based upon the TPR results and available cost estimates, District staff recommends Governing Board approval of funding the City of Venice Reclaimed Water ASR Project for final design, permitting, construction, testing, and independent performance evaluation. Project is designed to allow the City to optimize use of reclaimed water to meet current and future irrigation demands, reducing reliance on fresh groundwater withdrawals.			
Funding				
Funding Source	Prior	FY2022	Future	Total
District	\$232,500	\$1,100,000	\$1,412,376	\$2,744,876
City of Venice	\$232,500	\$1,100,000	\$1,412,376	\$2,744,876
Total	\$465,000	\$2,200,000	\$2,824,752	\$5,489,752

RESOURCE MANAGEMENT COMMITTEE

August 24, 2021

Discussion: Action Item: Dover/Plant City Water Use Caution Area Update and Approval of Rulemaking to Repeal the Dover/Plant City Water Use Caution Area Recovery Strategy

Purpose

To provide the Governing Board an update on the status of the Dover/Plant City Water Use Caution Area (D/PCWUCA) Recovery Assessment and to request authorization from the Board to initiate rulemaking and approve proposed rule language to amend Rules 40D-2.091, 40D-2.101, 40D-2.801, 40D-8.626, 40D-80.075, Florida Administrative Code (F.A.C.), Water Use Permit (WUP) Applicant's Handbook, and the D/PCWUCA Supplemental Form to repeal the D/PCWUCA Recovery Strategy and to remove all references to it.

Background/History

In 2011, the 259-square-mile D/PCWUCA was established following the unprecedented January 2010 freeze event of 9 nights of freezing temperatures over 11 consecutive days. During this event, approximately 140 sinkholes and 750 dry well complaints were reported that resulted from agricultural cold protection water use. The D/PCWUCA was established to address impacts from groundwater pumping used for cold protection in this area.

The District developed and adopted a Recovery Strategy to reduce and monitor groundwater pumping during cold-protection events. The D/PCWUCA Recovery Strategy objectives were to establish and achieve a Minimum Aquifer Level (MAL) and to reduce cold-protection withdrawals by 20 percent compared to the 2010 event. In addition to establishing these two objectives and a Recovery Strategy, several actions were implemented and included the following:

1. Adoption of a status evaluation process;
2. Establishment of the Minimum Aquifer Level Protection Zone (MALPZ);
3. Adoption of regulatory limits on permitting and additional groundwater use for cold protection within the MALPZ, the D/PCWUCA, and the surrounding area;
4. Update of a well complaint mitigation procedure that provides a method to equitably assign complaints;
5. Development of incentives to use alternatives to groundwater for cold protection through the Facilitating Agricultural Resource Management Systems (FARMS) cost-share program;
6. Adoption of revised construction standards for domestic wells; and
7. Addition of a flow metering and Automatic Meter Reading program.

Chapter 40D-80, F.A.C., requires reassessment of the Recovery Strategy if the objectives to establish and achieve the MAL and to reduce cold-protection withdrawals by 20 percent compared to the 2010 event were not accomplished by January 2020. A recent staff assessment determined that the MAL has been achieved and that, while there have been reductions in cold-protection quantities used since 2010, the specified 20 percent reduction has not been fully achieved. Therefore, a reassessment of the D/PCWUCA Recovery Strategy was completed, which included review of area trends and status evaluation methods.

Trend evaluations of land use acreage, agricultural water use, groundwater levels, and cold-event

frequencies were completed, and overall, demands for cold protection are decreasing and are expected to continue to decrease. Additionally, temperature history at the Plant City gage indicates that the estimated return interval for a cold event of similar magnitude to the 2010 event is approximately once in 570 years. Given the decreasing demand for cold-protection withdrawals and the rarity of the January 2010 event, staff concluded that the objective to reduce cold-protection use by 20 percent based on the 2010 event was impractical and unreasonable.

Staff then evaluated existing status assessment methodologies and determined that a refinement to the cold weather event used to assess achievement of the MAL was needed. Previously, a cold event of three consecutive days and a total of 48 hours of cold-protection withdrawal pumping had been used to assess the status of the MFL. Based on weather data, it was confirmed that use of an event of three days duration was appropriate as 95 percent of all cold events were less than or equal to three consecutive days. Data also showed that most of those events consisted of 41 hours or less of pumping. Therefore, continued use of a three-day event with a reduction of the design event pumping duration from 48 hours to 41 hours is recommended. An assessment using this methodology indicated that the MAL was achieved.

Based on the MAL being achieved and the recommendation to eliminate the objective to reduce the January 2010 cold-protection quantities by 20 percent, a Recovery Strategy is not necessary, and repeal is recommended. The D/PCWUCA and protective measures are recommended to remain in place due to the area's cold protection water uses and unique geology that has the potential to result in sinkholes and dry wells. The current water use permitting criteria will remain in place and status and trends will be evaluated annually.

The results of this assessment and recommendations were presented to the Governing Board's Agricultural, Environmental, and Public Supply Advisory Committees. Additionally, a virtual public workshop open to the general public was held on May 27, 2021. General questions were received at these meetings, and there were no objections to the recommendations. District staff requests approval to initiate rulemaking to implement the recommendations of this reassessment.

Rule 40D-2.091, F.A.C., incorporates by reference forms and instructions that have been approved by the Governing Board and are used in District water use permitting. The District's WUP Applicant's Handbook Part B is incorporated by reference in Rule 40D-2.091(1)(a), F.A.C. The objective of the Applicant's Handbook is to identify the procedures and information used by District staff in permit application review. The Applicant's Handbook Part B will be revised to remove references to recovery and the Recovery Strategy. Rule 40D-2.091(1)(a) must be revised to incorporate the updated version of the WUP Applicant's Handbook.

Rule 40D-2.101, F.A.C., provides the content requirements of a WUP Application and Supplemental Forms. The D/PCWUCA Supplemental Form will be revised to update the design event in Part III, Impacts to the Minimum Aquifer Level Protection Zone. Rule 40D-2.101 must be revised to incorporate the updated version of the D/PCWUCA Supplemental Form.

Rule 40D-2.801, F.A.C., establishes the District's Water Use Caution Areas and sets forth certain requirements and procedures for permittees and applicants within each Water Use Caution Area. This rule will be amended to remove references to the Recovery Strategy.

Rule 40D-8.626, F.A.C, establishes the D/PCWUCA MAL and the MALPZ. This rule will be amended to remove references to the Recovery Strategy.

Rule 40D-80.075, F.A.C., contains the Regulatory Portion of the Recovery Strategy for the D/PCWUCA and will be revised to remove the Recovery Strategy.

The attached Exhibits provide the proposed rule language to amend Rules 40D-2.091, 40D-2.101, 40D-2.801, 40D-8.626, 40D-80.075, F.A.C., the WUP Applicant's Handbook, and the D/PCWUCA Supplemental Form, as described herein.

Benefits/Costs

A Statement of Estimated Regulatory Costs is not required as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

Upon Governing Board approval to repeal the Recovery Strategy, staff will proceed with formal rulemaking without further Governing Board action. If substantive changes are necessary as the result of comments received from the public or from reviewing entities such as the Governor's Office of Fiscal Accountability and Regulatory Reform or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

1. Approve the initiation of rulemaking and approve proposed rule language to amend Rules 40D-2.091, 40D-2.101, 40D-2.801, 40D-8.626, 40D-80.075, F.A.C., the WUP Applicant's Handbook, and the D/PCWUCA Supplemental Form, to repeal the Recovery Strategy, as shown in the Exhibits.
2. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process.

Presenter:

Tamera McBride, P.G., Manager, Resource Projects

Exhibit A

40D-2.091 Publications and Forms Incorporated by Reference.

(1) The following publications are hereby incorporated by reference into this chapter, and are available from the District's website at www.WaterMatters.org or from the District upon request:

(a) Water Use Permit Applicant's Handbook Part B (also referred to as the WUP Applicant's Handbook) (rev. ____ ~~11/19~~), (<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> <https://www.flrules.org/Gateway/reference.asp?No=Ref-11553>).

(b) No change.

(2) through (3), No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, 8-30-09, 10-26-09, 11-2-09, 1-27-10, 4-27-10, 5-26-10, 6-10-10, 6-30-10, 6-16-11, 12-12-11, 10-14-12, 2-7-13, 2-18-13, 5-19-14, 9-29-15, 4-2-17, 2-18-20, ____.

Water Use Permit Applicant's Handbook Part B

3.9.4.1 WITHDRAWALS THAT AFFECT THE MINIMUM AQUIFER LEVEL ESTABLISHED WITHIN DOVER/PLANT CITY WATER USE CAUTION AREA.

A Minimum Aquifer Level has been established in Rule 40D-8.626(3), F.A.C., for Well DV-1 that is located within the Dover/Plant City WUCA, as shown in Figure 3-3 in the Applicant's Application's Handbook, described in Rule 40D-2.091. The Minimum Aquifer Level is affected by local and regional groundwater withdrawals. In order to compensate for the variable hydrogeologic factors within the region, a MALPZ is established based on the 30 ft. drawdown contour for the January 2010 frost/ freeze event as shown in Figure 3-3. ~~In establishing the Minimum Aquifer Level, the District has determined that the actual water level is below the Minimum Aquifer Level. The District is implementing a Recovery Strategy for the Minimum Aquifer Level.~~ The Dover/Plant City WUCA provisions of the Applicant's Handbook incorporated by reference in Rule 40D-2.091, F.A.C., ~~and Chapter Chapters 40D2, 40D-8 and 40D-80, F.A.C., sets set forth the Minimum Aquifer Level, the MALPZ, and describes how compliance with the Minimum Aquifer Level is assessed.~~ ~~regulatory portion of the recovery strategy for the Minimum Aquifer Level.~~ Compliance with the Minimum Aquifer Level and the MALPZ by applicants with withdrawals for crop protection within or proposed to be within the Dover/Plant City WUCA and all other Applicants for withdrawals for crop protection that have the potential to impact the Minimum Aquifer Level and the MALPZ will be addressed as specified in this Section. Compliance with this Section does not, by itself, satisfy the requirements of Chapter 40D-2, F.A.C., for applications submitted on or after June 16, 2011.

3.9.4.2 GENERAL.

A Minimum Aquifer Level has been established for District Well DV-1 Suwannee in Rule 40D-8.626(3), F.A.C., the location of which is depicted on Figure 3-3. In order to address the effects of local and regional groundwater withdrawals and the variable hydrogeologic factors within the region, a MALPZ Minimum Aquifer Level Protection Zone is defined as the area within the boundary of the 30 ft. drawdown contour for the January 2010 frost/freezing event (See Figure 3-3). ~~In establishing the Minimum Aquifer Level, the District has determined that the actual water level is below the Minimum Aquifer Level when certain pumping and climatic conditions occur. As required by law, the District is implementing a Recovery Strategy for the Minimum Aquifer Level. The Dover/Plant City WUCA provisions of the Applicant's Handbook, and Chapters 40D 2, 40D 8 and 40D 80, F.A.C., set forth the regulatory portion of the recovery strategy for the Minimum Aquifer Level.~~ Compliance with this section does not, by itself, satisfy the requirements of Chapter 40D-2, F.A.C., for applications submitted on or after June 16, 2011.

3.9.4.2.1 NEW APPLICATIONS.

All applications for New Quantities, and applications located outside the Dover/Plant City WUCA whose requested withdrawals have the potential to impact the MALPZ, will be evaluated to determine whether the proposed withdrawal for crop protection will impact the Dover/Plant City WUCA MALPZ. However, the Applicant has the option to reduce or redistribute the withdrawals to eliminate any impacts so that the withdrawal can be permitted. In addition to the other requirements of Rule 40D-2.301, F.A.C., and

the Applicant's Handbook, the following requirements apply to New Quantities and applications located outside the Dover/Plant City WUCA whose requested withdrawals for frost/freeze protection have the potential to impact the MALPZ Minimum Aquifer Level Protection Zone: Crop Protection –Applications for New Quantities for crop protection shall be evaluated based on a crop protection design event of 13 ~~24~~ hours of irrigation, followed consecutively by 12 ~~6~~ hours of non-irrigation, 16 ~~43~~ hours of irrigation, 12 ~~44~~ hours of non-irrigation and by 12 ~~44~~ hours of irrigation. For New Quantities, the resulting drawdown shall not exceed 0.0 ft. within or at the boundary of the MALPZ, in addition to meeting the requirements of Rule 40D-2.301, F.A.C., and the Applicant's Handbook. Existing permitted groundwater withdrawals for crop protection within the Dover/Plant City WUCA are addressed below in sections titled "Investigation of Crop Protection Withdrawal-Related Well Complaints" and the permit conditions for mitigation of impacts to existing legal uses.

3.9.4.2.2 EXISTING WUPS.

Applications for the renewal or modification of a WUP with no proposed increase in permitted crop protection quantities or change in Use Type associated with crop protection will be evaluated to determine compliance with the conditions for issuance of a permit set forth in Rule 40D-2.301, F.A.C., and the Applicant's Handbook, described in Rule 40D-2.091, F.A.C., in its entirety. When evaluating the reasonable-beneficial use of the water, emphasis will be given to reasonable water need, water conservation, use of AWS, and use of alternative crop protection methods. However, the existing impacts of permitted quantities on the MALPZ Minimum Aquifer Level Protection Zone, or the Minimum Aquifer Level, will not be a basis for permit denial, ~~because the Dover/Plant City WUCA Recovery Strategy taken as a whole is intended to achieve recovery to the established minimum level as soon as practicable.~~ Existing groundwater withdrawal impacts for crop protection shall be evaluated at renewal or modification based on a frost/freeze design event of 13 ~~24~~ hours of irrigation, followed consecutively by 12 ~~6~~ hours of non-irrigation, 16 ~~43~~ hours of irrigation, 12 ~~44~~ hours of non-irrigation and by 12 ~~44~~ hours of irrigation.

3.9.4.3.3 ALTERNATIVE CROP PROTECTION.

All applicants for WUPs for 100,000 gpd annual average quantities or greater that include an activity that typically uses crop protection and that have or propose to have a groundwater withdrawal with the potential to impact the MALPZ Minimum Aquifer Level Protection Zone, shall investigate the technical, economic and environmental feasibility of using alternatives to groundwater for crop protection. If it is determined that alternatives to groundwater are not feasible, applications for New Quantities that impact the MALPZ Minimum Aquifer Level Protection Zone will not be permitted without a Net Benefit. However, in evaluating renewal applications for permits in effect as of June 16, 2011, a determination that alternatives to groundwater are not feasible shall not be a basis for denial of the renewal application. Examples of alternatives to using groundwater to provide crop protection are tailwater recovery systems, stormwater systems, tunnels, covers, foam and heaters. Alternative methods can also include methods supported by documentation from the IFAS. The evaluation required in this section shall determine whether alternatives are available to use in lieu of groundwater for all or part of crop protection including investigation of participation in the FARMS program ~~set forth in Chapter 40D-26, F.A.C.~~ Infeasibility shall be supported with a detailed explanation, including a description of the investigation of participation in the FARMS program. Use of alternatives to groundwater for crop protection shall be required where technically, economically, and environmentally feasible.

3.9.4.6 INVESTIGATION OF CROP PROTECTION AND CROP ESTABLISHMENT WITHDRAWAL-RELATED WELL COMPLAINTS BY PERMITTEES WITHIN THE DOVER/PLANT CITY WUCA.

Permits in effect as of June 16, 2011 with a withdrawal within the Dover/Plant City WUCA shall have any permit conditions requiring investigation of frost/freeze, crop protection, crop establishment withdrawal-related well complaints or agricultural withdrawal-related complaints within a specified area or distance removed and replaced with the following permit condition. Permits issued for uses permitted prior to June 16, 2011 that include crop protection or crop establishment, and that do not have a specific condition requiring complaint investigations shall also include this permit condition. Crop Protection and Crop Establishment Withdrawal-Related Well Complaints.

A. Well Evaluation and Temporary Supply. After the District receives a well complaint and determines that there is a responsible Permittee, as provided in Section 3.9.4.5, the District will then notify the responsible Permittee of the complaint. It will also inform the complainant of the responsible Permittee.

(1) Estimates of Repairs:

(a) The Permittee shall arrange with the complainant for the evaluation and preparation of an estimate for restoration of water service to the complainant. The evaluation shall occur within 24 hours of the receipt of the complaint by the Permittee, unless the complainant agrees to a longer time period. The Permittee shall notify the District of the date and time for the evaluation of the complainant's well. Selection of a water well contractor to undertake either the repair or replacement of the complainant's well is at the discretion of the Permittee, as long as the water well contractor has a license in good standing issued by a water management district. If only a pump repair is required, the person doing the repair shall have the appropriate occupational license.

(b) Alternatively, the complainant and the Permittee can jointly arrange for the evaluation and preparation of an estimate to address the well complaint. If this option is chosen, then the evaluation must occur within 24 hours of the receipt of the complaint by the Permittee, unless the complainant agrees to a longer time period.

(c) The Permittee shall provide a temporary water supply to the complainant within five hours of the completion of the well evaluation and continue to provide the temporary water supply until water service is restored to the complainant's well as long as the complainant cooperates with the Permittee in the repair of the complainant's well.

(2) Restoration of Water Supply

(a) If the evaluation indicates that groundwater pumping for crop protection resulted in loss of the complainant's water service, the Permittee shall pay for the work necessary to restore water service to the complainant.

(b) If the well evaluation does not occur within 24 hours or within a longer time period agreed to by the complainant, or a temporary water supply is not provided within five hours of the well evaluation, the complainant may arrange for the evaluation and repair or replacement of the well as necessary to restore water supply and a temporary water supply if needed. Once the complainant provides a detailed accounting of well repair or replacement expenditures, and expenses for a temporary water supply if applicable, to the District and the Permittee, the Permittee shall reimburse the complainant within 30 business days of Permittee's receipt of the detailed accounting for the well repair or replacement expenditures, as well as the expenses for a temporary water supply if applicable, or provide a report to the District within five days of the receipt by the Permittee of disputed costs. This report shall detail why the Permittee is not responsible for reimbursing all of the funds expended by the complainant for the well repair or replacement, and a temporary water supply if applicable. The Permittee shall provide a copy of this report to the complainant. The District will review the report and determine the appropriate reimbursement based on the cause of the well complaint and the appropriate remedy.

B. Pre-Complaint Repairs. If a complainant has expended funds for a well repair or replacement before submitting a well complaint to the District, and upon filing the complaint within 14 days of the water use Permittee's pumping that resulted in interference, the District determines that there is a responsible Permittee as provided in Section 3.9.4.5 described above, if the complainant provides a detailed accounting of expenditures for well repair or replacement, and for a temporary water supply if applicable, then the responsible Permittee shall reimburse the complainant for its actual expenditures, not to exceed \$1,500 within 30 days of Permittee's receipt of the detailed accounting of the expenditures or provide a report to the District within seven days of the receipt by the Permittee of disputed costs. This report shall detail why the Permittee is not responsible for reimbursing all of the funds expended by the complainant for the well repair or replacement, and temporary water supply if applicable. The Permittee shall provide a copy of this report to the complainant. The District will review the report and determine the appropriate reimbursement based on the cause of the well complaint and the appropriate remedy.

C. Permittee's Mitigation Activities and Report.

(1) The Permittee shall inform the District as to how the Permittee intends to proceed to mitigate the complaint within one business day after notice of responsibility to mitigate the complaint is delivered by the District to the Permittee via electronic mail, phone call or message, or facsimile transmission, or within three business days after depositing a letter to Permittee in the U.S. Mail.

(2) If the Permittee informs the District that it has determined that it is not responsible for mitigation of the complaint, then the Permittee must provide a full explanation for its position. If, after the District has reviewed the Permittee's response, the District determines that the Permittee is still responsible for mitigating the complaint, the Permittee shall proceed with full mitigation of the complaint as set forth in this condition.

(3) All well complaints shall be fully mitigated by the Permittee as soon as is practicable. Full mitigation of the well complaint shall be restoration of the complainant's well to pre-impact condition or better, including the pressure levels, discharge quantity, and

water quality. Full mitigation of the well complaint necessitates the construction of a new well for the complainant if the existing well cannot be restored to pre-impact condition.

(4) Within three business days after the complaint is fully mitigated, the Permittee shall provide a report to the District in which the Permittee details the activities undertaken by either the complainant or the Permittee to mitigate the complaint as well as any reimbursements made by the Permittee to the complainant. The Permittee shall provide a copy of this report to the complainant. The District will review the report submitted by the Permittee and shall require additional action by the Permittee if the District determines that the complaint has not been fully mitigated.

(5) If the Permittee makes a good-faith effort to comply with the response process set forth above but is unable to repair or replace the well because of the lack of cooperation of the complainant, the Permittee may request that the District deem the Permittee to have satisfied this permit condition.

(6) Time is of the essence for of this permit condition and each of its provisions. For example, the full mitigation of a complaint does not excuse the failure to timely comply with each of the provisions of this condition.

3.9.4.7 ADDITIONAL PERMIT CONDITIONS.

~~3.9.4.7.1 Notice of Recovery Strategy—The following condition is included in all new, renewal and existing WUPs located in the Dover/Plant City WUCA, or that are determined to impact the Minimum Aquifer Level or Minimum Aquifer Level Protection Zone, both with or without providing a Net Benefit, as of June 16, 2011: This permit is located within the Dover/Plant City WUCA or potentially impacts the Minimum Aquifer Level or Minimum Aquifer Level Protection Zone for the Dover/Plant City WUCA. Pursuant to Section 373.0421, F.S., the Dover/Plant City WUCA is subject to a minimum levels recovery strategy that became effective on June 16, 75 2011. As set forth in Rule 40D-80.075, F.A.C., the recovery strategy, including water use permitting rules, is subject to change based on, among other criteria, the Governing Board's periodic assessment of water resource criteria and cumulative water withdrawal impacts as described in Chapter 40D-80, F.A.C. This permit is subject to modification to comply with new rules.~~

~~3.9.4.7.2 Adverse Impacts. (a) The following condition is removed from all existing permits located within the Dover/Plant City WUCA, or that are determined to impact the Minimum Aquifer Level or Minimum Aquifer Level Protection Zone, both with or without providing a Net Benefit, as of June 16, 2011: The Permittee shall mitigate any adverse impact to environmental features or offsite 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: 1. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses. 2. Sinkholes or subsidence caused by reduction in water levels. 3. Damage to crops and other vegetation causing financial harm to the owner. 4. Damage to the habitat of endangered or threatened species. (b) The following condition is included in all new, renewal and existing WUPs located in the Dover/Plant City WUCA, or that are determined to impact the Minimum Aquifer Level or Minimum Aquifer Level Protection Zone, both with or without providing a Net Benefit, as of June 16, 2011 the following condition: The Permittee shall mitigate any unacceptable adverse impact resulting from withdrawals to environmental features, Minimum Flows or Minimum Levels, or offsite land uses, as specified in Rule 40D-2.301, F.A.C., and the Applicant's Handbook. Should unanticipated or unmitigated unacceptable adverse impacts occur, the Permittee shall be required to expeditiously mitigate the impacts.~~

40D-2.101 Content of Application.

(1) through (5), No change.

(6) Dover/Plant City Water Use Caution Area Application Forms – In addition to the permit application and forms identified above, all applicants for permits in the Dover/Plant City Water Use Caution Area shall submit the “Dover/Plant City Water Use Caution Area Supplemental Form” – Form No. LEG-R.050.02 (___ 5/14), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> <http://www.flrules.org/Gateway/reference.asp?No=Ref-03965>), incorporated herein by reference. Applicants in the Dover/Plant City WUCA shall also submit the “Net Benefit Supplemental Form Dover/Plant City Water Use Caution Area” – Form No. LEG-R.051.01 (5/14), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03966>), incorporated herein by reference, as appropriate for the intended water use as described in the WUP Applicant's Handbook. All application and supplemental information forms may be obtained from the District's website at www.WaterMatters.org or from District offices.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0363, 373.116, 373.117, 373.1175, 373.216, 373.229, 373.236, 403.0877 FS. History—New 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, Formerly 16J-2.06, Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99, 1-1-03, 1-1-07, 11-25-07, 9-10-08, 7-1-09, 8-30-09, 10-26-09, 1-27-10, 4-27-10, 6-16-11, 12-12-11, 10-14-12, 5-19-14, ____.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or 1-800-836-0797 (FL only)
TDD only: 1-800-231-6103 (FL only)

DOVER/PLANT CITY WATER USE CAUTION AREA SUPPLEMENTAL FORM

Other than applicants to renew their water use permit (WUP) with no changes, or applicants for partial or full transfer of a WUP, this form must be completed by any water use permit (WUP) applicant that has at least one withdrawal point located in the Dover/Plant City Water Use Caution Area (Dover/Plant City WUCA), pursuant to Rule 40D-2.801(3)(d)1. and 3. Florida Administrative Code (F.A.C.). Submit an original of this form with one copy of all attachments.

A portion of the Southern Water Use Caution Area (SWUCA) is also in the Dover/Plant City WUCA, and in this portion, the requirements of the Dover/Plant City WUCA are in addition to those of the SWUCA.

**The information required on this form is requested in accordance with
Chapter 373, Florida Statutes (F.S.) and Rules 40D-2.091, 40D-2.101 and 40D-2.301, F.A.C.**

Answer all questions. If a question is not applicable to your situation, enter N/A. If more space is needed, attach additional sheets and refer to the application question number. Provide documentation and references where appropriate.

Guidance and information to assist the applicant in the completion of this form are shown in italics.

Applicant: _____
(Same as shown on WUP application)

WUP Number : _____
(If this application is to renew or modify an existing WUP)

PART I. SELF-RELOCATION

Self-Relocation: This is a process that allows new or increased frost/freeze protection (FFP) withdrawals in the Dover/Plant City WUCA without becoming categorized as "New Quantities" (explained in PART III). A permittee can move all or a portion of their permitted FFP quantities to a new location or locations owned or controlled by the same permittee, provided withdrawal of the FFP quantities at the new location(s) meets all permitting rule criteria, and the net impacts to the Minimum Aquifer Protection Zone of the Dover/Plant City WUCA are not increased. There cannot be a change in ownership, control, Use Type category or an increase in quantities. Any change in Use Type category or increase in frost/freeze protection quantities becomes New Quantities and is not a Self-Relocation.

1. Is this application for Self-Relocation? ☐ Yes ☐ No
2. If Yes, what is the WUP Number of the originating permit? _____

An application for self-relocation involves the originating WUP and a new or modified WUP at the new site. Because of this relationship, if this application is approved, the originating WUP will be modified by the District to reflect the self-relocation at the same time this WUP is issued. *As such, this application is deemed to include a request to modify the originating WUP if the Self-Relocation is authorized. Do you agree?* ☐ Yes ☐ No

For applications for Self-Relocation, answer the questions in Part II with respect to the originating WUP and with respect to the self-relocation site in Part III.

PART II. DEMONSTRATION OF HISTORIC REASONABLE WATER NEEDS

Because of the existing frost/freeze protection impacts to the water resources in the Dover/Plant City WUCA, the historic reasonable-beneficial frost/freeze water use for all applicants is closely evaluated by the District.

SECTION A – EXCLUSION

Skip to **PART III, NEW QUANTITIES** if any of the following apply:

- ☐ This is an application for less than 100,000 gpd demand (including groundwater, non-alternative water supply surface water, and alternative water supplies) on an average annual basis.
- ☐ This is an application for a new WUP.

SECTION B – HISTORICAL USE OF PERMITTED QUANTITIES

Historic acreage that was protected from cold damage by use of pumping groundwater.

The District will use the historic acreage under cultivation to evaluate historical frost/freeze protection use.

- ☐ If there is additional information that the applicant wants to submit to show historic frost/freeze use, check here and include the information in an attachment.
 - ☐ Attached

PART III. NEW QUANTITIES

"New Quantities" in the Dover/Plant City WUCA refers to frost/freeze protection (FFP) quantities. New Quantities means water that is not currently authorized to be withdrawn by the applicant or not currently authorized to be used for the intended use by the applicant. This includes applications to modify existing permits to increase FFP quantities, applications to change the Permit Use Type category (affecting only the modified portion), and applications for an initial permit for FFP quantities. A modification to change crops or plants grown under an Agricultural Permit or to change a withdrawal location or Use Type category that is authorized by the terms of the permit or site certification at the time of issuance, is not a change in Permit Use Type category, provided that the frost/freeze protection quantities do not increase.

This section is designed to assist the applicant to recognize if any quantities on this application are considered New Quantities in the Dover/Plant City WUCA.

SECTION A – EXCLUSIONS

1. **Pre-mining Use Type Category** - When land is mined and the land will be returned to the Use Type category operation authorized under the Water Use Permit that existed prior to mining, such activity does not constitute a change in Use Type category. Quantities for the returned Use Type will be considered relevant to those that were previously permitted for that Use Type.

Is this water use permit application to return to the previously permitted Use Type Category for quantities equal to or less than those previously permitted for the Use Type?

- ☐ Yes - Skip to **PART III, IMPACTS TO THE MINIMUM AQUIFER LEVEL PROTECTION ZONE.**
- ☐ No - Continue to **SECTION B**

2. **Re-permitting Previously Unused Quantities** - Previously unused permitted quantities are not considered New Quantities on a renewal permit.

Are the only quantities on the application those that were previously permitted for the same Use Type?

- ☐ Yes - Skip to **PART III, IMPACTS TO THE MINIMUM AQUIFER LEVEL PROTECTION ZONE**

☐ No - Continue to SECTION B

3. Application for a straight renewal – For the purposes of this form, if all of the following situations pertain to this application, the application is considered a straight renewal and does not include New Quantities.

- a. There will be no change in water use withdrawal location(s),
- b. There will be no increase in water quantities per Use Type category, and
- c. There will be no increase in maximum daily withdrawal quantities for frost/freeze protection (FFP) of crops or aquaculture.

☐ Yes, all the above conditions pertain to this application. **Skip to PART III, IMPACTS TO THE MINIMUM AQUIFER LEVEL PROTECTION ZONE**

☐ No. Continue to SECTION B.

SECTION B – CALCULATION OF NEW QUANTITIES

Completion of this section requires that the application form and pertinent Use Type category Supplemental Form(s) be completed in order for the applicant to have calculated proposed cold protection (FFP) quantities for all proposed Use Type categories.

1. Sum the proposed FFP quantities for all uses from the “Water Use Permit Application Supplemental Form - Agriculture” or the “Small General Water Use Permit Application - Agriculture Attachment”

Proposed Total FFP Quantities: _____ gpd

2. Enter the Existing Total FFP Quantities on the permit being modified: _____ gpd (Enter zero if this is an application for a new WUP.)

3. Subtract No. 2 from No. 1: _____ gpd. A positive value are New Quantities.

If proposed FFP quantities are greater than existing FFP quantities, an impact assessment to the Minimum Aquifer Level Protection Zone is required, and the applicant must proceed to PART III below. If there are no New Quantities, the applicant is finished with this form.

PART III. IMPACTS TO THE MINIMUM AQUIFER LEVEL PROTECTION ZONE

See Section 3.9.4 of the Water Use Permit Applicant’s Handbook Part B.

MINIMUM AQUIFER LEVEL PROTECTION ZONE

A **Minimum Aquifer Level Protection Zone** has been established within the Dover/Plant City WUCA that is based on the 30 ft. drawdown contour for the January 2010 frost/ freeze event. This area is shown on the map attached to this form. A map depicting the Minimum Aquifer Level Protection Zone boundary in detail is available online from the District Mapping and GIS Section. The ArcView shapefile is also available for download under *GIS Data*.

IMPACT ASSESSMENT TO THE MINIMUM AQUIFER LEVEL PROTECTION ZONE

1. A groundwater flow model must be provided that shows the impacts caused by New Quantities on the Minimum Aquifer Level Protection Zone based on a frost/freeze design event having five stress periods: initially 13 hours of irrigation, followed consecutively by 12 hours of non-irrigation, 16 hours of irrigation, 12 hours of non-irrigation and by 12 hours of irrigation.

☐ Attached
2. The maximum predicted drawdown impact at the Minimum Aquifer Level Protection Zone contour is _____ feet NGVD at the end of stress period 5.
3. Predicted FFP impacts that exceed 0.0 foot drawdown at the Minimum Aquifer Level Protection Zone will not be permitted. If the predicted drawdown exceeds 0.0 foot, at the Minimum Aquifer Level Protection Zone, the applicant

may choose to implement alternative FFP methods or provide one or more of the Net Benefit options listed in the next PART IV below in order to mitigate the predicted impacts.

PART IV. NET BENEFIT

NET BENEFIT - New Quantities

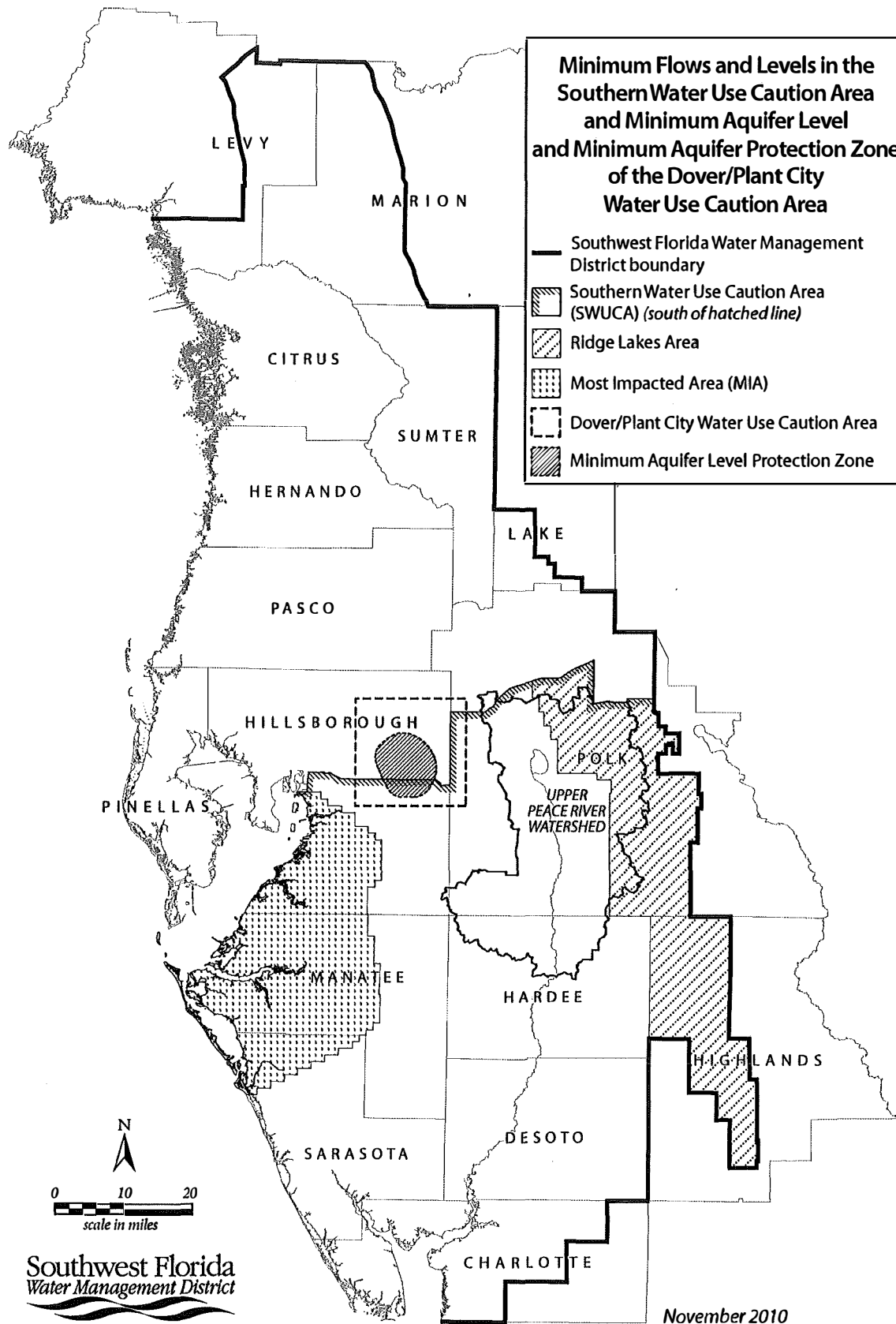
Where New Quantities are proposed for FFP that impact the Minimum Aquifer Level Protection Zone (as described in Part III), the applicant must undertake an activity that results in a net 20% reduction in impact on the Zone. This net reduction in impact is termed a Net Benefit. The types of activities that can be used to provide a Net Benefit are described in the "Net Benefit Supplemental Form - Dover/Plant City Water Use Caution Area" (Form No. LEG-R.051.01). Where a Net Benefit is needed, this form must be completed and attached to the application. Note that if a Net Benefit is needed, it must be accomplished prior to the withdrawal of the New Quantities that would otherwise have impacted the Zone. Check the appropriate box below and provide the attachment if needed.

- ☐ Net Benefit Supplemental Form – Dover/Plant City WUCA (Form LEG-R.051.01) attached.
- ☐ N/A – Impacts are not predicted.

Southwest Florida
Water Management District



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40D-2.801 Water Use Caution Areas.

(1) through (2), No change.

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

(a) through (b), No change.

(c) Dover/Plant City Water Use Caution Area. To address adverse impacts to water users and offsite land uses due to groundwater withdrawals during frost/freeze events, the Governing Board has established portions of Hillsborough and Polk Counties as a WUCA effective as of 6-16-11.

Figure 2-1 through Figure 2-2, No change.

1. through 2., No change.

3. The permitting criteria and conditions set forth in Chapter 40D-2, F.A.C., the WUP Applicant's Handbook Part B, subsection 40D-8.626(3) ~~and Rule 40D-80.075~~, F.A.C. shall apply, as specified therein, to the following existing, new, renewal and modification applications for:

a. through d., No change.

4. through 6., No change.

Figure 2-3, No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History—New 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07, 10-1-07, 2-13-08, 4-7-08, 5-26-10, 6-16-11, 10-14-12, 5-19-14, ____.

40D-8.626 Minimum Aquifer Levels.

(1) through (2), No change.

(3) Dover/Plant City Water Use Caution Area Minimum Aquifer Level.

(a) The District has determined that groundwater ~~ground-water~~ withdrawals in the Dover/Plant City area have contributed to water level declines that are significantly harmful to the water resources of the area. The Minimum Aquifer Level is established as part of a comprehensive management program intended to arrest water level declines during frost/freeze events to minimize the potential for impacts to existing legal uses and sinkhole occurrence.

(b) The Minimum Aquifer Level is the 10 ft. potentiometric surface elevation (NGVD 1929) at District Well DV-1 Suwannee, located as shown in Figure 8-4. The Minimum Aquifer Level is the level below which the greatest impact occurred in terms of well failures and sinkholes during the 2010 frost/freeze event.

(c) ~~The Minimum Aquifer Level at DV-1 Suwannee is affected by local and regional groundwater withdrawals. To In order to~~ address the effects of local and regional groundwater withdrawals and the variable hydrogeologic factors within the region, a Minimum Aquifer Level Protection Zone is established. The Minimum Aquifer Level Protection Zone is the area within the 30 ft. drawdown contour that resulted from the January 2010 frost/freeze event, as shown in Figure 8-4. ~~The digital description of the geographic area is available from the District as ArcGIS Geographic Information System feature class MinimumAquiferLevelProtectionZone.~~

(d) Compliance with the Minimum Aquifer Level is evaluated annually using a groundwater ~~ground-water~~ flow model simulation of a frost/freeze event and the effects of the event on aquifer water levels ~~the permitted groundwater frost/freeze withdrawals~~ in the Dover/Plant City Water Use Caution Area WUCA. ~~Based on an annual simulation, if~~ If the resulting potentiometric level is at or above 10 ft. (NGVD 29) at District Well ~~well~~ DV-1 Suwannee, ~~compliance with the Minimum Aquifer Level is met achieved.~~ If the resulting level is below 10 ft. (NGVD (1929) at District Well ~~well~~ DV-1 Suwannee, ~~compliance with the Minimum Aquifer Level is not met achieved.~~ ~~Once the Minimum Aquifer Level is achieved based on the annual simulation, if the actual potentiometric level falls below the Minimum Aquifer Level during a frost/freeze event, the District shall investigate the cause, re-evaluate the Minimum Aquifer Level and determine the appropriate recovery strategy.~~

Figure 8-4. Minimum Aquifer Level District Well ~~Site~~ DV-1 Suwannee and Minimum Aquifer Level Protection Zone

No Change to Figure 8-4.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.709 FS. History—New 8-7-00, Amended 1-1-07, 6-16-11, ____.

40D-80.075 Regulatory Portion of Recovery Strategy for the Dover/Plant City Water Use Caution Area:

(1) Background. From January 3-13, 2010, for the first time during the period that records have been kept, temperatures in eastern Hillsborough County and western Polk County dropped below 34 degrees for 11 consecutive days. As a result, area farmers pumped large quantities of groundwater to protect their crops. This combined pumping dropped the aquifer level 60 feet, contributed to the large number of sinkhole occurrences, and caused more than 750 neighboring groundwater wells to be damaged or to temporarily go dry. Although pumping groundwater for frost/freeze protection of crops is authorized by their water use permits, permittees are responsible for reversing the impacts to wells in their mitigation areas. The District developed a multi-faceted approach to address these issues that included a series of work sessions for invited guests and technical experts to review public input received and to provide feedback to assist District staff in developing recommended solutions. Additional staff efforts included the coordination of a multi-governmental task force to secure state and federal funding for sinkhole and other repairs, and development of recommendations for modifications to well construction, pump depth and pressure valve cutoff devices criteria and inspections. Staff, after considerable discussions and public input, developed a more equitable approach for assigning well mitigation responsibility for frost/freeze related events. In doing so the staff made further recommendations for limitations on additional groundwater use for frost/freeze protection, developing means to significantly increase the percentage of frost/freeze protection in the area accomplished by methods other than groundwater, enhancing communications with the public and permittees during a frost/freeze event, and expansion of permit and hydrologic data collection.

(2) Objectives of Recovery Strategy. The objective of the District's Recovery Strategy is to reduce groundwater withdrawals used for frost/freeze protection by 20% from January 2010 withdrawal quantities by January 2020. This reduction is intended to lessen the potential that drawdown during a future frost/freeze event would lower the aquifer level at District Well DV-1 Suwannee below 10 feet NGVD (1929).

(3) Recovery Strategy Mechanisms.

(a) The non-regulatory mechanisms include assistance in offsetting groundwater withdrawals for frost/freeze protection through the Facilitating Agricultural Resource Management Systems program, providing enhanced data for irrigation system management, and other means.

(b) The water use permitting rules in Chapter 40D-2, F.A.C., and the WUP Applicant's Handbook Part B, incorporated by reference in Rule 40D-2.091, F.A.C., in particular section 7.4, address groundwater withdrawal impacts, alternative water supplies, frost/freeze protection methods, and resource recovery. In combination, these rules along with the non-regulatory mechanisms are intended to result in recovery to the Minimum Aquifer Level.

(4) Periodic Review of Recovery Strategy. Progress toward achieving the Minimum Aquifer Level will be continuously evaluated, with a comprehensive assessment in 2015. This evaluation will include an assessment of the reduction in groundwater withdrawals used for frost/freeze protection in the Dover/Plant City WUCA and the resulting reduced impact on the Minimum Aquifer Level. If by January 2015 a 10% reduction in groundwater withdrawals for frost/freeze protection from January 2010 quantities has not been achieved, the Recovery Strategy will be reassessed. If by January 2020 a 20% reduction in groundwater withdrawals used for frost/freeze protection has not been achieved or if the Minimum Aquifer Level has not been achieved, the Recovery Strategy will be reassessed. Evaluation of these reduction goals will include the frost/freeze design event specified in the WUP Applicant's Handbook Part B, Section 3.9.4.2.2.

(5) The provisions of subsections 40D-80.075(1)-(4), F.A.C., are intended to provide an overview of resource conditions related to the water bodies for which a Minimum Aquifer Level has been established and the components of the Recovery Strategy. The provisions of the permitting rules in Chapter 40D-2 F.A.C., and the WUP Applicant's Handbook Part B shall control in the event of any conflict or inconsistency with the provisions of subsections 40D-80.075(1)-(4), F.A.C.

Rulemaking Authority 120.54, 373.0421, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.023, 373.036, 373.042, 373.0421, 373.171 FS. History New 6-16-11, Amended 5-19-14.

RESOURCE MANAGEMENT COMMITTEE

August 24, 2021

Submit & File: Information Only: Minimum Flows and Minimum Water Levels Priority List and Schedule Update

Purpose

This submit and file report addresses the initial step for the statutorily required update of the District's priority list and schedule (priority list) for the establishment of minimum flows and minimum water levels (MFLs). Following review of public input on the updated draft priority list included in this report, and any necessary revisions, the priority list will be presented to the Governing Board in October 2021 for final review and approval prior to submittal to the Florida Department of Environmental Protection (DEP).

Background/History

Pursuant to Sections 373.036(7) and 373.042(3), Florida Statutes, the District is required to annually update and submit its minimum flows and minimum water levels priority list to the Florida DEP by November 15th, for approval, and include the approved priority list in the District's Consolidated Annual Report by March 1st.

Attached is a draft "2021 Southwest Florida Water Management District Priority List and Schedule for the Establishment of Minimum Flows, Minimum Water Levels and Reservations" that staff will preliminarily review with DEP and public stakeholders. As indicated in the draft priority list, the District has established 202 MFLs, including MFLs for 126 lakes, 34 wetlands, 23 river segments, 10 springs or spring groups, 7 Upper Floridan aquifer (UFA) wells in the Northern Tampa Bay Water Use Caution Area (NTBWUCA), the UFA in the Most Impacted Area of the Southern Water Use Caution Area (SWUCA) and in UFA at a site in the Dover/Plant City Water Use Caution Area. In addition, 98 minimum flow or level reevaluations have been completed to confirm or support the revision or repeal of established minimum flows or minimum water levels. The District has also established 2 reservations, one for water from Morris Bridge Sink to support MFLs recovery for the lower Hillsborough River and another for water stored in Lake Hancock and released to Lower Saddle Creek to support MFLs recovery in the upper Peace River.

The draft priority list addresses all relevant statutory directives and guidance concerning minimum flow, minimum water level, and water reservation prioritization included in Rules 62- 40.473, and 62-40.474 within the State Water Resource Implementation Rule (Chapter 62-40, Florida administrative Code (F.A.C.), and in Rule 62.41.304 within the Regulation of the Consumptive Use of Water Rule (Chapter 62-41, F.A.C.) of the DEP that address the Central Florida Water Initiative Area. Formatting requirements for the priority list from the DEP Office of Water Policy are also addressed.

Prioritization of water bodies through 2024 addresses the three-year minimum requirement specified in the Water Resource Implementation Rule. The draft priority list also includes water bodies for which MFLs establishment is expected to be completed during the remainder of this year, i.e., in 2021.

Prioritized water bodies that may be affected by withdrawals occurring in other water management districts, i.e., are potentially subject to cross-boundary impacts, including those specifically associated with withdrawals from within the Central Florida Water Initiative (CFWI) area, are identified to support coordination of regulatory activities among the districts and DEP. Development of minimum flow or water levels by the DEP for any of these water bodies is not, however, currently considered necessary or appropriate.

Past Year Rule Adoption Updates

Since the last priority list update, rulemaking for MFLs was completed for 7 water bodies. This rulemaking addressed the scheduled 2020 reevaluation of 1 Northern Tampa Bay wetland (Cross Bar Q-25 [Stop #7]), which led to repeal of an established minimum level, and the scheduled second reevaluation of minimum flows for the lower Peace River in 2021, which resulted in the establishment of revised minimum flows.

The completed rulemaking also addressed the unscheduled reevaluation of 1 Pasco County lake (Pasco) and an unscheduled, second reevaluation of 1 Northern Tampa Bay wetland (Cypress Bridge Wetland A). These reevaluations, which were undertaken to support ongoing assessment of recovery in the NTBWUCA, resulted in repeal of previously established minimum levels for the two waterbodies. Rulemaking that addressed unscheduled, second reevaluations of 3 Hillsborough County lakes (Allen, Harvey and Virginia) was also conducted to support the recovery assessment and was completed with revisions made to the minimum levels established for the lakes.

In addition to the completed rulemaking, initiation of rulemaking was authorized by the Governing Board for 4 Hillsborough County lakes (Cypress, Halfmoon, Jackson and Strawberry [North Crystal]) scheduled for 2020. Initiation of rulemaking was also authorized for 4 Hernando County lakes (Hunters, Lindsey, Mountain and Neff), 18 Hillsborough County lakes (Bird, Brant, Crystal, Dosson, Sunshine, Fairy, Hanna, Hellen, Ellen, Barbara, Hobbs, Juanita, Merrywater, Saddleback, Sapphire, Sunset, Taylor, and Wimauma), 2 Pasco County lakes (Clear and Parker), and 1 Polk County lake (Parker) that were not included on the previous priority list. These reevaluations were also conducted to support recovery assessment for the NTBWUCA.

Scheduling for Priority Water Bodies

Eleven water bodies continue to be scheduled for MFLs development or reevaluation on the draft priority list in accordance with the previous priority list. These include lower Shell Creek, scheduled for 2021; 2 Highlands County lakes (Tulane and Verona), 1 Polk County lake (North Wales) and the upper and lower segments of the Little Manatee River scheduled for 2022; and the lower Braden River, Charlie Creek, lower Manatee River, Horse Creek and the SWUCA Saltwater Intrusion Minimum Aquifer Level schedule for 2023.

The draft priority list does not include a Hillsborough County lake (Garden) and a Pasco County Lake (Linda) that were previously scheduled for reevaluation in 2020. These reevaluations were excluded from the draft priority list to ensure availability of staff-time for the high-priority development of new lake methods for use in planned reevaluations of several Highland and Polk county lakes to support the ongoing five-year assessment of the Southern Water Use Caution Area (SWUCA) Recovery Strategy. In addition, the reevaluations were considered lower priority than other needs, based on the NTBWUCA recovery assessments.

Scheduling changes are proposed for 4 waterbodies on the draft priority list. The reevaluation of MFLs for 4 Hillsborough County lakes (Cypress, Halfmoon, Jackson and Strawberry [North Crystal]) is rescheduled from 2020 to 2021 based on expected completion of ongoing rulemaking later this year.

The establishment or reevaluation of 37 previously unlisted MFLs has been included on the draft list.

Four Hernando County lakes (Hunters, Lindsey, Mountain and Neff), 18 Hillsborough County lakes (Bird, Brant, Crystal, Dosson, Sunshine, Fairy, Hanna, Hellen, Ellen, Barbara, Hobbs, Juanita, Merrywater, Saddleback, Sapphire, Sunset, Taylor, and Wimauma), 2 Pasco County lakes (Clear and Parker), and 1 Polk County lake (Parker) with proposed, reevaluated MFLs that are currently in rulemaking are scheduled for completion in 2021. In addition, the reevaluation of MFLs for 3 Polk County lakes (Aurora, Easy and Eva) is scheduled for 2023, in support of the SWUCA Recovery Strategy assessment. Reevaluation of MFLs established for 2 Highlands County lakes (Jackson and Little Jackson) and 3 Polk County lakes (Eagle, McLeod and Wailes) is scheduled for 2024 for the same reason. Finally, the development of new MFLs for 4 river segments (a single lower and 3 upper segments of the Withlacoochee River) is scheduled for completion in 2024 based on the regional importance of the river.

Outreach and Follow-Up Activities

Staff presented the draft priority list to the Environmental Advisory Committee on July 13, 2021 and the Public Supply Advisory Committee on August 10, 2021. No specific comments on the draft priority list were provided during the Environmental Advisory Committee meeting. This recap was prepared prior to the Public Supply Advisory Committee meeting, so input that may have been provided by committee members is not noted here. Any comments provided during the Public Supply Advisory Committee meeting will be considered by staff for finalization of the priority list and as necessary, summarized in the meeting minutes and the committee liaison report to the Governing Board.

Following the August 2021 Governing Board meeting staff will post the draft priority list on the District web site. A public workshop in Tampa will be facilitated by staff on August 25, 2021, to solicit additional stakeholder input on the priority list update process. Staff also anticipates co-facilitating a public workshop with South Florida Water Management District and St. Johns River Water Management District staff in St. Cloud on September 2, 2021, for discussion of CFWI area water bodies included on each district's priority list and schedule.

Based on consideration of stakeholder input and any additional analyses, staff will amend the draft priority list, as necessary and return to the Governing Board in October to request approval of the priority list to be submitted to DEP by November 15, 2021. Upon approval by DEP, the priority list will be incorporated into the 2022 Consolidated Annual Report that will be presented to the Board for consideration and approval in January and February 2022.

Staff Recommendation:

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

Presenter:

Doug Leeper, MFLs Program Lead, Environmental Flows and Levels Section

2021 SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT PRIORITY LIST AND SCHEDULE FOR THE ESTABLISHMENT OF MINIMUM FLOWS, MINIMUM WATER LEVELS AND RESERVATIONS

Overview

Pursuant to Sections 373.036(7) and 373.042(3), Florida Statutes (F.S.), the Southwest Florida Water Management District is required to annually update its priority list and schedule for the establishment of minimum flows and minimum water levels, submit the updated list and schedule to the Florida Department of Environmental Protection (DEP) by November 15th for approval, and include the approved list and schedule in the District's Consolidated Annual Report by March 1st. Minimum flows and minimum water levels are rules adopted by the state water management districts or DEP that define the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. In addition to prioritized minimum flows and minimum water levels, the priority list and schedule must include reservations proposed for establishment. Reservations are rules that reserve water from use by permit applications, as necessary for the protection of fish and wildlife or public health and safety.

The District prepared this 2021 priority list and schedule to address all relevant statutory directives, and guidance concerning minimum flow, minimum water level and water reservation prioritization included in Rules 62-40.473, and 62-40.474 within the State Water Resource Implementation Rule (Chapter 62-40, Florida Administrative Code (F.A.C.) and in Rule 62.41.304 within the Regulation of the Consumptive Use of Water Rule (Chapter 62-41, F.A.C.) of the DEP that address the Central Florida Water Initiative Area defined in Section 373.0465(2)(a), F.S.

Established Minimum Flows, Minimum Water Levels and Reservations

As of FY2021, District rules include minimum flows or minimum water levels for 202 water bodies (Chapter 40D-8, F.A.C.) and reservations for 2 water bodies (Chapter 40D-2, F.A.C.). As listed below, minimum flows or water levels are established for 126 lakes, 34 wetlands, 23 freshwater and estuarine river segments, 10 springs or spring groups (including all first magnitude springs and all second magnitude springs within the District that occur within state or federal lands purchased for conservation purposes), 7 Upper Floridan aquifer (UFA) sites in the northern Tampa Bay area, an UFA site in the Dover/Plant City area, and the UFA in the Most Impacted Area of the Southern Water Use Caution Area. In addition, 98 minimum flow or level reevaluations have been completed to confirm or support the revision or repeal of established minimum flows or minimum water levels. As also listed below, reservations have been established for Lake Hancock/Lower Saddle Creek and Morris Bridge Sink to support minimum flow recovery in 2 rivers.

Water Bodies with Adopted and Effective Minimum Flow and Minimum Water Level Rules, Including Those That Have Been Reevaluated

- Alafia River (upper segment)
- Alafia River (lower segment)/Lithia-Buckhorn Spring Group
- Anclote River (lower segment)
- Anclote River (upper segment)
- Braden River (upper segment)

- Chassahowitzka River/Chassahowitzka Spring Group (an Outstanding Florida Spring) and Blind Spring (reevaluated)
- Citrus County Lakes – Ft. Cooper, Tsala Apopka – Floral City, Inverness, and Hernando Pools
- Crystal River/Kings Bay Spring Group (an Outstanding Florida Spring)
- Crystal Springs
- Dona Bay/Shakett Creek System
- Dover/Plant City Water Use Caution Area Minimum Aquifer Level
- Gum Slough Spring Run
- Hernando County Lakes – Hunters, Lindsey, Mountain, Neff, Spring, Tooke, Weekiwachee Prairie, Whitehurst
- Highland County Lakes – Angelo, Anoka, Damon, Denton, Jackson (reevaluated), Little Lake Jackson (reevaluated), June-in-Winter, Letta (reevaluated), Lotela (reevaluated), Placid, Tulane, Verona
- Hillsborough County Lakes – Alice (reevaluated), Allen (reevaluated), Barbara, Bird (reevaluated), Brant (reevaluated), Calm (reevaluated), Carroll, Charles (reevaluated), Church (reevaluated), Crenshaw, Crescent, Crystal (reevaluated), Cypress, Dan (reevaluated), Deer (reevaluated), Dosson (reevaluated), Echo (reevaluated), Ellen, Fairy [Maurine], Garden, Halfmoon, Hanna, Harvey (reevaluated), Helen, Hobbs (reevaluated), Hooker, Horse (reevaluated), Jackson, Juanita (reevaluated), Keene, Kell, Little Moon (reevaluated), Merrywater (reevaluated), Mound, Platt, Pretty, Rainbow (reevaluated), Raleigh, Reinheimer, Rogers, Round (reevaluated), Saddleback (reevaluated), Sapphire (reevaluated), Starvation, Stemper (reevaluated), Strawberry, Sunset (reevaluated), Sunshine (reevaluated), Taylor, Virginia (reevaluated), Wimauma
- Hillsborough County Wetlands – Cypress Bridge 32 (reevaluated), Cone Ranch 1 (reevaluated), Cone Ranch 2 (reevaluated), Cone Ranch 3 (reevaluated), Cone Ranch 4 (reevaluated), Cone Ranch 5 (reevaluated), Cone Ranch 6 (reevaluated), Eldridge Wilde 11 (NW-44) (reevaluated), Morris Bridge Clay Gully Cypress (MBR-88) (reevaluated), Morris Bridge Entry Dome (MBR-35) (reevaluated), Morris Bridge Unnamed (MBR-16) (reevaluated), Morris Bridge X-4 (MBR-89) (reevaluated)
- Hillsborough River (lower segment) (reevaluated)
- Hillsborough River (upper segment)
- Homosassa River/Homosassa Spring Group (an Outstanding Florida Spring) (reevaluated)
- Levy County Lake – Marion (reevaluated)
- Marion County Lakes – Bonable, Little Bonable, Tiger
- Myakka River (lower segment)
- Myakka River (upper segment)
- Northern Tampa Bay – 7 Wells – Upper Floridan aquifer/Saltwater Intrusion
- Pasco County Lakes – Bell, Big Fish (reevaluated), Bird, Buddy (reevaluated), Camp (reevaluated), Clear, Crews, Green, Hancock, Iola, Jessamine, King, King [East], Linda, Middle, Moon (reevaluated), Padgett (reevaluated), Parker aka Ann, Pasadena (reevaluated), Pierce (reevaluated), Unnamed #22 aka Loyce
- Pasco County Wetlands – Cross Bar Q-1 (reevaluated), Cross Bar T-3 (reevaluated), Cypress Bridge 4 (reevaluated), Cypress Bridge 16 (reevaluated), Cypress Bridge 25 (reevaluated), Cypress Creek W-56 (G) (reevaluated), Cypress Creek W-11 (reevaluated), Cypress Creek W-12 (reevaluated), Cypress Creek W-17 (reevaluated), North Pasco 3 (reevaluated), North Pasco 21 (reevaluated), South Pasco 2 (NW-49) (reevaluated), South Pasco 6 (NW-50) (reevaluated), South Pasco South Cypress (reevaluated), Starkey Central (reevaluated), Starkey Eastern (S-73) (reevaluated), Starkey M (S-69) (reevaluated), Starkey N (reevaluated), Starkey S-75 (reevaluated), Starkey S-99, Starkey Z (reevaluated)
- Peace River (lower segment) (reevaluated)
- Peace River (middle segment)
- Peace River (three upper segments – "low" minimum flows)
- Pinellas County Wetland – Eldridge Wilde 5
- Pithlachascotee River (lower segment)
- Pithlachascotee River (upper segment)
- Polk County Lakes – Annie, Aurora, Bonnie, Clinch (reevaluated), Crooked (reevaluated), Crystal, Dinner, Eagle (reevaluated), Easy, Eva, Hancock, Lee, Lowery, Mabel, McLeod (reevaluated), North Lake Wales, Parker, Starr (reevaluated), Venus, Wailes (reevaluated)
- Rainbow River/Rainbow Spring Group (OFS) ^{a, b}

- Sulphur Springs
- Sumter County Lakes – Big Gant, Black, Deaton, Miona, Okahumpka, Panasoffkee
- Southern Water Use Caution Area – Upper Floridan aquifer
- Tampa Bypass Canal
- Weeki Wachee River/Weeki Wachee Spring Group (an Outstanding Florida Spring)

Water Bodies with Adopted and Effective Reservation Rules

- Lake Hancock/Lower Saddle Creek (water reserved to contribute to achieving minimum flows adopted for the three upper segments of the Peace River for the protection of fish and wildlife)
- Morris Bridge Sink (water reserved to contribute to achieving or maintaining minimum flows adopted for the lower segment of the Hillsborough River for the protection of fish and wildlife)

Prioritized Water Bodies for Establishment or Reevaluation of Minimum Flows and Minimum Water Levels

Minimum flows and minimum water levels proposed for establishment or reevaluation through 2024 are listed by water body name in tabular form below. No reservations are prioritized for establishment or reevaluation during this period.

System name is provided for each water body to distinguish waterbodies that may be part of a larger system. All currently prioritized waterbodies are, however, sufficiently distinct so the waterbody name and system name are the same. Water body type, i.e., lake, river, river-estuary or aquifer, is provided along with location information. District intent regarding completion of voluntary, independent, scientific peer review is also identified for each water body. Voluntary scientific peer review is proposed for the reevaluation of the Southern Water Use Caution Area Saltwater Intrusion Minimum Aquifer Level and minimum flows development or reevaluation for all prioritized river segments based on the expected level of complexity of the minimum level and flows, and the anticipated degree of public concern regarding their development. None of the prioritized lake minimum levels are expected to be subjected to voluntary scientific peer review, based on anticipated use of previously peer-reviewed methodologies for their development.

Prioritized water bodies that may be affected by withdrawals occurring in other water management districts, i.e., are potentially subject to cross-boundary impacts, including those specifically associated with withdrawals from within the Central Florida Water Initiative area, are identified to support coordination of regulatory activities among the districts and DEP. Development of minimum flow or water levels by the DEP for any of these water bodies is not, however, currently considered necessary or appropriate.

The status of rulemaking for each prioritized water body is also provided.

Minimum Flows and Minimum Water Levels to be Adopted in 2021.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^a	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? ^b	Latitude	Longitude	Rulemaking Status ^c
Reevaluation	Barbara, Lake	Barbara, Lake	Lake	Hillsborough	No	No	28.119731	-82.53585	Notice of Rule Development published
Reevaluation (second)	Bird Lake (Hillsborough)	Bird Lake (Hillsborough)	Lake	Hillsborough	No	No	28.101972	-82.477898	Notice of Rule Development published
Reevaluation (second)	Brant Lake	Brant Lake	Lake	Hillsborough	No	No	28.126385	-82.472292	Notice of Rule Development published
Reevaluation	Clear Lake	Clear Lake	Lake	Pasco	No	No	28.341458	-82.263557	Notice of Rule Development published
Reevaluation (second)	Crystal Lake (Hillsborough)	Crystal Lake (Hillsborough)	Lake	Hillsborough	No	No	28.133812	-82.476347	Notice of Rule Development published
Reevaluation	Cypress Lake	Cypress Lake	Lake	Hillsborough	No	No	28.125561	-82.564727	N/A
Reevaluation (second)	Dosson Lake	Dosson Lake	Lake	Hillsborough	No	No	28.123102	-82.525484	Notice of Rule Development published
Reevaluation	Ellen, Lake	Ellen, Lake	Lake	Hillsborough	No	No	28.121492	-82.535498	Notice of Rule Development published
Reevaluation	Fairy, Lake (Maurine)	Fairy, Lake (Maurine)	Lake	Hillsborough	No	No	28.087859	-82.585813	Notice of Rule Development published
Reevaluation	Halfmoon Lake	Halfmoon Lake	Lake	Hillsborough	No	No	28.097114	-82.548128	Notice of Rule Development published
Reevaluation	Hancock Lake (Pasco)	Hancock Lake (Pasco)	Lake	Pasco	No	No	28.431778	-82.331527	Notice of Rule Development published
Reevaluation	Hanna Lake	Hanna Lake	Lake	Hillsborough	No	No	28.137851	-82.446343	Notice of Rule Development published
Reevaluation	Helen, Lake	Helen, Lake	Lake	Hillsborough	No	No	28.121749	-82.538791	Notice of Rule Development published

Reevaluation (second)	Hobbs, Lake	Hobbs, Lake	Lake	Hillsborough	No	No	28.158855	-82.467706	Notice of Rule Development published
Reevaluation	Hunters Lake	Hunters Lake	Lake	Hernando	No	No	28.442103	-82.620068	Notice of Rule Development published
Reevaluation	Jackson, Lake	Jackson, Lake	Lake	Hillsborough	No	No	28.137542	-82.629974	Notice of Rule Development published
Reevaluation (second)	Juanita, Lake	Juanita, Lake	Lake	Hillsborough	No	No	28.117501	-82.588931	Notice of Rule Development published
Reevaluation	Lindsey, Lake	Lindsey, Lake	Lake	Hernando	No	No	28.62996	-82.366551	Notice of Rule Development published
Reevaluation (second)	Merrywater, Lake	Merrywater, Lake	Lake	Hillsborough	No	No	28.123439	-82.487207	Notice of Rule Development published
Reevaluation	Mountain Lake	Mountain Lake	Lake	Hernando	No	No	28.479237	-82.311162	Notice of Rule Development published
Reevaluation	Neff Lake	Neff Lake	Lake	Hernando	No	No	28.478866	-82.324315	Notice of Rule Development published
Reevaluation	Parker, Lake	Parker, Lake	Lake	Polk	No	No	28.067299	-81.931132	Notice of Rule Development published
Reevaluation (second)	Saddleback Lake	Saddleback Lake	Lake	Hillsborough	No	No	28.120516	-82.494879	Notice of Rule Development published
Reevaluation (second)	Sapphire Lake	Sapphire Lake	Lake	Hillsborough	No	No	28.140722	-82.481517	Notice of Rule Development published
Reevaluation	Strawberry (North Crystal) Lake	Strawberry (North Crystal) Lake	Lake	Hillsborough	No	No	28.139517	-82.474755	Notice of Rule Development published
Reevaluation (second)	Sunset Lake	Sunset Lake	Lake	Hillsborough	No	No	28.135008	-82.625607	Notice of Rule Development published
Reevaluation (second)	Sunshine Lake	Sunshine Lake	Lake	Hillsborough	No	No	28.119743	-82.526032	Notice of Rule Development published
Reevaluation	Taylor, Lake	Taylor, Lake	Lake	Hillsborough	No	No	28.136479	-82.612096	Notice of Rule Development published
Reevaluation	Wimauma, Lake	Wimauma, Lake	Lake	Hillsborough	No	No	27.708483	-82.312368	Notice of Rule Development published
New	Shell Creek (lower segment)	Shell Creek (lower segment)	River-Estuary	Charlotte	Yes	No	26.9844	-81.9358	N/A

Minimum Flows and Minimum Water Levels to be Adopted in 2022.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^a	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? ^b	Latitude	Longitude	Rulemaking Status ^c
Reevaluation	North Lake Wales	North Lake Wales	Lake	Polk	No	Yes ^d	27.9096	-81.5805	N/A
Reevaluation	Tulane, Lake	Tulane, Lake	Lake	Highlands	No	Yes ^d	27.5860	-81.5036	N/A
Reevaluation	Verona, Lake	Verona, Lake	Lake	Highlands	No	Yes ^d	27.5978	-81.4969	N/A
New	Little Manatee River (lower segment)	Little Manatee River (lower segment)	River-Estuary	Hillsborough	Yes	No	27.6708	-82.3528	N/A
New	Little Manatee River (upper segment)	Little Manatee River (upper segment)	River	Hillsborough, Manatee	Yes	No	27.6708	-82.3528	N/A

Minimum Flows and Minimum Water Levels to be Adopted in 2023.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^a	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? ^b	Latitude	Longitude	Rulemaking Status ^c
Reevaluation (first)	Aurora, Lake	Aurora, Lake	Lake	Polk	No	Yes ^d	27.879079	-81.465545	N/A
Reevaluation (first)	Easy, Lake	Lake Easy, Lake	Lake	Polk	No	Yes ^d	27.858101	-81.56204	N/A
Reevaluation (first)	Eva, Lake	Eva, Lake	Lake	Polk	No	Yes ^d	28.095218	-81.62806	N/A
New	Braden River (lower segment)	Braden River (lower segment)	River-Estuary	Manatee	Yes	No	27.4411	-82.4878	N/A
New	Charlie Creek	Charlie Creek	River	Hardee, Polk	Yes	No	27.3747	-81.7967	N/A
New	Horse Creek	Horse Creek	River	Hardee, DeSoto	Yes	No	27.1992	-81.9886	N/A
New	Manatee River (lower segment)	Manatee River (lower segment)	River-Estuary	Manatee	Yes	No	27.5133	-82.3672	N/A
Reevaluation	Southern Water Use Caution Area Saltwater Intrusion Minimum Aquifer Level (SWIMAL)	Southern Water Use Caution Area Saltwater Intrusion Minimum Aquifer Level (SWIMAL)	Aquifer	Hillsborough, Manatee, Sarasota	Yes	No	27.5603	-82.4013	N/A

Minimum Flows and Minimum Water Levels to be Adopted in 2024.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^a	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? ^b	Latitude	Longitude	Rulemaking Status ^c
Reevaluation (second)	Eagle Lake	Eagle Lake	Lake	Polk	No	No	27.986734	-81.766533	N/A
Reevaluation (second)	McLeod, Lake	McLeod, Lake	Lake	Polk	No	No	27.967464	-81.752949	N/A
Reevaluation (second)	Jackson, Lake (Highlands)	Jackson, Lake (Highlands)	Lake	Highlands	No	Yes	27.491027	-81.462497	N/A
Reevaluation (second)	Little Jackson	Little Lake Jackson	Lake	Highlands	No	Yes	27.467746	-81.463525	N/A
Reevaluation (second)	Wailes, Lake	Wailes, Lake	Lake	Polk	No	Yes ^d	27.901501	-81.572589	N/A
New	Withlacoochee River (lower segment)	Withlacoochee River (lower segment)	River-Estuary	Citrus, Levy	Yes	Yes	29.0208	-82.6381	N/A
New	Withlacoochee River (upper segment, U.S. Geological Survey Holder gage to U.S. Geological Survey Wysong gage)	Withlacoochee River (upper segment, U.S. Geological Survey Holder gage to U.S. Geological Survey Wysong gage)	River	Citrus, Marion, Sumter	Yes	Yes	28.9886	-82.3497	N/A
New	Withlacoochee River (upper segment, U.S. Geological Survey Wysong gage to U.S. Geological Survey Croom gage)	Withlacoochee River (upper segment, U.S. Geological Survey Wysong gage to U.S. Geological Survey Croom gage)	River	Citrus, Sumter, Hernando	Yes	No	28.8231	-82.1833	N/A
New	Withlacoochee River (upper segment, upstream of U.S. Geological Survey Croom gage)	Withlacoochee River (upper segment, upstream of U.S. Geological Survey Croom gage)	River	Hernando, Sumter, Pasco, Lake, Polk	Yes	No	28.5925	-82.2222	N/A

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- ^a System name identifies larger system that the water body is associated with for minimum flows rule development; otherwise, system name is same as waterbody name or compliance point.
- ^b WMD = Water Management District
- ^c Last rulemaking action taken: Notice of Rule Development published; Notice of Proposed Rule published; Rule challenge pending; Rule adopted, Ratification not required; Rule adopted, Awaiting ratification; Rule adopted, Ratified. N/A indicates formal rulemaking has not been initiated.
- ^d Potential cross-boundary withdrawal impacts from adjacent water management district associated with the Central Florida Water Initiative area.

RESOURCE MANAGEMENT COMMITTEE

August 24, 2021

Submit & File: Information Only: Lower Hillsborough River Recovery Strategy Implementation – Annual Update

Staff Recommendation:

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

Presenter:

Danielle Rogers, PWS, PMP, Environmental Project Manager, Environmental Flows and Levels Section

Lower Hillsborough River Recovery Strategy Implementation – Annual Update

Purpose

To provide an annual update to the Governing Board regarding implementation of projects outlined in the Hillsborough River Recovery Strategy that are needed to recover minimum flows adopted for the Lower Hillsborough River (LHR).

Background/History

As required by statute, if the actual flow of a water course is below an adopted minimum flow or is projected to fall below a minimum flow over the next 20 years, a recovery or prevention strategy is developed as part of the minimum flows establishment process. At its August 2007 meeting, the Governing Board approved rule amendments that incorporated revised minimum flows and a revised recovery strategy for the LHR into Rules 40D-8.041 and 40D-80.073, Florida Administrative Code (F.A.C.), respectively, and these rule amendments became effective on November 25, 2007. The Board also authorized a Joint Funding Agreement with the City of Tampa for implementation of recovery projects that was finalized in October 2007 and incorporated into the recovery strategy rule.

The currently adopted minimum flows for the LHR are 20 cubic feet per second (cfs) freshwater equivalent flow from July 1 through March 31, and 24 cfs freshwater equivalent flow from April 1 through June 30 at the base of the Hillsborough River Dam, as adjusted based on a proportionate amount that flow at the U.S. Geological Survey (USGS) Hillsborough River gauge near Zephyrhills, Florida is below 58 cfs. For purposes of the minimum flows rule and its implementation, freshwater equivalent means water that has a salinity concentration of 0.0 ppt for modeling purposes.

The minimum flows for the LHR are based on extending a salinity range less than 5 ppt from the dam toward Sulphur Springs. The goals of the minimum flows are to effectively supply a total of 20 or 24 cfs of freshwater to the base of the Hillsborough River Dam during the two seasonal periods identified in the rule. However, when water from Sulphur Springs is used with freshwater sources for river recovery, it must be taken into account that combined-source flows of 20 or 24 cfs cannot extend the target salinity zone as far downstream as would occur with delivery of 20 or 24 cfs of freshwater to the base of the dam. This is because the portion of source-water diverted from Sulphur Springs is brackish (specific conductance $\geq 5,000 \mu\text{S}/\text{cm}$; ~ 3 ppt) (Scharping et al. 2018). Based on hydrodynamic modeling used to evaluate flow-related salinity conditions and establish minimum flows for the LHR, it was determined that a freshwater equivalent factor needed to be incorporated into the minimum flows. Analyses completed at the time of rule development indicated an additional 3 cfs added to the mixed-source recovery flows of 20 or 24 cfs yielded seasonal minimum flow rates of 23 and 27 cfs that produced a target salinity zone similar to that associated with the required 20 and 24 cfs freshwater equivalent flows (SWFWMD 2006).

The LHR recovery strategy outlines six potential projects and a timeline for their implementation. Four projects are identified for joint-funding by the District and the City of Tampa (City) and two are to be implemented by the District. Implementation of specific projects is subject to applicable diagnostic/feasibility studies and contingent on obtaining any required permits. Projects to be jointly funded by the District and the City include the:

- 1) Sulphur Springs Project (Lower Weir Modifications and Sulphur Springs Pool Upper Weir and Pump Station Modifications);
- 2) Blue Sink Analysis and Project;
- 3) Transmission Pipeline Evaluation and Project; and the

4) Investigation of Storage or Additional Supply Options.

In addition, the District was required to initiate implementation of two projects, including the:

- 5) Tampa Bypass Canal (TBC) and Hillsborough River Reservoir Diversions; and the
- 6) Morris Bridge Sink Project.

The LHR recovery strategy specifies District initiation of the TBC and Hillsborough River Reservoir diversion projects and continued operation of pumping facilities on the TBC lower pool for diversion of water to the TBC middle pool at District Structure S-162. The strategy also specifies that the City would assume operation of pumping facilities on the TBC middle pool at District Structure S-161 for diversion of water to the reservoir, and at the Hillsborough River Dam for transfer of water to the lower river. District initiation and implementation of the Morris Bridge Sink project, which is to include diversion of water from the sink to the TBC and subsequent transfer of the diverted water through the reservoir to the LHR is also specified. Similarly, continued District implementation of diversions of water from the sink to the TBC and the City's responsibility for diversion of the water from the TBC through the reservoir to the LHR are specified in the recovery strategy. Ultimately, the strategy requires the City to have met the established minimum flows for the LHR by October 1, 2017.

The recovery strategy requires annual reporting to the Governing Board on progress in the implementation of the strategy. This current annual update to the Governing Board continues the series of comparable reporting efforts that first began in 2007.

The recovery strategy also requires that in 2013, and for each five-year period through 2023, the District shall evaluate the strategy regarding its effects on the hydrology, dissolved oxygen, salinity, temperature, pH, and biological characteristics of the LHR that have been achieved from minimum flows implementation. Information from the first and second five-year evaluations (SWFWMD 2015; SWFWMD and Atkins, North America, Inc. 2015; SWFWMD and WAR, 2020), and data that was collected after May 31, 2018 were used for this annual update.

Discussion

Progress on the six projects specified in the LHR recovery strategy can be briefly summarized as follows.

- 1) Sulphur Springs Project Lower Weir Modifications — The City and District entered into a cooperative agreement in October 2008 to perform modifications to the lower weir on Sulphur Springs Run. This Lower Weir project, which was completed in October 2011., involved installation of an operable weir at the mouth of the spring run to: prevent incursions of higher-salinity water from the river during low-flow periods; allow for access to the run by manatees and other organisms during higher-flow periods when incursions of saline water were less of a concern; and enhance management flexibility for the City regarding use of spring water to meet minimum flow requirements for the LHR and Sulphur Springs Run. Data collection in the spring run has confirmed that the project effectively reduces salinity incursions from the river; and increases flexibility for using Sulphur Springs to provide minimum flows to the spring run and the LHR.

Sulphur Springs Pool Upper Weir and Pump Station Modifications — The project, which was completed in March 2012, involved: modification of the pump station at Sulphur Springs to increase reliability of and efficiently provide for variable pumping rates; replacement or modification of the Sulphur Springs upper weir and gates that control flow between Sulphur Springs Pool and Sulphur Springs Run; installation of provisions to control Sulphur Springs Pool pumping rates based on the temperature and salinity of adjacent monitoring stations;

and modification and/or replacement of the Sulphur Springs pump station intake to allow for the range of anticipated water levels in Sulphur Springs Pool.

The modified Sulphur Springs facilities are currently operational and have proven to be effective for providing variable rates of flow to both the spring run and the LHR.

- 2) Blue Sink Analysis and Project — The City completed pipeline and pump station design for the Blue Sink Project, issued plans and specifications for the two project elements in March 2015, executed an agreement for construction management and a well mitigation program for the project in June 2015, and issued notices to proceed with pump station and pipeline construction in July and August 2015, respectively. Construction and construction restoration for the Blue Sink pipeline were completed in April and May 2016. The City began operation of the Blue Sink pumping facility in November 2017, and it was first used for minimum flow implementation in March 2018.
- 3) Transmission Pipeline Evaluation and Project — As part of the LHR recovery strategy, the construction of a pipeline from the TBC middle pool at Structure S-161 to the base of the Hillsborough River Dam was considered to address potential water savings associated with use of a pipeline versus use of the reservoir for conveyance of water to be used for augmenting LHR flows. A peer review of this project was conducted and submitted to the District and City in September 2008 (Davis et al. 2008). The peer review panel concluded the only water loss to the system is through evaporation of the increased volume of water pumped for augmentation and that this loss is minor. The panel also noted “the projected water saving by transporting the augmentation water in a pipeline rather than through the reservoir is relatively small.” Staff from both the District and City concurred with the findings of the peer review panel, and based on the review, the Transmission Pipeline project is no longer considered a viable project for recovery of the LHR (SWFWMD 2008).
- 4) Investigation of Storage or Additional Supply Options — Consistent with the recovery strategy, the City and the District entered into a joint funding agreement in July 2010 to investigate other storage and supply options to meet recovery plan objectives for the LHR. The first components of the project, which involved review of the status of other recovery projects and identification of the need for additional storage or supply projects to meet the LHR minimum flow requirements, were completed in April 2011 (MHW Americas, Inc. 2011) and indicate that the identified sources of water in the recovery strategy may be sufficient for achieving minimum flow requirements in the LHR. A project completion report (Weber 2018) submitted to the District by the City in October 2018 also suggests that the City is positioned and committed to implementing and investigating projects that will ensure the LHR minimum flows are met.
- 5) Tampa Bypass Canal and Hillsborough Reservoir Diversions — To implement minimum flows in the LHR as soon as practical, the current recovery strategy required the District, by January 1, 2008, to divert up to 7.1 mgd (11 cfs) of water from the middle pool of the TBC to the Hillsborough River Reservoir at Structure S-161 and then deliver seventy-five percent of this water to the LHR at the base of the Hillsborough River Dam. Using temporary pumping facilities, water has been supplied from the TBC to the LHR as needed since December 31, 2007. A consumptive water use permit (Permit No. 20020575.000) for these diversions was

issued to the District by the Florida Department of Environmental Protection (DEP) on December 17, 2015.

Transfer of the District temporary pumping facilities to the City at the S-161 structure and at the dam occurred in late November 2017. Water Use Permit No. 20020802.000 for augmentation of the reservoir with water from the TBC, was issued to the City by the District on April 23, 2019 and the consumptive use permit previously issued by DEP to the District for these diversions was cancelled. An agreement between the City and District for the Lower Hillsborough River Dam Control Gate Facilities (Project N492) to replace temporary pumping facilities at the dam was finalized in October 2017. Construction and operational tests for the gate were completed on July 20, 2018, and the City began using it for minimum flow augmentation on April 1, 2019.

Since then, necessary diversions from the TBC middle pool to the reservoir for delivery to the LHR for minimum flow needs have been conducted by the City in accordance with the recovery strategy.

- 6) Morris Bridge Sink Project - The LHR recovery strategy specifies that by October 1, 2012, or earlier, and upon completion of the project, provided that any permit that may be required is approved, the District will divert up to 3.9 mgd (6.0 cfs) of water on any given day from Morris Bridge Sink to the TBC middle pool for the City to transfer to the reservoir and release to the base of the Hillsborough River Dam to help achieve minimum flows in the LHR.

On January 15, 2016, the DEP issued Consumptive Water Use Permit No. 20020574.000 to the District for withdrawals from Morris Bridge Sink. In February 2016, the District initiated a project for consultant services addressing design of a pump station at Morris Bridge Sink for diversion of water from the sink to the upper pool of the TBC, a pipeline, and a second pump station at District Structure S-159 for diversion of water from the upper to the middle pool of the TBC. Project design and permitting have been completed. The District can utilize portable pumps and piping to commence withdrawals of Morris Bridge Sink when needed to meet the LHR minimum flow requirements.

The projects described in this annual report are intended to provide a sufficient flow of fresh and low-salinity water below the Hillsborough River Dam to restore low-salinity habitat within the LHR and achieve an oligohaline zone (salinity < 5 ppt) from the dam towards Sulphur Spring. Figure 1 displays the number of no flow days (flow at dam is less than 1 cfs) per year between 1995 to 2020. On average, water did not flow over the dam for 151 days each year (range: 9 to 315 days, based on days from 1995 through 2020 when flows were less than 1 cfs; in 2020, no flow occurred 115 days out of 365 days measured). Without this flow, salinity below the dam is relatively high and no low salinity habitat exists for much of the year. Implementation of recovery strategy projects has helped mitigate this condition and address minimum flow requirements for the LHR.

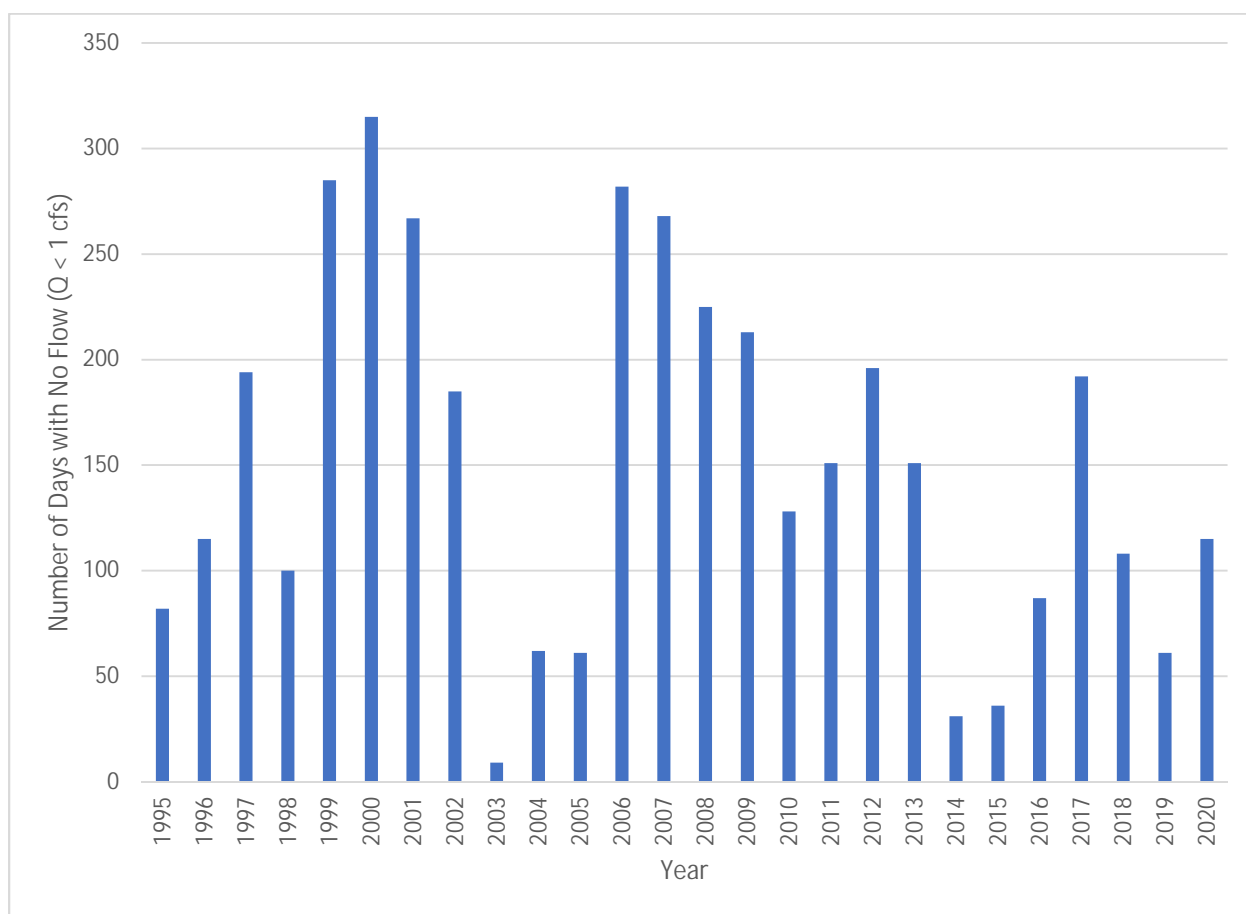


Figure 1. Number of days of no-flow (flows < 1 cfs) at the U.S. Geological Survey Hillsborough River near Tampa, FL gage at the Hillsborough River Dam from 1995 through 2020.

Figure 2 was constructed using salinity data collected in the Hillsborough River in the vicinity of Rowlett Park, which is located adjacent to and immediately downstream of the Hillsborough River Dam. This figure contrasts the salinity in near surface water for four different years (2000, 2007, 2010, and 2019). In 2000, no water was supplied to the base of the dam to meet a minimum flow in the LHR. In 2007, up to 10 cfs of low salinity water from Sulphur Springs was available to be diverted to the base of the dam. Beginning in 2008, water from the TBC was available to be routed to the LHR to help meet the newly adopted MFL for the LHR. In 2010, 10 cfs of water from Sulphur Springs and 8 cfs of water from the TBC was available for diversion to the base of the dam, for a combined total available flow of up to 18 cfs. Starting in the spring of 2012, additional quantities of water were available to be diverted from Sulphur Springs (up to 18 cfs), with the total quantity of available minimum flow to the dam at 26 cfs. In 2019, all recovery strategy sources were available for use of up to 29 cfs for LHR recovery, including the newly operational Blue Sink Project and a new sluice gate at the dam. The figure demonstrates the benefits of supplying 10 cfs in 2007 (approximately 50 percent of the currently adopted MFL), 18 cfs (approximately 75 percent of the MFL in 2010), and full minimum flow implementation (100% in 2020) as compared to conditions that existed in the absence (0 percent) of a minimum flow in the year 2000.

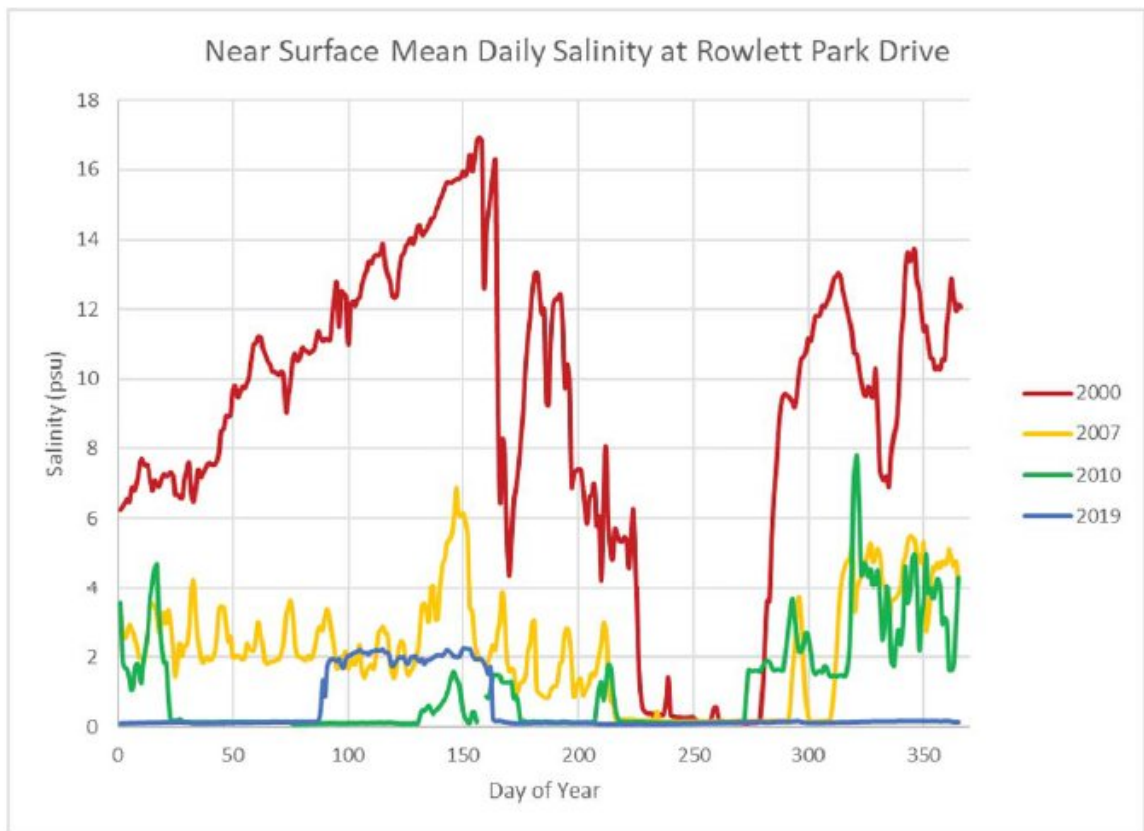


Figure 2. Near surface mean daily salinity in the Lower Hillsborough River at the U.S. Geological Survey Rowlett Park Drive near Tampa, FL gage for four selected years: year 2000, no minimum flows implemented; year 2007, up to 10 cfs flow available to be supplied from Sulphur Springs; year 2010 up to 10 cfs from Sulphur Springs and 8 cfs available from the Tampa Bypass Canal (TBC); year 2019, up to 18 cfs Sulphur Springs flow, 8 cfs flow from the TBC, and 3 cfs flow from Blue Sink.

As summarized in the first and second five-year recovery strategy assessment reports provided to the Governing Board in March 2015 and May 2020, respectively, improvements in water quality and ecological conditions in the river below the dam have occurred as a result of minimum flows implementation, i.e., use of recovery source water when flow over the Hillsborough River Dam was insufficient to meet minimum flow requirements.

Minimum flow implementation was required for 123 days in 2020. Minimum flow implementation for the year was first required beginning March 3, 2020, when flows over the dam fell below the minimum flow target of 20 cfs (23 cfs freshwater equivalent). The City of Tampa initiated minimum flow implementation by diverting water to the base of the dam from Sulphur Springs, and later from Blue Sink and the TBC. Natural flow over the dam met the seasonally adjusted minimum flow target of 24 cfs (27 cfs freshwater equivalent) beginning June 8, 2020. Minimum flow implementation was needed again beginning June 28, 2020 due to cessation of flow over the dam, however, it did not begin until June 29, 2020 and ceased on July 23, 2020 when natural flow over the dam met the seasonally adjusted minimum flow target of 24 cfs (27 cfs freshwater equivalent).

Minimum flow implementation was sufficient to meet or nearly meet minimum flow requirements on all days in 2020. For example, on June 28th, the minimum flow was not achieved but was missed by only 0.25 cfs (Figure 3, upper panel). In addition, water needed to meet the overall

salinity goal due to use of brackish water from Sulphur Springs (i.e., to address freshwater equivalency) was not provided to the lower river (Figure 3, upper panel). Original analysis performed by the District indicated an additional 3 cfs should have been added operationally to the 20 and 24 cfs to meet the salinity-habitat improvement goal of the minimum flows.

Minimum flow implementation was required for 106 days in the first half of 2021 (January 1, 2021 - June 30, 2021). During this period, minimum flow implementation was first required beginning March 12, 2021, when flows over the dam fell below the minimum flow target of 20 cfs (23 cfs freshwater equivalent). The City of Tampa initiated minimum flow implementation by diverting water to the base of the dam from Sulphur Springs, and later from Blue Sink and the TBC. Natural flow over the dam met the seasonally adjusted minimum flow target of 24 cfs (27 cfs freshwater equivalent) beginning June 26, 2021. Figure 3, lower panel, indicates that seasonal minimum flow targets of 20 and 24 cfs were achieved for all days during the 106-day minimum flow implementation period when not accounting for freshwater equivalency. The freshwater equivalent targets of 23 and 27 cfs were achieved 3 days during the implementation period.

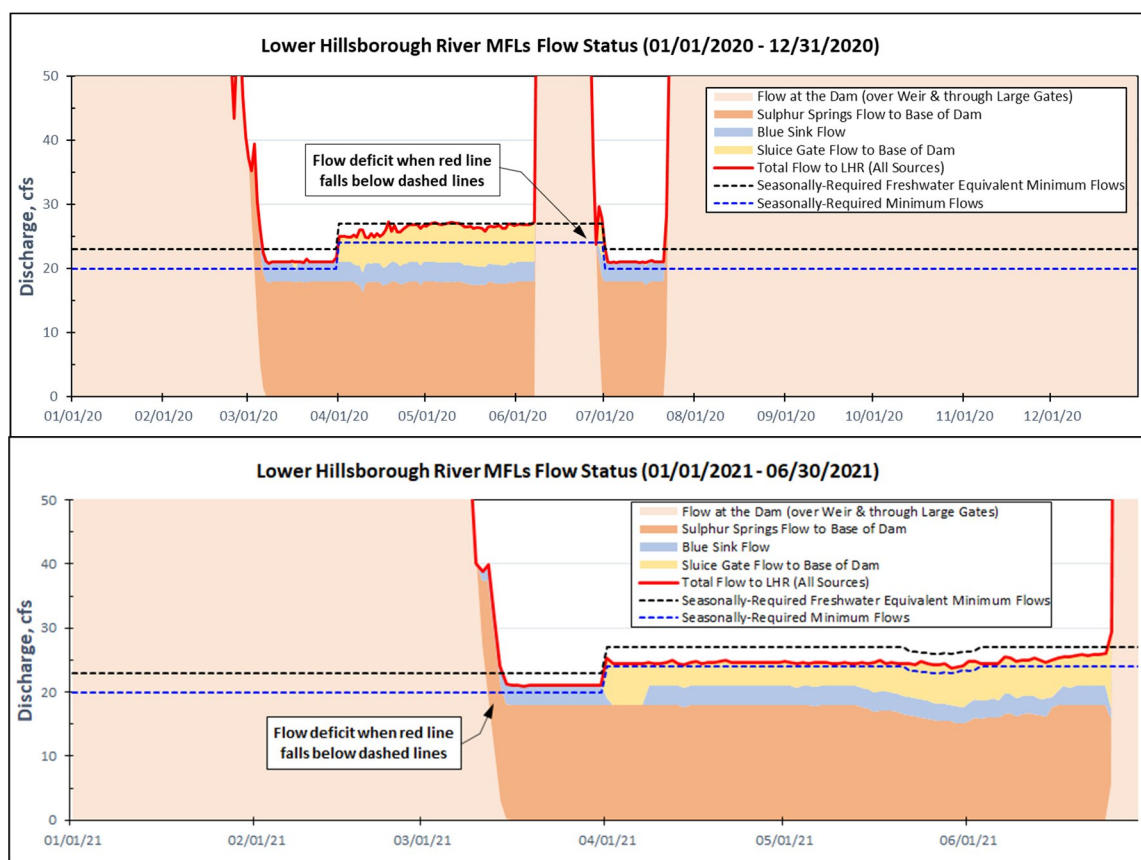


Figure 3. Minimum flows (MFLs) implementation for the Lower Hillsborough River (LHR) in 2020 (upper panel) and from January 1, 2021 through June 30, 2021 (lower panel). Seasonally-required minimum flows are depicted as those that include (dashed black line) and do not include (dashed blue line) flows required to meet the freshwater equivalent. Minimum flows implementation was required when flow over the Hillsborough River Dam was insufficient to meet minimum flow requirements and included diversions to the base of the Hillsborough River Dam from Sulphur Springs and Blue Sink, and water that is released from the reservoir (Sluice Gate Flow) after being diverted to the reservoir from the Tampa Bypass Canal. Note: information shown in the lower panel of this figure includes some provisional data.

Per recommendations included in the second-five-year recovery assessment report, the District has initiated bi-annual (twice a year) biological sampling in the LHR. Three sampling events were completed since May 2020.

Improvements in the coordination of data sharing for the LHR have also been achieved. The City provides daily pumpage data submittals to the District and maintains contact with District operations staff during minimum flow implementation periods. The District has published a dashboard online that provides access to data collection site information associated with the third five-year recovery strategy assessment.

Additional water quality data collection has also been initiated since April 2020. A monitoring station was installed to collect continuous specific conductance, dissolved oxygen, pH, turbidity, temperature, and depth data upstream of the confluence of the Sulphur Springs Run and the LHR. This data will enhance the characterization and understanding of salinity conditions in the target zone associated with the LHR minimum flows, i.e., the area between the base of the dam and Sulphur Springs. The District is also collecting monthly vertical profile water quality data at 16 sites within the LHR.

The District held two stakeholder meetings in 2020 to review the status of the LHR minimum flows and recovery strategy and discussed planned and ongoing data collection and analysis efforts to support the third five-year recovery strategy assessment due in 2023. An additional meeting will be scheduled for late Fall of 2021.

In summary, all activities and projects proposed in the adopted LHR recovery strategy are either underway, completed, or have been determined to not be viable. Important components of the strategy are currently in operation or available, including facilities or plans for the use of Sulphur Springs, Blue Sink, the TBC and Morris Bridge Sink as recovery flow sources, and results from recent years suggest that the desired goal of creating low-salinity habitat below the Hillsborough River Dam can be sustained through minimum flows implementation.

References

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Governing Board Meeting
August 24, 2021

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

5.1	Discussion: Information Only: Consent Item(s) Moved to Discussion.....	196
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OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 24, 2021

Discussion: Information Only: Consent Item(s) Moved to Discussion

Presenter:

Brian S. Starford, P.G., Division Director, Operations, Lands and Resource Monitoring

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 24, 2021

Discussion: Information Only: Hydrologic Conditions Report

Summary of Conditions:

- July historically marks the second month of the four-month wet season (June-September). Rainfall for the month was abundant and mainly associated with summertime sea breeze/convective rainstorm activity, while approximately 4.0 inches District-wide of monthly accumulation came from Tropical Storm Elsa.
- **Rainfall:** Provisional totals for July were “above-normal” in all three regions of the District. The District-wide 12-month cumulative rainfall total improved, ending the month at a surplus of 1.58 inches above the long-term historical average. A rainfall deficit of 1.52 inches below the mean remains in the southern counties.
- **Streamflow:** Average monthly streamflow increased at all 12 monitoring stations. Nine stations had “above-normal” flow, while three had “normal” flow. Regional streamflow, based on three index rivers, was “above-normal” in the northern and central regions, while at the upper-end of the normal range in the southern region.
- **Groundwater:** Regional aquifer levels increased in all three regions of the District. All regions ended the month at “normal to above-normal” levels.
- **Lake Levels:** Regional lake levels increased in all four lake regions within the District. The northern region ended the month below the annual normal range, while the Tampa Bay, Polk Uplands and Lake Wales Ridge regions ended the month within “normal” levels.
- **Overall:** All regional hydrologic indicators saw improvements in July and were in the “normal to above-normal” range of historical values, except for average lake levels in the Northern Lake region, which remained at slightly “below-normal” levels. NOAA continues to forecast an active tropical weather season.

Staff Recommendation:

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

Presenter:

Granville Kinsman, Hydrologic Data Manager

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 24, 2021

Discussion: Information Only: Overview of Land Management Plan Updates

Purpose

To provide an overview of the process utilized by the Land Resources Bureau's Land Management Section to update the District's Land Management Plans (Plans). The discussion will include the standards and process used to update Plans, including development of a new table of contents and Plan template that will be used for future Plan updates, establishing a timeline for updating all Plans the District is responsible for, and showcase staff efforts and coordination across multiple District bureaus to update the Plans.

Background/History

The District has a Governing Board Policy (Policy) titled Land Use and Management that directs that lands acquired for, or designated for, conservation purposes have management plans that link the uses and management strategies to the protection of key water resources and natural systems attributes for which they were acquired, when it is practical and necessary. Additionally, the District has an Executive Director Procedure titled Land Use and Management Planning (Procedure) that supports the Policy and also directs that lands acquired for, or designated for, conservation purposes have a comprehensive management strategy set forth when it is practical and necessary. Accordingly, the District is responsible for seventeen (17) Land Management Plans for conservation lands it owns. The Policy and the Procedure direct that Plans developed pursuant to the Policy and Procedure be reviewed at a minimum every ten (10) years, at which time the Land Resources Bureau will recommend whether to retain or revise the existing Plan.

This year, the Land Management Section completed updates of six (6) Land Management Plans: Starkey Wilderness Preserve, Upper Hillsborough Preserve, Lower Hillsborough Preserve, Halpata Tastanaki Preserve, Lake Panasoffkee Preserve, and Cypress Creek Preserve. These plans were provided to the Governing Board members under separate cover prior to the August Governing Board meeting and will be brought back to the Governing Board for consideration and approval on the September Governing Board meeting consent agenda.

Staff Recommendation:

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

Presenter:

Ellen Morrison, Land Resources Bureau Chief

Governing Board Meeting

August 24, 2021

6. REGULATION COMMITTEE

- 6.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion199
- 6.2 **Discussion:** Action Item: Denials Referred to the Governing Board200

REGULATION COMMITTEE

August 24, 2021

Discussion: Information Only: Consent Item(s) Moved to Discussion

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation

REGULATION COMMITTEE

August 24, 2021

Discussion: Action 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:

Michelle Hopkins, P.E., Division Director, Regulation

Governing Board Meeting
August 24, 2021

7. GENERAL COUNSEL'S REPORT

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GENERAL COUNSEL'S REPORT

August 24, 2021

Discussion: Information Only: Consent Item(s) Moved to Discussion

Presenter:

Chris Tumminia, General Counsel

COMMITTEE/LIAISON REPORTS

August 24, 2021

Discussion: Information Only: Environmental Advisory Committee

Presenter:

John Mitten, Board Member

EXECUTIVE DIRECTOR'S REPORT

August 24, 2021

Discussion: Information Only: Executive Director's Report

Presenter:

Brian J. Armstrong, P.G., Executive Director

CHAIR'S REPORT

August 24, 2021

Discussion: Information Only: Chair's Report

Presenter:

Kelly S. Rice, Chair

CHAIR'S REPORT

August 24, 2021

Discussion: Information Only: Milestones

Staff Recommendation:

Information Only

Presenter:

Kelly S. Rice, Governing Board Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	08/01/2016	Kristen Short	GIS Analyst	Brooksville	Data Collection	2021	08/01/2021
5	08/08/2016	Lisa Laupert	Business Process Supervisor	Brooksville	Natural Systems & Restoration	2021	08/08/2021
5	08/25/2016	Courtney Marion	Benefits & Talent Engagement	Brooksville	Human Resources Office	2021	08/25/2021
10	08/08/2011	Donald Herndon	Staff Hydrologist	Tampa	Water Use Permit	2021	08/08/2021
10	08/08/2011	Kevin Wills	Cooperative Funding Initiative Lead	Tampa	Project Management Office	2021	08/08/2021
25	08/05/1996	Allen Yarbrough	Lead Graphic Designer	Brooksville	Communications and Board Services	2021	08/05/2021