

Governing Board Meeting

Agenda and Meeting Information

August 25, 2020

9:00 AM

Brooksville Office

2379 Broad Street • Brooksville, Florida
(352) 796-7211

Southwest Florida
Water Management District


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Southwest Florida Water Management District

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

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 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 Donna Eisenbeis, Sr. Performance Management Professional, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4706; 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 25, 2020

9:00 AM

Brooksville Office

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. All or part of this meeting may be conducted by means of communications media technology.
- Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

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

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

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

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

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

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

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

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

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

CONSENT AGENDA (TAB B)***Finance/Outreach & Planning Committee***

6. Budget Transfer Report
7. Adopt Resolutions to Identify New Slate of Officers for Financial Documents
8. Knowledge Management: Budget Authority Transfer of Funds Governing Board Policy

Resource Management Committee

9. FARMS – Symons Grove, LLC (H787), DeSoto County

Operations, Lands and Resource Monitoring Committee

10. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101C

Regulation Committee

11. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20011982.004 / Bethel Farms / Bethel Farms LLLP (Charlotte County)

General Counsel's Report

12. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Approval of Settlement Agreement Between SWFWMD and Kelly Family Holdings, LLC - Overpumpage – Water Use Permit No. 20002588.012 – CT No. 390610 - Charlotte County
13. Rulemaking - None

Executive Director's Report

14. Approve Governing Board Minutes – July 28, 2020
15. Approve Calendar for Fiscal Year 2020 – 2021 Meeting Dates

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB C)***Discussion***

16. Consent Item(s) Moved for Discussion
17. Fiscal Year (FY) 2020 Board Designated Encumbrance Request
18. ePermitting Modernization Services Budget Transfer and Encumbrance

Submit & File Reports - None***Routine Reports***

19. Treasurer's Report and Payment Register
20. Monthly Financial Statement
21. Monthly Cash Balances by Fiscal Year
22. Comprehensive Plan Amendment and Related Reviews Report

RESOURCE MANAGEMENT COMMITTEE (TAB D)***Discussion***

23. Consent Item(s) Moved for Discussion
24. Polk Regional Water Cooperative West Polk Wellfield Project – Third Party Review of Conceptual Design (N882)
25. Status of the Polk Regional Water Cooperative Projects and Schedule Adjustments to Governing Board Resolution 18-06 (Amended)
26. Hernando County Culbreath Road Area Flood Relief Project (N981) – Third-Party Review of 30 Percent Design and Associated Scope Change
27. Peace River Manasota Regional Water Supply Authority Loop System Phase 1 Interconnect (N416) – Scope of Work Change
28. FARMS – Creekside Nursery, Inc. (H780), Pasco County

29. Fiscal Year 2021 Project Funding Update

Submit & File Reports

30. Lower Hillsborough River Recovery Strategy Implementation – Annual Update

31. Minimum Flows and Minimum Water Levels Priority List and Schedule Update

Routine Reports

32. Minimum Flows and Levels and Reservations Status Report

33. Significant Water Resource and Development Projects

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE (TAB E)

Discussion

34. Consent Item(s) Moved for Discussion

35. Hydrologic Conditions Report

Submit & File Reports - None

Routine Reports

36. Significant Activities

37. Structure Operations

REGULATION COMMITTEE (TAB F)

Discussion

38. Consent Item(s) Moved for Discussion

39. Denials Referred to the Governing Board

Submit & File Reports - None

Routine Reports

40. Overpumpage Report

41. Individual Permits Issued by District Staff

GENERAL COUNSEL'S REPORT (TAB G)

Discussion

42. Consent Item(s) Moved for Discussion

43. Central Florida Water Initiative Rulemaking Update

Submit & File Reports - None

Routine Reports

44. August 2020 Litigation Report

45. August 2020 Rulemaking Update

EXECUTIVE DIRECTOR'S REPORT (TAB H)

46. Executive Director's Report

CHAIR'S REPORT (TAB I)

47. Chair's Report

48. Employee Milestones

★ ★ ★ **RECESS PUBLIC HEARING** ★ ★ ★

ADJOURNMENT

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

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

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

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

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective November 26, 2019

OFFICERS	
Chair	Mark Taylor
Vice Chair	Michelle Williamson
Secretary	Joel Schleicher
Treasurer	Kelly S. Rice

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
James G. Murphy, Chair
Jack Bispham

RESOURCE MANAGEMENT COMMITTEE
Rebecca Smith, Chair
Roger Germann

REGULATION COMMITTEE
Joel Schleicher, Chair
Michelle Williamson

FINANCE/OUTREACH AND PLANNING COMMITTEE
Kelly S. Rice, Chair
Seth Weightman

** 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	Roger Germann
Industrial Advisory Committee	James G. Murphy
Public Supply Advisory Committee	Kelly S. Rice (Temporary)
Well Drillers Advisory Committee	Seth Weightman

OTHER LIAISONS	
Central Florida Water Initiative	James Murphy
Springs Coast Steering Committee	Kelly S. Rice
Charlotte Harbor National Estuary Program Policy Board	Jack Bispham
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Roger Germann
Tampa Bay Regional Planning Council	Rebecca Smith

**Southwest Florida Water Management District Schedule of Meetings
Fiscal Year 2020**

Updated 8/13/2020

Governing Board Meeting

October 22, 2019 – 9:00 a.m., Brooksville Office
November 19, 2019 – 9:00 a.m., Tampa Office
December 10, 2019 – 11:00 a.m., Brooksville Office
January 28, 2020 – 9:00 a.m., Tampa Office
February 25, 2020 – 9:00 a.m., Brooksville Office
March 24, 2020 – 10:00 a.m., Brooksville Office (Audio Visual Communication)
April 28, 2020 – 10:00 a.m., Brooksville Office (Audio Visual Communication)
May 19, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
June 23, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
July 28, 2020 – 9:00 a.m., Tampa Office (Audio Visual Communication)
August 25, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
September 22, 2020 – 3:00 p.m., Tampa Office

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

2020 – September 8 & 22

Agricultural & Green Industry Advisory Committee – 10:00 a.m., Tampa Office

2019 – December 3

2020 – March 10 (canceled), June 9 (canceled), September 15

Environmental Advisory Committee – 10:00 a.m., Tampa Office

2019 – October 8

2020 – January 14, April 14 (canceled), July 14 (Audio Visual Communication)

Industrial Advisory Committee – 10:00 a.m., Tampa Office

2019 – November 5

2020 – February 11, May 12 (canceled), August 11 (Audio Visual Communication)

Public Supply Advisory Committee – 1:00 p.m., Tampa Office

2019 – November 5

2020 – February 11, May 12 (canceled), August 11 (Audio Visual Communication)

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

2019 – October 9

2020 – January 8, April 8 (canceled), July 8 (canceled)

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

2020 – February 5 – Northern Region, Brooksville Office

2020 – February 6 – Southern Region, Sarasota County Commission Chamber

2020 – February 12 – Heartland Region, Bartow City Hall

2020 – February 13 – Tampa Bay Region, Tampa Office

2020 – April 1 – Northern Region, Brooksville Office (Audio Visual Communication)

2020 – April 2 – Southern Region, Brooksville Office (Audio Visual Communication)

2020 – April 8 – Tampa Bay Region, Brooksville Office (Audio Visual Communication)

2020 – April 9 – Heartland Region, Brooksville Office (Audio Visual Communication)

Public Meeting for Pending Permit Applications – 9:00 a.m., Tampa Office

2019 – October 2, November 6, December 4

2020 – January 8, February 5, March 4, April 1 (canceled), May 6 (canceled), June 3 (canceled), July 1 (canceled), August 5 (canceled), September 2

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

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

2019 – October 30

2020 – April 29 (canceled), July 22 (canceled)

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604

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

Lake Eva Banquet Hall – 799 Johns Avenue, Haines City, FL 33844

Bartow City Hall – 450 N. Wilson Avenue, Bartow, FL 33830

Sarasota County Commission Chamber – 1660 Ringling Blvd. Sarasota, FL 34236

Sarasota County Operations Center – 1001 Sarasota Center Blvd. Sarasota, FL 34240

Executive Summary

GOVERNING BOARD MEETING

AUGUST 25, 2020
9:00 a.m.

CONVENE PUBLIC MEETING (TAB A)

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

CONSENT AGENDA (TAB B)

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

Finance/Outreach & Planning Committee

6. **Budget Transfer Report**

Request approval of the Budget Transfer Report covering all budget transfers made during the month of July 2020.

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 regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for July 2020.

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

- 1) Authorize the new slate of officers to apply their signatures to the required financial documents and;
- 2) Request that the Governing Board adopt District Resolution No. 20-10 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District and;
- 3) Adopt the SunTrust Deposit Account Resolution and Authorization for Business Entities document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's deposit account(s).

- (4) Adopt the SunTrust Corporate Resolution document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's custody accounts.

Following its annual election of officers, the new officers will assume their offices immediately following the August 2020 Governing Board meeting. Resolutions must be adopted to give the new slate of officers the authority to sign and countersign all District warrants or checks. Section 373.553, Florida Statutes, requires District funds to be disbursed by check or warrant signed by the treasurer or assistant treasurer (secretary) and countersigned by the chair or vice chair of the board. The newly elected officers for Chair, Vice Chair, Secretary/Assistant Treasurer, and Treasurer/Assistant Secretary are identified by adoption of the resolutions, which will provide their signatures to SunTrust.

The District's Custody Agreement retains and employs SunTrust Bank, through its Wealth and Investment Management Division, to act as custodian of certain securities and funds of the District. Following the annual election of officers, a new Corporate Resolution must be adopted to give the new slate of officers the authority to give direction or confirmation to the Bank on all matters regarding the Custody Agreement and Account. The newly elected officers for Chair, Vice Chair, Secretary and Treasurer are identified by adoption of the resolution, which will provide their signatures to the Wealth and Investment Management Division of SunTrust Bank.

Staff Recommendation:

- 1) Authorize the new slate of officers to apply their signatures to the required financial documents and;
 - 2) Adopt Resolution No. 20-10 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District.
 - 3) Adopt the SunTrust Deposit Account Resolution and Authorization for Business Entities document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's deposit accounts.
 - 4) Adopt the SunTrust Corporate Resolution document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's custody accounts.
8. **Knowledge Management: Budget Authority Transfer of Funds Governing Board Policy**
Request approval of the revised Budget Authority Transfer of Funds Governing Board Policy.

The District's Knowledge Management initiative was launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing, and leveraging the organization's data, information, and processes. The focus in FY2020 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

As discussed at the July 2020 Governing Board meeting, staff performed a review of the Budget Authority Transfer of Funds Governing Board Policy and deemed it necessary to update. The following are modifications made to the existing policy:

- 1) Transfer of funds requiring prior Board approval that changes the original intent increased from greater than \$50,000 to greater than \$75,000.

- 2) Transfer of funds not requiring prior Board approval, previously reported on the Consent Agenda, will be reported as Submit and File.

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

Staff Recommendation:

Approve the Budget Authority Transfer of Funds Governing Board Policy as revised.

Resource Management Committee

9. FARMS – Symons Grove, LLC (H787), DeSoto County

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Symons Grove, LLC, and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$495,668 (62 percent of total project costs). Of this amount, \$495,668 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$803,668.

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 Shell, Prairie, and Joshua Creek (SPJC) watersheds. This project will involve the construction and operation of a 1.9-acre surface water reservoir to collect tailwater and surface water from the western portion of the grove property and surrounding watershed to offset Upper Floridan aquifer groundwater used in supplemental irrigation of 370 acres of citrus. The Water Use Permit (WUP) authorizes an annual average withdrawal of 498,000 gallons per day (gpd). Project components consist of a 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.

In December 2011, the Governing Board approved a FARMS project with DeSoto Land Investment (H657) to offset groundwater use on 290 acres 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 approved for this project was 185,000 gpd. The project is achieving the anticipated benefits approved by the Board.

The proposed project involves water quantity and water quality best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under FARMS Program. Using an estimated 22 percent savings of permitted quantities for daily irrigation, or 110,000 gpd, yields a daily cost of \$3.69 per thousand gallons of groundwater reduced over the proposed six-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 improves 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 \$3,701,353 remaining in its FARMS Program budget.

Staff Recommendation:

- 1) Approve the Symons Grove, LLC project for a not-to-exceed project reimbursement of \$495,668 with \$495,668 provided by the Governing Board;
- 2) Authorize the transfer of \$495,668 from fund 010 H017 Governing Board FARMS Fund to the H787 Symons Grove, LLC fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

Operations, Lands, and Resource Monitoring Committee**10. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101**

Recommend the Governing Board decline to exercise the right of first refusal to purchase the remainder fee interest over the Bright Hour Ranch (20-780-101C) encumbered by a District conservation easement. The opportunity to exercise this right exists for approximately 5,188 acres of the subject property located in DeSoto County within the Bright Hour Watershed Project. A general location map is included as Exhibit 1.

The District identifies lands eligible for acquisition through the Board-approved Florida Forever Work Plan. In the Work Plan, lands are identified for acquisition as fee simple acquisitions or acquisitions of less than fee rights (conservation easement). Less than fee acquisitions consist of the purchase of certain rights, such as development rights, that are intended to ensure that natural systems and water resources are protected in their existing state in perpetuity. In a typical negotiation of a conservation easement acquisition, the District retains a "right of first refusal" which is perpetual, running with the land, and remaining in effect regardless if the District declines a previous offering.

The District originally acquired a conservation easement over 28,523 acres of the Bright Hour Ranch property in 1998. The easement terms allowed for division of title into tracts no smaller than 5,000 acres. A previous split divided the easement into two parcels consisting of the western 15,968 acres and eastern 12,555 acres. The western parcel was recently split with the sale of 10,780 acres. The subject of this Board item is the sale of the remaining 5,188 acres. The right of first refusal in the conservation easement requires notification of the Grantor's (owner's) intent to sell the property, or any portion thereof, and further requires that an offer be extended to sell the property to the District.

The contract provided by the owner's representative includes 5,188 acres that are encumbered by the conservation easement together with 600 acres not encumbered or subject to the right of first refusal. The price reported in the contract for both the fee simple and encumbered property is \$1,841 per gross acre or \$9,550,000.

District staff evaluated the opportunity to purchase the remainder fee simple interest and determined that the existing conservation easement is sufficient to meet our intended natural systems and water resource benefits.

The restrictions placed on the property by the existing conservation easement are adequate to protect the water resources of the property. The benefits of acquiring the remainder fee interest would be minimal.

Staff Recommendation:

- Approve declining to exercise the right of first refusal to purchase the remainder fee simple interest over SWF Parcel No. 20-780-101C encumbered by a District conservation easement.
- Authorize the Executive Director to execute the necessary documents to exercise declining the right of first refusal on SWF Parcel 20-780-101C.

Regulation Committee**11. Individual Water Use Permits Referred to the Governing Board****a. WUP No. 20011982.004 / Bethel Farms / Bethel Farms LLLP (Charlotte County)**

This is a renewal of an existing water use permit for agriculture use. The authorized quantities have changed from those previously permitted due to an increase in irrigated acreage and an update to the irrigation method. The annual average quantity has

increased from 715,200 gallons per day (gpd) to 902,300 gpd, the drought annual average quantity has increased from 788,800 gpd to 996,700 gpd and the peak month quantity has decreased from 1,808,900 gpd to 1,785,600 gpd. There is no change in Use Type from the prior revision. Quantities are based on the District's irrigation allotment calculation program, AGMOD, for 362 acres of sod, which includes the increase of 78.5 acres of sod. This permit is located within the Southern Water Use Caution Area (SWUCA) in the Shell Creek Prairie Watershed. The irrigation system incorporates a contractually complete FARMS project which captures surface water runoff for a tailwater recovery system that provides an approximate 10 percent offset in irrigation quantities.

Special Conditions include those that require the Permittee to report monthly meter readings, report quantities used for crop protection, perform meter accuracy checks every five years, submit annual crop reports, implement water conservation and best management practices, provide an update to the Conservation Plan at permit midterm, evaluate the feasibility of using reclaimed water upon request, comply with the permitted quantities, provide an overpumpage report upon request, and comply with the SWUCA recovery strategy.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

General Counsel's Report

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

Approval

a. Approval of Settlement Agreement Between SWFWMD and Kelly Family Holdings, LLC - Overpumpage - Water Use Permit No. 20002588.012 - CT No. 390610 - Charlotte County

Kelly Family Holdings, LLC (Kelly Holdings) owns three contiguous parcels of real property in Charlotte County located north of State Road 74 in the City of Punta Gorda (Property). The Southwest Florida Water Management District (District) issued Water Use Permit No. 20002588.010 (Permit) to Kelly Farms, which authorized groundwater withdrawals in the amount of 704,600 gallons per day (gpd) on an annual average basis for agricultural irrigation and water-based recreation at the Property.

On March 31, 2017, June 8, 2017, and August 28, 2017, District staff issued three Notice of Potential Non-Compliance/Overpumpage letters to Kelly Holdings advising that the annual average quantities being pumped at the Property exceeded the quantities authorized in the Permit. Kelly Holdings responded to the District's Notices and applied for a modification to the Permit to increase the permitted groundwater quantities necessitated by changes to the irrigated acreage and crop type at the Property. On May 23, 2018, the District issued Water Use Permit No. 20002588.012 (Modified Permit) to Kelly Holdings, which authorized groundwater withdrawals in the amount of 1,043,600 gpd. However, Kelly Holdings continued to exceed the quantities authorized in the Modified Permit from May 2018 to October 2018.

On November 21, 2018, and March 28, 2019, District staff issued two Notices of Violation to Kelly Farms to resolve the compliance matter without the need for further enforcement action. Kelly Holdings did not respond to the Notices, and District staff obtained authorization from the Governing Board to initiate an action in circuit court to obtain

compliance with the Modified Permit. From March 2019 to October 2019, Kelly Holdings' reported pumpage indicated an exceedance of the total annual average withdrawals by as much as 51.85 percent.

On October 15, 2019, District staff filed a Petition for Enforcement and Complaint for Civil Remedies against Kelly Holdings in Charlotte County Circuit Court. Kelly Holdings responded to the Petition and represented to District staff that the pumpage reporting may have contained errors overstating the amount of water pumped during the pendency of the compliance matter. Kelly Holdings subsequently agreed to a proposed corrective action plan to bring the withdrawals into compliance with the Modified Permit. From November 2019 to April 2020, Kelly Holdings reduced total monthly pumpage at the Property and expended \$19,394.00 to retrofit the well pumps at the Property to maintain continued compliance with the Modified Permit. As a result, Kelly Farms is currently in compliance with the quantities authorized in the Modified Permit.

Kelly Farms has agreed to a Settlement Agreement that assesses a penalty and enforcement costs in the amount of \$39,394.00 and requires additional corrective actions designed to ensure long-term compliance with the Modified Permit. The Agreement also provides Kelly Farms with a \$19,394.00 credit for the costs incurred to retrofit the wells and a \$5,000.00 credit upon documenting that the withdrawal facilities have properly calibrated meters. If Kelly Holdings does not complete and document the meter calibration by October 30, 2020, the \$5,000.00 credit will become due upon the District's written notification. The remaining \$15,000.00 is due within 30 days of Governing Board approval of the Settlement Agreement. In return, the District will not pursue further enforcement action related to the overpumpage described above.

Staff Recommendation:

- 1) Approve the Settlement Agreement.
- 2) Authorize District Staff to pursue additional measures to obtain compliance with the terms and conditions of the Settlement Agreement, including filing any appropriate actions in circuit court, if necessary.

13. Rulemaking – None

Executive Director's Report

14. Approve Governing Board Minutes – July 28, 2020

Staff Recommendation:

Staff recommends the Board approve the minutes as presented.

15. Approve Calendar for Fiscal Year 2020-2021 Meeting Dates

Staff Recommendation:

Staff recommends the Board approve the dates as presented.

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB C)
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Discussion

16. Consent Item(s) Moved for Discussion

17. Fiscal Year (FY) 2020 Board Designated Encumbrance Request

Request approval to encumber current year funds budgeted for salaries in an amount not to exceed \$1.0 million to carry forward into FY2021 for staff performance-based salary increases.

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 2020 reflecting performance for FY2020.

The following is a thorough explanation of how performance-based increases are determined and last year's distribution of grades and pay increases.

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.

All employees receive a performance evaluation from their supervisors. Evaluations are based on performance related to goals and competencies. Goals and competencies are evaluated on a five-point scale:

- 5 = Consistent performance substantially exceeding normal expectations for total job
- 4 = Frequently exceeds normal performance expectation for key job tasks
- 3 = Meets normal job requirements in accordance with established standards and may exceed requirements for some job tasks
- 2 = Overall performance acceptable but improvement needed in one or more significant aspects of job
- 1 = Does not meet standards

Each employee is required to have three SMART goals (specific, measurable, achievable, results-focused and time-bound) developed in collaboration with their supervisor. Each goal may have multiple components. Objectives are clearly identified to determine a 3, 4 or 5 rating for each goal. The goal scores are averaged to provide one grade. The remaining scoring comes from an evaluation of how well the employee is meeting the District competencies:

- Service Excellence
- Teamwork and Collaboration
- Self-Management
- Professional Conduct
- Professional and Technical Excellence (non-management)
- Leadership and Management Excellence (management)

Each competency is further defined in the review document by a series of specific behaviors.

While all employees take part in an evaluation process, not all employees are eligible for a performance-based increase. Employees are ineligible for a performance-based increase if they were hired after April 1, received a pay increase after April 1, received an overall evaluation score below 2.75, or received more than one "2" grade in the six categories (five competencies and goals).

Since the 2020 performance evaluation cycle will not be completed until September, staff does not have the grade distributions for this year. However, the following table displays the results of the performance evaluation cycle for 2019.

FY2019 Distribution of Performance Scores

Scores	Count
2.00 - 2.49	2
2.50 - 2.99	6
3.00 - 3.49	107
3.50 - 3.99	243
4.00 - 4.49	139
4.50 - 4.99	19
5.00 - 5.00	1
Total	517

In August 2019, the Board approved funding for salary increases of \$1.14 million -- \$1 million for performance-based increases and \$140,000 for the implementation of recommended salary adjustments for positions identified in the 2019 Salary Survey. The following chart shows the distribution of performance-based increases by percentage to employees based on their performance in FY2019.

FY2019 Distribution of Percent Performance-based Increase

Increase %	Count
0.00% - 0.00%	4
1.00% - 1.49%	1
1.50% - 1.99%	0
2.00% - 2.49%	5
2.50% - 2.99%	48
3.00% - 3.49%	225
3.50% - 3.99%	161
4.00% - 4.49%	24
4.50% - 4.99%	0
5.00% - 5.49%	0
5.50% - 5.99%	2
Total	470

It's important to note how performance-based dollars are distributed within the organization. Recognizing that there may be slightly different approaches to performance grading amongst the bureaus, funds available for performance-based increases are divided proportionately by bureau. Each bureau receives its proportional allocation of available funds based on its combined salary dollars of eligible employees compared to salary dollars of all eligible employees districtwide. The distribution of those funds is determined by each bureau chief with oversight by the appropriate division director.

Last year the Governing Board also approved the implementation of the recommendations from a salary survey conducted by Evergreen Solutions, LLC to determine the competitiveness of salaries offered at the District to help recruit and retain qualified and skilled employees. Evergreen performed the salary survey for all District job profiles within the labor market (Brooksville, Tampa, Sarasota and Lakeland) of competitive organizations. Changes

affected nearly 10 percent of the workforce, mostly at the lower end of the pay grades, for a cost of approximately \$140,000.

Funds are available in FY2020 budget to support this proposed encumbrance. The FY2020 salary budget appropriation totals \$43.4 million for the 574 board-authorized FTE's. Expenditures are forecasted to total \$41.9 million through the end of the fiscal year. The net difference between the budget and forecasted fiscal year expenditures provides approximately \$1.5 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.

Efficiencies within the District's workforce have resulted in an estimated \$1.5 million salary savings in FY2020. District management requests to utilize \$1.0 million of these savings for performance-based salary increases for staff based on their 2020 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 FY2020.

Staff Recommendation:

Approve the encumbrance of \$1.0 million from the FY2020 Salary appropriation to carry forward into FY2021 for staff performance-based salary increases.

18. ePermitting Modernization Services Budget Transfer and Encumbrance

Staff requests approval of a \$250,000 budget transfer from the withdrawn Zephyr Creek Drainage Improvements: Units 3 and 4 Cooperative Funding Initiative (CFI) project (N990) to the ePermitting Modernization Project (P455).

The Water Management Information System (WMIS) has entered its 13th year as the District's ePermitting platform. It was designed to have a life expectancy of 15 to 20 years, and as part of the long-range planning efforts the Information Technology and Regulatory Support Bureaus (ITB/RSB) are in the process of rebuilding the Environmental Resource Permit (ERP) process on the new Business Process Management application, Appian. Appian is a low-code/no-code application platform that significantly increases the efficiency of building an application and preparing it for deployment. The new system will decrease system maintenance costs and provide more flexibility in meeting future ePermitting requirements.

The ePermitting Modernization Project is expected to have a duration of up to five years and will result in the replacement of the Environmental Resource Permit (ERP), Water Use Permit (WUP), Well Construction Permit (WCP) and Compliance Review applications. The original project cost estimate was \$9.5 million and was provided to the Governing Board in October 2017. The selected software and successful Request for Proposals (RFP) for project services in FY2019 resulted in a significant reduction in estimated project costs which are now projected to be approximately \$4.2 million.

District staffing changes due to external competitive recruitments have caused the internal project team to be understaffed by 50 percent. As a result, the development team has experienced increased stress due to internal competition for development team resources for application development and critical maintenance on existing District applications such as the Watermatters.com website and the current ePermitting platform, development of the new CFI database as well as ongoing security and platform end-of-support issues. The COVID-19 event further impacted ITB's ability to fill the existing vacancies which are currently under active recruitment.

In year one, the required funds were budgeted for FY2019 to cover the first full year of services

from the consulting vendor Bits in Glass (BIG). Development began in FY2019, with purchase orders issued to BIG from FY2019 and FY2020 funds sufficient for project services through FY2020. The project impacts noted above create a need for 1,517 supplementary consulting hours from BIG through FY2021 to keep the project moving at its required velocity.

Funding of \$250,000 for the supplementary consulting services is available from the Zephyr Creek Drainage Improvements: Units 3 and 4 (N990) CFI project, which has been cancelled by Pasco County and replaced by an FY2021 CFI request to complete a feasibility study of the Zephyr Creek area. The feasibility study will evaluate cost effective solutions to the street and structure flooding along Zephyr Creek before proceeding with any improvement project.

The development of a new ePermitting application platform provides the following benefits:

- Addresses the maintainability and extensibility of the current system.
- The User Interface (UI) will be compatible with mobile devices, i.e. tablets and smartphones, which now make up over 50 percent of all internet activity.
- Creates integrated business process management and workflow functionality replacing the existing custom-built workflow system.
- Moves the existing underlying database platform from Oracle to Microsoft SQL which reduces database complexity, dependency on Oracle and total cost of ownership.
- Improves the District's ability to implement system enhancements and meet changes in statutory requirements.

Staff Recommendation:

- 1) Approve the transfer of \$250,000 from the withdrawn Zephyr Creek Drainage Improvements: Units 3 and 4 CFI project (N990) to the ePermitting Modernization Project (P455) for the procurement of consulting services.
- 2) Approve the Board designated encumbrance and carry forward of funds remaining at the end of FY2020 into FY2021 to continue the implementation of the new ePermitting system.

Submit and File Reports - None

Routine Reports

The following items are provided for the Committee's information, and no action is required

19. **Treasurer's Report and Payment Register**
20. **Monthly Financial Statement**
21. **Monthly Cash Balances by Fiscal Year**
22. **Comprehensive Plan Amendment and Related Reviews Report**

RESOURCE MANAGEMENT COMMITTEE (TAB D)
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Discussion

23. **Consent Item(s) Moved for Discussion**
24. **Polk Regional Water Cooperative West Polk Wellfield Project - Third Party Review of Conceptual Design (N882)**

The purpose of this item is to provide the results of the project's first third-party review (TPR) on the brackish well feasibility study and conceptual design of a reverse osmosis (RO) facility and regional transmission system, and to request Governing Board approval to continue executing the cooperative funding agreement (CFA) for preliminary design and a second TPR.

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 regional water supply entity, the Polk Regional Water Cooperative (PRWC), to develop future alternative water supplies (AWS). The West Polk Wellfield project is one of four PRWC projects that are utilizing funds from District Resolution 15-07 for the feasibility and design of new AWS sources.

The West Polk Wellfield Project is being designed to provide 5.0 million gallons per day (mgd) of AWS in its initial phase, with five incremental expansions up to a total of 15 mgd, and transmission systems to deliver AWS to multiple PRWC member utility systems. The District Governing Board discussed the project and approved initial funding at its April 2017 meeting. The current Cooperative Funding Agreement (CFA) project phase consists of the design, permitting, and construction of a Lower Floridan aquifer test/production well study; the conceptual design, pilot testing, and preliminary design of a water treatment facility; and conceptual and preliminary design of a regional transmission system. The CFA requires two District third-party reviews (TPRs) at the conceptual design (feasibility) and preliminary design (30 percent) stages, and Governing Board authorization is required to proceed with the project following each TPR. The conceptual design (feasibility) TPR was conducted in May/June 2020 and reviewed the PRWC's formal drafts of the Test Well Completion Report, Injection Wells Conceptual Design Memo, Projected Water Quality Modeling Memo, Water Production Facility Conceptual Design Report, and Transmission Conceptual Routing Analysis. The documents and findings of the TPR are discussed below. The PRWC is incorporating TPR suggestions in the final copies of the reports.

The West Polk Wellfield Test Well Completion Report describes the drilling and testing study that was conducted at a 14-acre property adjacent to the City of Lakeland's T.B. Williams Water Production Facility and was completed in January 2020. Objectives of the study were to determine productivity, groundwater quality, hydraulic properties, evaluate confinement between the Upper Floridan and Lower Floridan aquifers; and evaluate the potential injection zone below the production zone for RO concentrate disposal. The TPR found the testing study to be thorough and accomplished the stated goals.

The Injection Wells Conceptual Design Memo reviews the confinement for the deep injection zone below the Lower Floridan Confining Unit (LFCU), Underground Injection Control (UIC) permitting rules and guidelines with the FDEP and identified potential issues. The TPR found the study to be thorough and recommended further testing to evaluate the confidence related to confinement for the injected water.

The Projected Water Quality Modeling Memo describes the groundwater modeling tools and scenarios used to determine the raw water quality expected at startup and in the future from planned withdrawals at the West Polk Wellfield to support the design of the water treatment facility. The TPR reviewed both the report and the parameters of the groundwater simulation model. The TPR found the methods to be a reasonable approach for the current stage of the design process. The Modeling Memo summarized results of 26 modeling runs and predicted a raw water Total Dissolved Solids (TDS) of 3,200 to 4,700 mg/l after 30 years of full-capacity use. The TPR suggested two additional scenarios that the PRWC team tested. The additional scenarios did not impact the report conclusions. The additional scenarios and other suggested edits will be included in the final Modeling Memo.

The Water Production Facility Conceptual Design Report was reviewed for its assumptions of brackish raw water chemistry, RO treatment system methods, finished water quality and posttreatment systems, and pipelines for raw water intake and concentrate disposal. The TPR

evaluated the anticipated pH, corrosion control, and chloride and sulfate levels to predict compatibility with customer utility systems and provided recommendations for the future stages of design. The TPR found the methods of design to be appropriate for the conceptual stage. The PRWC concurred with multiple suggestions (including additional water quality blending analysis) which will be incorporated during preliminary design.

The Transmission Conceptual Routing Analysis Report developed options for regional water delivery to PRWC member customers. Several transmission routes were evaluated with a nine-criteria ranking system. The recommended transmission system would provide direct supply from the West Polk Wellfield to the City of Lakeland with water wheeling to Auburndale, Polk City and Polk County's northwestern utility service area. The TPR suggested additional considerations regarding surge analysis, assurance of blending compatibility with local water systems, easement acquisitions, and materials. The PRWC concurred with suggestions and will consider them during preliminary design. The TPR found the techniques used were appropriate for the current level of design.

Detailed construction schedules were not required or included with the conceptual design reports for the water production facility or transmission systems; however, the reports stated a goal of having the AWS available by 2027 achievable. The TPR noted this goal was reasonable and provided additional considerations to help meet this goal.

The TPR evaluated the conceptual cost opinions provided for the Water Production Facility and Transmission System. Most direct cost items were determined to be reasonable assumptions or based on market prices. The conceptual cost estimations utilize multiple percentage markups for non-direct items like contingency, general conditions, site work, etc. The TPR recommended using a consistent contingency of 30 percent of direct costs at this conceptual stage of design. The PRWC has updated the conceptual cost opinions and the revised estimates are shown in Table 1 based on 2019 dollars. The cost opinions will continue to evolve and will become more focused in the preliminary and later design phases.

TABLE 1. West Polk Wellfield - Conceptual Cost Opinion at initial and full phases

Project Component	Initial 5.0 mgd capacity	Future 15.0 mgd capacity (Cumulative Total)
Water Production Facility	\$111,224,000	\$203,524,000
Regional Transmission System	\$16,211,000	\$16,211,000
Combined Capital Cost	\$127,435,000	\$219,735,000

The TPR engineering team reviewed the project design for consistency with industry standards and feasibility to meet its intended purpose. The TPR report concludes that the conceptual design is feasible and consistent with the parameters of similar systems. The continuation of the project will provide the PRWC with preliminary design reports for the water production facility and regional transmission system including more refined opinions of cost, a second TPR to support future cooperative funding applications for final design and construction phases, as well as a preliminary water rate analysis for PRWC member customers. The current CFA total cost is \$8,940,734, with the District share \$3,970,367. The District share was fully budgeted in FY2018 through a transfer of Resolution 15-07 funds

Staff Recommendation:

Authorize staff to continue with the project preliminary design phase and a second third-party

review in accordance with the cooperative funding agreement.

25. Status of the Polk Regional Water Cooperative Projects and Schedule Adjustments to Governing Board Resolution 18-06 (Amended)

The purpose of this item is to provide the Governing Board a brief status report on the four Polk Regional Water Cooperative (PRWC) alternative water supply projects and to request the Board: 1) excuse six schedule milestone exceedances associated with two of the projects; and 2) reaffirm the excusal regarding two third-party reviews associated with two of the projects. The requirements for meeting these goals are identified as a part of Governing Board Resolution 18-06 (amended - see attached exhibit).

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).

Amended Resolution 18-06 indicates that for the District to provide \$5,000,000 for FY2021, the following conditions must be met:

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.

Regarding project status, the status of each project is as follows:

Southeast Lower Floridan Aquifer Wellfield and Transmission (N905)

The project is on schedule. The project is planned to supply up to 30 million gallons per day (mgd) of alternative water from the Lower Floridan Aquifer to utilities primarily located in central Polk County along the Highway 27 and Highway 60 corridors. The first phase of the project is planned to supply 7.5 mgd by 2023 and 12.5 mgd by 2027. The first third-party review on the conceptual design was completed and approved by the Governing Board in September 2019. The second third party-review on the preliminary design (30 percent design) is expected to be presented to the Governing Board by February 2021. The total contract amount for this phase of the project is \$11,117,916, with a District share of \$4,846,958 of which \$3,760,520 has been spent to date.

West Polk Lower Floridan Aquifer Wellfield and Transmission (N882)

The project is on schedule. The project is planned to supply up to 15 mgd of alternative water from the Lower Floridan Aquifer to utilities primarily located in central-northern Polk County along the I-4 corridor. The first phase of the project is planned to supply 5.0 mgd by 2027. The first third-party review on the conceptual design has been completed and is scheduled to be presented to the Governing Board in August 2020. The second third-party review on the preliminary design (30 percent design) is expected to be presented to the Governing Board in late 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 \$2,702,658.18 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 project has missed, or is expected to miss, three project milestones identified in the contract: Task 4 - Preliminary design report (30 percent design) due August 15, 2020, Task 5 - Third-party review due July 15, 2020, and Task 7 - Easements and permitting report due September 30, 2020. The project will miss these deadlines due to continued coordination between the PRWC, District and the Peace River Manasota Regional Water Supply Authority (PRMRWSA) on development of a water availability model. That model was completed in July 2020 and these tasks can be resumed. The total contract amount for this phase of the project is \$1,980,250, with a District share of \$990,125 of which \$404,623.19 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 project has missed, or is expected to miss, three project milestones identified in the contract: Task 3 - Conceptual UIC feasibility due August 15, 2020, Task 5 - Environmental biological surveys due May 30, 2020, and Task 6 - Third-party review due July 15, 2020. The project will miss these deadlines due to continued coordination between the PRWC, District and the PRMRWSA on development of a water availability model. That model was completed in July 2020 and these tasks can be resumed. The total contract amount for this phase of the project is \$961,100 with a District share of \$480,550 of which \$117,840 has been spent to date.

Regarding the third-party review completion deadline for all four projects by April 30, 2020, the Governing Board previously excused the delay for the N928 and Q133 projects at the October 22, 2019 meeting. At that time, staff had just begun the water availability model development with the PRWC and PRMRWSA and anticipated that the April 30, 2020 deadline would not be met. Staff request that the Governing Board reaffirm its excusal of this deadline based upon the necessary coordination between the PRWC, District, and PRMRWSA on water availability associated with the Peace River.

Regarding the resolution requirement that all Phase One work must be on schedule for each project, staff have identified six schedule milestones associated with the two surface water projects (Q133 and N928) that will need to be considered by the Governing Board. The missed milestones are identified above in the project status narrative. The missed deadlines are all associated with continued coordination efforts between the PRWC, District and the PRMRWSA on development of a water availability model. That model was completed in July 2020 and these tasks can now be resumed.

To correct these schedule issues and still provide the \$5,000,000 funding incentive to the PRWC for FY2021 and anticipated to be provided in FY2022, 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 delay in the three tasks associated with the Peace Creek Integrated Water Supply Plan (N928) and the three tasks associated with the Peace River/Land use Transition Treatment Facility and Reservoir Project (Q133). Staff also recommends the Governing Board reaffirm its excusal of the third-party review deadlines previously approved October 22, 2019. Excusal of these schedule issues will allow the FY2021 funds, once approved in the District's final adopted FY2021 budget, to be encumbered to the PRWC, and keep future funds in FY2022 and FY2023, as noted in the resolution, available to the PRWC.

Staff Recommendation:

- 1) Excuse the schedule delay 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);
- 2) Reaffirm the excusal associated with the schedule delay for the completion of third-party reviews associated with two surface water cooperative funding projects (N928, Q133).

26. Hernando County Culbreath Road Area Flood Relief Project (N981) – Third-Party Review of 30 Percent Design and Associated Scope Change

The purpose of this item is to present the results of the third-party review (TPR) for the Hernando County (County) Culbreath Road Area Flood Relief project and the associated scope change, and to request Governing Board approval to amend the cooperative funding agreement (CFA) to include final design, permitting, and construction of the eligible project elements at a total eligible project cost of \$586,860.

The Culbreath Road Area Flood Relief project consists of design, permitting, and construction of drainage improvements to an existing one-mile section of Culbreath Road just south of Powell Road in Hernando County. Culbreath Road is designated as an evacuation route and the project area has experienced frequent roadway flooding primarily due to undersized stormwater infrastructure and low topography.

In FY2019, the Governing Board initially approved funding for this project only through 30 percent design and TPR. At that time, the conceptual estimate to complete final design, permitting and construction was \$3,000,000. This was less than the \$5,000,000 metric for requiring a TPR but, due to the complex nature of the project, a TPR was required. The details of the project have now been defined, and the project elements include both increasing the drainage conveyance capacity and reconstructing the roadway to a higher elevation. The drainage conveyance capacity improvements will enhance the intermediate drainage system and are eligible for cooperative funding initiative (CFI) funding. According to the CFI Guidelines, roadway improvements, including raising the elevation of a road, are considered local system improvements that are not eligible for CFI funding. These local system improvements are considered to be the responsibility of the local agency. It should be noted that this proposed solution, combining drainage improvements along with raising the roadway, is the most economical of several alternatives evaluated. If constructed, the project will reduce existing flooding problems during the 100-year, 24-hour storm event to the extent that Culbreath Road is predicted to be passable during this 100-year event.

In addition to the FY2019 funding approved for the 30 percent design and TPR, in FY2020 the Governing Board approved additional District funding of \$250,000 to complete final design and permitting contingent upon the TPR and further authorization by the Governing Board to proceed.

The District's TPR consultant (NorthStar Contracting Group, Inc.) completed their draft and final review of the 30 percent design package on 3/13/2020 and 5/1/2020, respectively. The conclusions of the final TPR report are summarized by the following:

- If executed properly, the project will achieve the benefits as set forth in the CFI agreement. The hydraulic model and the construction drawings are reasonably consistent with each other. The provided hydraulic modeling indicates that flooding during the 100-year storm will be reduced.
- The design drawings indicate a project that is constructible and will achieve the stated benefit set forth in the CFI agreement.
- Upon review of the drawings provided, there were no unmitigated life safety issues or fatal flaws found in the scope of the proposed project.
- The revised engineer's opinion of total probable cost (final design, permitting, and construction) of \$1,966,467 appears reasonable for a project of this magnitude and complexity for 30 percent design plans. It should be noted that this cost includes both eligible and ineligible project elements as discussed previously.
- The construction schedule estimates a total of 195 days which is reasonable for this type of construction.

The District's existing CFA with the County covers only 30 percent design and TPR. Governing Board approval is required to amend the agreement with revised scope of work, cost, and schedule to include final design, permitting, and construction of eligible project elements.

The project will reduce the existing flooding problem during the 100-year, 24-hour storm event and Culbreath Road is predicted to be passable during this 100-year event. The measurable benefit of the project will be completion of design, permitting, and construction of the proposed

drainage improvement to relieve flooding at Culbreath Road just south of Powell Road in Hernando County.

Based on the 30 percent design and the TPR, the County has confirmed that the total estimated project cost to complete final design, permitting, and construction of the entire project is \$1,966,467. The design and TPR information were also used by the County and the District to mutually agree on the project elements that are eligible for CFI funding and the estimated cost of those eligible project elements. The actual cost of the 30 percent design and the TPR was \$155,400. In addition to these costs, the estimated cost to complete final design, permitting, and construction of the intermediate drainage system improvements eligible for CFI funding is \$431,460. This results in a total project eligible cost of \$586,860. The District 50 percent share of the project eligible cost (30 percent design, TPR, final design, permitting, and construction) is \$293,430.

Using the total eligible project cost and based upon the TPR findings, staff re-evaluated the project with the result that rankings in each category are High or Medium and the overall ranking remains as High. The completed evaluation is provided in the accompanying Exhibit. The project provides for an improvement in water quality through new roadside swales that will treat the roadway runoff prior to discharge into the downstream system. This water quality enhancement, together with its flood protection benefits, results in a High ranking for strategic goal achievement.

Staff Recommendation:

Authorize continuation of the project and approve amending the CFA to include final design, permitting, and construction of the eligible project components with a total project budget of \$586,860 and the District share of \$293,430.

27. Peace River Manasota Regional Water Supply Authority Loop System Phase 1 Interconnect (N416) - Scope of Work Change

The purpose of this item is to consider a request from the Peace River Manasota Regional Water Supply Authority (Authority) to amend an existing Cooperative Funding Agreement (CFA) for the Loop System Phase 1 Interconnect Project (N416) to add the acquisition of a pump station owned by DeSoto County to the scope of work. The pump station supports the operation of the Interconnect and deliveries through the regional water supply system.

DeSoto County constructed the Project Prairie Pump Station in 2005 to receive and transmit regional water supply from the Authority to county customers. The pump station is located on US-17 in the southern part of the county. The station includes a 0.5 million-gallon (mg) storage tank, turbine pumps with a combined 5 million gallon per day (mgd) max capacity, chemical adjustment systems, a metal building housing the pumps and chemical systems, and an emergency generator. The Authority already owns a large storage building, an emergency well and an aeration tower at the Project Prairie site. The Authority is the sole water provider for DeSoto County Utilities. Since 2005 the Authority has provided 0.2 to 0.9 mgd to DeSoto County Utilities annually.

The Project Prairie facility is located at the northern end of the Loop System Phase 1 Interconnect Project. The District and Authority entered into a CFA for the Phase 1 Interconnect in 2016 to regionally connect DeSoto County with a blending station at the City of Punta Gorda's Shell Creek surface water and brackish groundwater facilities in Charlotte County. The Phase 1 Interconnect consists of approximately 6 miles of 24-inch pipeline between the Shell Creek and Project Prairie facilities. The total cost of the Agreement is

\$12,000,000 with the District share \$6,000,000. Construction will be completed this summer.

The Phase 1 Interconnect was first conceived in 2006 and included a separate booster pumping station located at the Shell Creek facility. A design update in 2014 provided an estimated cost of \$13,500,000. In 2015, a third-party review analyzed the hydraulic capacity and anticipated water demands and determined that the existing Project Prairie pump station had enough surplus capacity to meet near- and mid-term needs of both DeSoto County Utility's demands and the Phase 1 Interconnect. DeSoto County was amenable to sharing the pumping capacity. Also, deleting the separate booster station at the Shell Creek facility helped to keep the project within the Authority's available budget.

As the Phase 1 Interconnect project progressed, the Authority has achieved approximately \$1,200,000 in project savings through value engineering and excellent construction bid pricing. As the savings became apparent, the Authority and DeSoto County began discussing the acquisition of the Project Prairie pump station. They concurred that having the pump station under Authority control would improve future operations as it becomes a hub for regional water supply. Under most conditions, water will continue to be pumped to DeSoto County Utilities and approximately 1 mgd will also be pumped southward through the Phase 1 Interconnect to Punta Gorda's blending station. From Punta Gorda's blending station the capacity will be transferred through the City's system to Charlotte County connections in Port Charlotte and future County developments. At times when Punta Gorda has extra supply available and to balance annual transfers, the Authority may import water through the Phase 1 interconnect to the Project Prairie pump station and then re-pump it to DeSoto County. The Authority also has future plans to develop new supplies in eastern central DeSoto County for which the Project Prairie facility would be instrumental in distribution.

In fall 2019, the Authority conducted a third-party engineering evaluation of the Project Prairie pump station facilities. The evaluation found the facility to be in good condition, and the pump motors had been replaced in recent years. The pump station assets, including the building with pumps and chemical systems, storage tank, and emergency generator, were valued at \$748,733. DeSoto County has accepted the assessed value for the acquisition. The land would be transferred to the Authority at no cost. For comparative purposes, the Authority's evaluation estimated the comparable new construction cost to be \$1,575,000 in 2019 dollars. District staff conducted a CFI cost evaluation for the pump station assets, and for the Phase 1 Interconnect Project in whole, and found both to be ranked high in cost benefit.

The Authority is requesting to amend the Loop System Phase 1 Interconnect Agreement scope of work to include the Project Prairie Pump Station acquisition. The acquisition costs will be balanced with savings from the construction phase tasks and will not change the total contractual budget of the Agreement.

The change to the scope of work for the Loop System Phase 1 Agreement will enable the Authority's acquisition of a pump station necessary for the immediate and future needs of operating a regional water supply transmission system that provides service to two counties. The Authority will not require dependency on DeSoto County for the regular operation, routine maintenance, or emergency service of the regional pump station. The Authority will acquire the pump station for approximately half the cost of building a similar new station. The acquisition cost of \$748,733 is covered by project construction savings within the existing budget, so no changes are needed to the \$12,000,000 total Agreement cost.

Staff Recommendation:

Authorize staff to amend the cooperative funding agreement with the Authority for the Regional Loop System Phase 1 Interconnect Project (N416) to include the acquisition of the Project Prairie Pump Station with no change in the \$12,000,000 agreement cost.

28. FARMS – Creekside Nursery, Inc. (H780), Pasco County

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Creekside Nursery, Inc. and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$161,500 (75 percent of total project costs). Of this amount, \$161,500 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$215,333.

The District received a project proposal from Creekside Nursery, Inc. for their property located six miles northwest of San Antonio in north central Pasco County, within the Northern Tampa Bay Water Use Caution Area (NTBWUCA) and the Weeki Wachee Springshed. This project will involve construction of water conservation and precision agriculture best management practices for irrigation and fertilization of 85 acres of sod to offset Upper Floridan aquifer groundwater used and reduce nutrient loading to the groundwater. The Water Use Permit (WUP) authorizes annual average groundwater withdrawals of 198,200 gallons per day (gpd). FARMS project components consist of one center pivot, high efficiency irrigation guns, automation, fertigation, soil mapping, soil moisture probes, and mainline pipe necessary to connect the high efficiency irrigation guns to the existing irrigation system.

The proposed project involves water conservation and nutrient reduction best management practices within the Weeki Wachee Springshed and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is consistent with the Governor's executive order 19-12 which directs the District to prioritize funding to focus on projects that maximize nutrient reductions. The project is also consistent with the District's Weeki Wachee SWIM plan. The Weeki Wachee Springshed will benefit from a 30,000 gpd reduction in groundwater use and a reduction of 347 pounds of nitrogen per year. The water conservation components are integrated with the nutrient reduction components to maximize nutrient reduction. Based on the 30,000 gpd groundwater offset and a reduction of 347 pounds per year of nitrogen and a proposed six-year contract term, the cost per thousand gallons of water is \$3.63 and the cost per pound of nitrogen reduced is \$7.05. These values are within the guidelines for the generally accepted average cost savings for water conservation and nutrient reduction BMPs for perennial crops.

Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$3,701,353 remaining in its FARMS Program budget.

Staff Recommendation:

- 1) Approve the Creekside Nursery, Inc. project for a not-to-exceed project reimbursement of \$161,500 with \$161,500 provided by the Governing Board;
- 2) Authorize the transfer of \$161,500 from fund 010 H017 Governing Board FARMS Fund to the H780 Creekside Nursery, Inc. project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

29. Fiscal Year 2021 Project Funding Update

- a.** Water Protection Sustainability Program Trust Fund (WPSPTF) State Appropriation
- b.** Weeki Wachee River Restoration Project
- c.** Florida Department of Environmental Protection (FDEP) Springs Project Funding

Purpose

- a.** Provide an update on the state appropriation of \$450,000 from the WPSPTF allocated to the District by the 2020 Florida Legislature. Staff requests Board approval to apply this revenue to the Pasco County River Landing Reclaimed Water Transmission Cooperative Funding Initiative (CFI) project (Q158) in the FY2021 budget.
- b.** Provide an update on a recent grant application the District submitted to the FDEP for \$4,195,000 to fund the Weeki Wachee River Restoration project. Staff requests Board approval to include this revenue in the FY2021 budget.
- c.** Provide an update on a request from the FDEP for the Board to consider including additional ad valorem funding in the FY2021 budget for seven springs projects in our District.

Background/History**a. WPSPTF State Appropriation**

The 2020 Florida Legislature appropriated \$1,800,000 to the WPSPTF, of which the District was allocated \$450,000. These funds are restricted to alternative water supply projects and are not currently included in the District's FY2021 budget. Staff proposes to allocate this appropriation to the Pasco County River Landing Reclaimed Water Transmission CFI project (Q158) which was approved for District funding during the FY2021 CFI cycle. The project is for construction of approximately 14,950 feet of reclaimed water transmission mains and other necessary appurtenances to supply reclaimed water to approximately 410 single family homes, 416 multi-family homes and to enable supply to future planned subdivisions. The project benefit is the supply of 465,000 gallons per day (gpd) of reclaimed water to residential customers for an anticipated water savings of 291,000 gpd within the Northern Tampa Bay Water Use Caution Area. The total project cost is \$3,386,600 with the District and Pasco county each contributing \$1,693,300 (50%). Additional project details and the revised funding share with the inclusion of this revenue can be found in the attached exhibit. With Board approval, the revenue will be included for this project in the FY2021 budget for adoption at the tentative public hearing scheduled to be held on September 8, 2020.

b. Weeki Wachee River Restoration Project

Sedimentation in the lower Weeki Wachee River has been accelerated by human disturbances including river widening in the vicinity of Weeki Wachee Gardens. Accumulated sediments have altered the river channel structure and smothered beneficial river bottom habitat and submerged aquatic vegetation. The District received a \$400,000 state appropriation in 2018 to design and permit a project to remove sedimentation to restore this segment of the river. The design and permitting of this project was completed in the spring of 2020 and was fully funded by the state appropriation. The District recently submitted a grant funding application to the FDEP for \$4,195,000 to construct the project. The project is anticipated to remove 26,200 cubic yards of accumulated sediments by hydraulic dredging along a 1.6 mile stretch of the river from upstream of Grand Cypress Canal and downstream past the Shoal Line Blvd bridge. The project will restore river bottom habitats, enhance submerged aquatic vegetation, and provide adequate depth for manatee passage. With Board approval, the revenue will be included for this project in the FY2021 budget for adoption at the tentative public hearing scheduled to be held on September 8, 2020.

c. FDEP Project Funding Request

The District recently received a request from the FDEP to consider additional District ad valorem funding in the FY2021 budget for seven projects that were recommended for FY2021 FDEP Springs Initiative funding by the Springs Coast Steering Committee. Staff will provide information on each of these seven projects in detail during the board presentation. With Board approval, funding will be included for these projects in the FY2021 budget for adoption at the tentative public hearing scheduled to be held on September 8, 2020.

Staff Recommendation:

- a. Approve including \$450,000 of WPSPTF state appropriation in the FY2021 budget and applying those funds to the Pasco County River Landing Reclaimed Water Transmission CFI project (Q158) equally reducing the District's and cooperator's share of the total project cost.
- b. Approve including \$4,195,000 of grant funding for the Weeki Wachee River Restoration project in the FY2021 budget.
- c. Consider the request by the FDEP to include additional ad valorem funding in the FY2021 budget for the seven springs projects as presented.

Submit & File Reports

30. **Lower Hillsborough River Recovery Strategy Implementation – Annual Update**
31. **Minimum Flows and Minimum Water Levels Priority List and Schedule Update**

Routine Reports

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

32. **Minimum Flows and Levels and Reservations Status Report**
33. **Significant Water Resource and Development Projects**

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE (TAB E)**Discussion**

34. **Consent Item(s) Moved for Discussion**
35. **Hydrologic Conditions Report**

- July historically marks the second month of the four-month wet season (June through September). Rainfall was scattered, regionally variable and mainly from typical summertime afternoon/evening rain showers.
- Rainfall: July totals were within the "normal" range in the northern and central counties, while "below-normal" in the southern counties. The District-wide 12-month cumulative rainfall totals declined in July, ending the month at a deficit of 4.77 inches below the long-term historical average. The rainfall deficit remains greatest in the southern counties at 6.68 inches below the mean.
- Streamflow: Monthly data indicates flow increased at six of twelve monitoring stations, compared to last month. Seven stations ended the month in the "normal" range of historical values, while five were "below-normal". Regional streamflow, based on three index rivers, was at the lower end of the "normal" range in the northern and southern regions, while it was within the "normal" range in the central region.
- Groundwater: Regional aquifer levels increased in July, but less than expected in an average year, resulting in statistical declines in health even as water levels rose. All regions ended the month within the "normal" range.

- Lake Levels: Water level data indicates that regional lake levels increased in all four lake regions of the District, compared to last month. The northern region ended the month with “below-normal” levels, while the Tampa Bay, Polk Uplands and Lake Wales Ridge regions ended the month with levels within the “normal” range.”
- Overall: Regional groundwater wells and lakes saw rising levels during July, although less than normal. Streamflow also saw mixed results, with lower flows occurring in river basins with low rainfall accumulations.

Staff Recommendation:

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

Submit and File Reports – None

Routine Reports

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

36. **Significant Activities**

37. **Structure Operations**

REGULATION COMMITTEE (TAB F)

Discussion

38. **Consent Item(s) Moved for Discussion**

39. **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.

Submit & File Reports – None

Routine Reports

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

40. **Overpumpage Report**

41. **Individual Permits Issued by District Staff**

GENERAL COUNSEL'S REPORT (TAB G)**Discussion****42. Consent Item(s) Moved for Discussion****43. Central Florida Water Initiative Rulemaking Update**

On July 1, 2016, the Florida Legislature enacted Section 373.0465, Florida Statutes, to address water supply planning within the Central Florida Water Initiative (CFWI) area. The CFWI area consists of all of Orange, Seminole, and Polk counties and southern Lake County, and covers approximately 5,300 square miles. The statute directs continuation of a collaborative process among the state and regional agencies, regional public water supply utilities, and other stakeholders in the water supply planning process.

In addition, the statute requires the Department of Environmental Protection (Department) to adopt uniform rules for water use permitting, minimum flows and water levels (MFLs), and water reservations for application within the CFWI area. Staff from the South Florida, St. Johns River, and Southwest Florida Water Management Districts (Districts) have assisted the Department in conducting numerous rulemaking workshops to develop these uniform rules. The final rulemaking workshop occurred on August 12, 2020, and staff are preparing the uniform rules for adoption in accordance with the rulemaking process established in Chapter 120, Florida Statutes. This informational item will provide an overview of the uniform rules and the rulemaking process.

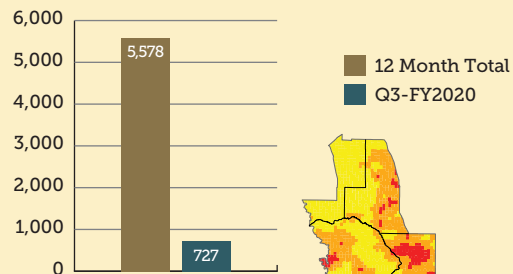
Submit & File Reports – None**Routine Reports**

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

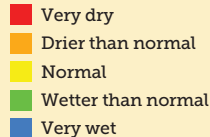
44. August 2020 Litigation Report**45. August 2020 Rulemaking Update****EXECUTIVE DIRECTOR'S REPORT (TAB H)****46. Executive Director's Report****CHAIR'S REPORT (TAB I)****47. Chair's Report****48. Employee Milestones****ADJOURN PUBLIC MEETING****ADJOURNMENT**

OPERATIONS, LANDS AND RESOURCE MONITORING

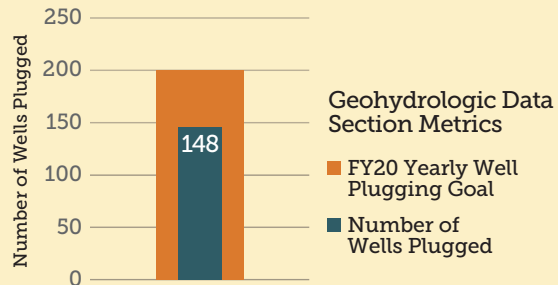
Volunteer Hours



RAINFALL DISTRIBUTION Aug 2019 – Jul 2020



QWIP Wells Plugged For Fiscal Year 2020



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Monthly Dashboard July 2020

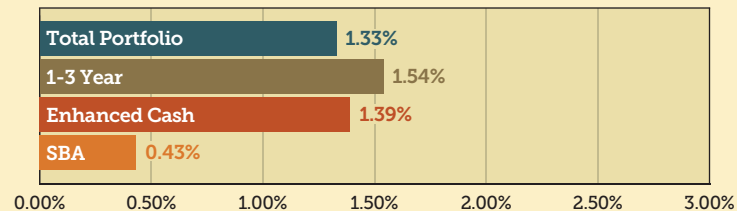


\$365.1 million
(current budget)

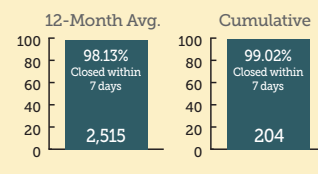
Days Without an At-Fault Accident: 242
Days Without a Lost-Time Injury: 269

MANAGEMENT SERVICES

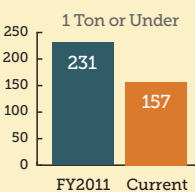
Total Return on Investments - (Yield to Maturity at Cost)



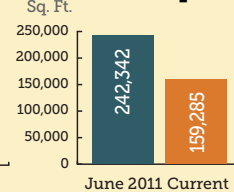
Public Records Requests



Fleet



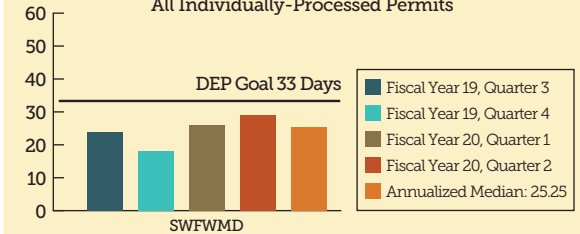
Office Space



REGULATION

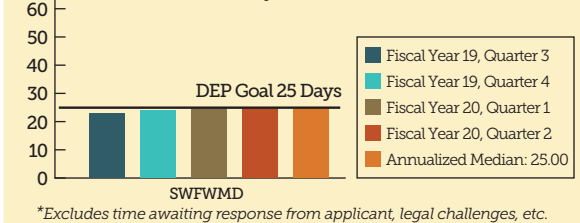
Consumptive Use Permitting

*Active Staff Processing Time,
All Individually-Processed Permits



Environmental Resource Permitting

*Active Staff Processing Time,
All Individually-Processed Permits

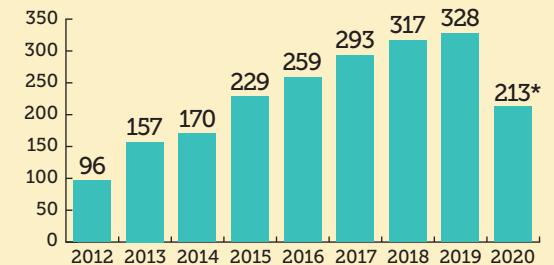


*Excludes time awaiting response from applicant, legal challenges, etc.

EMPLOYEE & EXTERNAL RELATIONS

Ombudsman

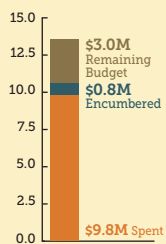
Number of Inquiries Received (Annually)



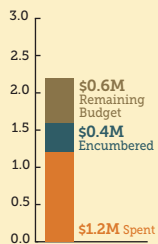
* As of 08/09/2020. Data based on a calendar year.

FINANCIAL SUMMARY

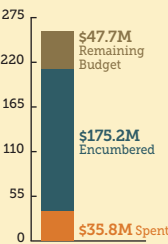
Regulation Budget \$13.6M



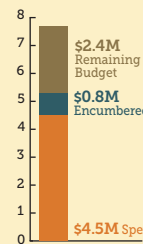
General Counsel Budget \$2.2M



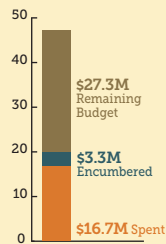
Resource Management Budget \$258.7M



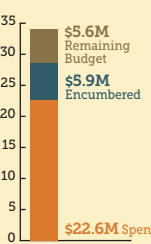
Emp. & Ext. Relations Budget \$7.7M



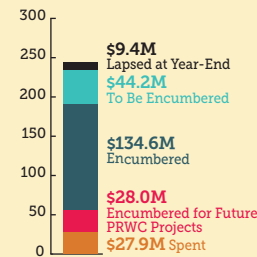
Operations, Lands & Resource Monitoring Budget \$47.3M



Management Services Budget \$34.1M

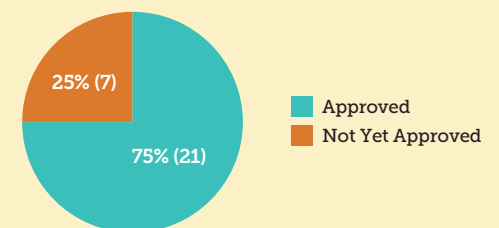


Total Number of Projects: 350 Resource Management Project Budget: \$244.1M



RESOURCE MANAGEMENT AND NATURAL RESOURCES

2020 Priority List and Schedule MFLs Governing Board Approved To-Date



Governing Board Meeting

August 25, 2020

CONVENE MEETING OF THE GOVERNING BOARD

PUBLIC MEETING

1. **Call to Order**

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

2. **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.

3. **Election of Governing Board Officers**

According to Board Policy 110-7, election of officers shall occur annually in May. Due to the COVID-19 pandemic and the need to conduct meetings by means of communications media technology, the election of officers was delayed. Elections will take place during the beginning of the District Business portion of the August Governing Board meeting. New officers will assume offices immediately following the August Governing Board meeting.

4. **Additions/Deletions to Agenda**

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." 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

5. **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: Mark Taylor, Chair

Governing Board Meeting

August 25, 2020

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.

Finance/Outreach & Planning Committee

- 6. Budget Transfer Report 6
- 7. Adopt Resolutions to Identify New Slate of Officers for Financial Documents 8
- 8. Knowledge Management: Budget Authority Transfer of Funds Governing Board Policy33

Resource Management Committee

- 9. FARMS – Symons Grove, LLC (H787), DeSoto Count 37

Operations, Lands and Resource Monitoring Committee

- 10. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101C40

Regulation Committee

- 11. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20011982.004 / Bethel Farms / Bethel Farms LLLP (Charlotte County) 43

General Counsel's Report

- 12. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Approval of Settlement Agreement Between SWFWMD and Kelly Family Holdings, LLC - Overpumpage - Water Use Permit No. 20002588.012 - CT No. 390610 - Charlotte County.56
- 13. Rulemaking – None

Executive Director's Report

- 14. Approve Governing Board Minutes – July 28, 202068
- 15. Approve Calendar for Fiscal Year 2020-2021 Meeting Dates79

FINANCE/OUTREACH & PLANNING COMMITTEE

August 25, 2020

Consent Agenda

Budget Transfer Report

Purpose

Request approval of the Budget Transfer Report covering all budget transfers made during the month of July 2020.

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 regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for July 2020.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
July 2020

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category	Reason For Transfer	Transfer Amount
<u>Change from Original Budget Intent</u>				
1	Natural Systems & Restoration Contracted Construction	Office of General Counsel Consultant Services	Transfer of funds originally budgeted for Tampa Bay Habitat Regional Coordination which provides funds for general support to habitat restoration efforts for Tampa Bay. Coordination efforts requiring construction services are projected to be less than anticipated. The funds are needed in addition to the \$10,000 transferred in May to hire a consultant to assist with ensuring bid, contract, and project documents are in compliance for those receiving federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies (RESTORE) Act funds. The increase is due to more time required of the consultant than originally anticipated.	\$ 7,500.00
Total Change from Original Budget Intent				\$ 7,500.00
Total Transfers for Governing Board Ratification				\$ 7,500.00

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 for Governing Board ratification on the Consent Agenda. This Board Policy limits transfers made for a purpose other than the original budget intent to \$50,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.

FINANCE/OUTREACH & PLANNING COMMITTEE

August 25, 2020

Consent Agenda

Adopt Resolutions to Identify New Slate of Officers for Financial Documents

Purpose

- (1) Authorize the new slate of officers to apply their signatures to the required financial documents and;
- (2) Request that the Governing Board adopt District Resolution No. 20-10 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District and;
- (3) Adopt the SunTrust Deposit Account Resolution and Authorization for Business Entities document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's deposit account(s).
- (4) Adopt the SunTrust Corporate Resolution document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's custody accounts.

Background

Following its annual election of officers, the new officers will assume their offices immediately following the August 2020 Governing Board meeting. Resolutions must be adopted to give the new slate of officers the authority to sign and countersign all District warrants or checks. Section 373.553, Florida Statutes, requires District funds to be disbursed by check or warrant signed by the treasurer or assistant treasurer (secretary) and countersigned by the chair or vice chair of the board. The newly elected officers for Chair, Vice Chair, Secretary/Assistant Treasurer, and Treasurer/Assistant Secretary are identified by adoption of the resolutions, which will provide their signatures to SunTrust.

The District's Custody Agreement retains and employs SunTrust Bank, through its Wealth and Investment Management Division, to act as custodian of certain securities and funds of the District. Following the annual election of officers, a new Corporate Resolution must be adopted to give the new slate of officers the authority to give direction or confirmation to the Bank on all matters regarding the Custody Agreement and Account. The newly elected officers for Chair, Vice Chair, Secretary and Treasurer are identified by adoption of the resolution, which will provide their signatures to the Wealth and Investment Management Division of SunTrust Bank.

Staff Recommendation:

- (1) Authorize the new slate of officers to apply their signatures to the required financial documents and;
- (2) Adopt Resolution No. 20-10 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District.

Item 7

- (3) Adopt the SunTrust Deposit Account Resolution and Authorization for Business Entities document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's deposit accounts.
- (4) Adopt the SunTrust Corporate Resolution document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's custody accounts.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

CERTIFICATE FOR FACSIMILE SIGNATURE
PURSUANT TO SECTION 116.34, FLORIDA STATUTES

STATE OF FLORIDA

COUNTY OF HERNANDO

I, _____ being duly commissioned to
(printed name as signed below)

assume the office of Chair of the Governing Board of the Southwest Florida Water
(complete title or position)

Management District, a political subdivision of the State of Florida, beginning August 25, 2020, do hereby file with the Department of State my official signature for the purpose of complying with Section 116.34, Florida Statutes, and do hereby certify that the below signature is true and correct and manually subscribed by me.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I
HAVE READ THE FOREGOING OATH AND THAT THE
FACTS STATED IN IT ARE TRUE.**

(Signature)

2379 Broad Street

Brooksville, Florida 34604-6899

Sworn to and subscribed before me this

_____ day of _____ 2020.

CERTIFICATE FOR FACSIMILE SIGNATURE
PURSUANT TO SECTION 116.34, FLORIDA STATUTES

STATE OF FLORIDA

COUNTY OF HERNANDO

I, _____ being duly commissioned to
(printed name as signed below)

assume the office of Vice Chair of the Governing Board of the Southwest Florida Water
(complete title or position)

Management District, a political subdivision of the State of Florida, beginning August 25, 2020, do hereby file with the Department of State my official signature for the purpose of complying with Section 116.34, Florida Statutes, and do hereby certify that the below signature is true and correct and manually subscribed by me.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I
HAVE READ THE FOREGOING OATH AND THAT THE
FACTS STATED IN IT ARE TRUE.**

(Signature)

2379 Broad Street

Brooksville, Florida 34604-6899

Sworn to and subscribed before me this

_____ day of _____ 2020.

CERTIFICATE FOR FACSIMILE SIGNATURE
PURSUANT TO SECTION 116.34, FLORIDA STATUTES

STATE OF FLORIDA

COUNTY OF HERNANDO

I, _____ being duly commissioned to
(printed name as signed below)

assume the office of Secretary/Assistant Treasurer of the Governing Board of the
(complete title or position)

Southwest Florida Water Management District, a political subdivision of the State of Florida,
beginning August 25, 2020, do hereby file with the Department of State my official
signature for the purpose of complying with Section 116.34, Florida Statutes, and do
hereby certify that the below signature is true and correct and manually subscribed by me.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I
HAVE READ THE FOREGOING OATH AND THAT THE
FACTS STATED IN IT ARE TRUE.**

(Signature)

2379 Broad Street

Brooksville, Florida 34604-6899

Sworn to and subscribed before me this

_____ day of _____ 2020.

CERTIFICATE FOR FACSIMILE SIGNATURE
PURSUANT TO SECTION 116.34, FLORIDA STATUTES

STATE OF FLORIDA

COUNTY OF HERNANDO

I, _____ being duly commissioned to
(printed name as signed below)

assume the office of Treasurer/Assistant Secretary of the Governing Board of the
(complete title or position)

Southwest Florida Water Management District, a political subdivision of the State of Florida,
beginning August 25, 2020, do hereby file with the Department of State my official
signature for the purpose of complying with Section 116.34, Florida Statutes, and do
hereby certify that the below signature is true and correct and manually subscribed by me.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I
HAVE READ THE FOREGOING OATH AND THAT THE
FACTS STATED IN IT ARE TRUE.**

(Signature)

2379 Broad Street

Brooksville, Florida 34604-6899

Sworn to and subscribed before me this

_____ day of _____ 2020.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 20-10

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the Governing Board of the Southwest Florida Water Management District that the following officers of the Governing Board have assumed their offices effective August 25th, 2020, and shall have the authority, pursuant to Section 373.553, F.S., to sign all warrants or checks of the District:

_____, Treasurer and Assistant Secretary SIGNS

_____, Secretary and Assistant Treasurer SIGNS

_____, Chair COUNTERSIGNS

_____, Vice Chair COUNTERSIGNS

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

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

APPROVED AND ADOPTED this 25th day of August 2020, by the Governing Board of the Southwest Florida Water Management District.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SEAL

By: _____
Chair

Attest:

Secretary



Deposit Account Resolution and Authorization for Business Entities

I. Business Entity Account Information

Name <u>Southwest Florida Water Management District</u>		Business Type <u>PF State/Local</u>
Governed By <u></u>	Taxpayer ID Number <u>59-0965067</u>	Date Resolution and Authorization Adopted <u>8/25/2020</u>
Account Number(s) <u>7304, 0661, 7302, 3015</u>		

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

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

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

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

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

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

User ID UFET49 Account Number

Name	Title	Signature
	CHAIR	
	VICE CHAIR	
	TREASURER	
	SECRETARY	

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

Name of Authorized Signer Listed in Section III	Machine/Facsimile Stamped Signature of Authorized Signer
, Chair	X
, Treasurer	X

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

Additional Signatory's Name	Position with Entity	Specific Deposit Account Number(s) Applicable to Signatory (Complete only if signatory is <u>not</u> authorized on all accounts)

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

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

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

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

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

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

User ID **UFET49**

Account Number

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

(Affix Seal here, if available)

Authorized Signature

This section not applicable

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

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

Name and Title	Signature	Date
/ Chair		
/ Vice Chair		
/ Treasurer		
/ Secretary		

Signature Requirement instructions

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

- Corporations:** Corporate Officers authorized to act on behalf of the corporation named in Section III should include the **President and Secretary** and any other applicable corporate officers, such as Vice President or Treasurer. The **President, Secretary, Assistant Secretary, or other corporate officer as designated in the bylaws of the corporation** is required to certify the Deposit Account Resolution and Authorization under Section IX.
- Limited Liability Companies:** Section III and X require the signatures of all **members/managers/board members**, unless the Operating Agreement authorizes one or more members/managers/board members to conduct banking business, in which case the signatures of all such authorized members/managers/board members are sufficient.
- Public Fund Entities:** Section III requires the signatures of individuals authorized to sign on behalf of the Public Fund Entity as **designated by the governing unit**, e.g., Board of County Commissioners, Mayor, Secretary of State, etc. The individual(s) authorized to **represent the governing unit** is required to certify the Deposit Account Resolution and Authorization under Section X.
- Partnerships:** Section III and X require the signatures of all **General Partners**, unless the Partnership Agreement designates one or more partners to conduct banking business and perform banking transactions. In such cases, the designated general partner(s) are named in Section III as the **General Partners** authorized to act on behalf of the entity and these same General Partners will certify the Deposit Account Resolution and Authorization under Section X.
- Sole Proprietorships:** Section III and X require the signature of the proprietor (owner) or in the case of a spousal proprietorship, the signatures of the husband and wife who own the Business Entity.
- Unincorporated Organizations or Associations:** Section III requires the signatures of the **Officers or Positions** designated in the Organization or Association's bylaws or charter as authorized to act on behalf of the organization or association. The **President or Secretary** of the organization or association (or other individual designated to do so) is required to certify the Deposit Account Resolution and Authorization under Section X.

Bank Use Only

Bank Number 0175	Cost Center Number 6560250	Cost Center Name Government-tampa	
Prepared By ESTHER TORRES		Phone Number (813) 224-2183	Date 8/25/2020
Account Number(s) 0134006287304, 100005380661, 0134006287302, 6990134053015			
Verification Method			

User ID **UFET49**

Account Number

EXHIBIT

CORPORATE RESOLUTION

I, the undersigned Secretary of the below named Corporation, which is organized and existing under the laws of the State of Florida and having its principal place of business at the below named address, hereby certify to SUNTRUST Bank (the “Bank”) that the following is a true copy of a Resolution adopted by the governing authority of this entity in accordance with its By-Laws, at a meeting held on August 25th, 2020, and not subsequently modified.

RESOLVED:

- 1) That the Private Wealth Management Division of SunTrust Bank (the “Bank”) is designated as a depository for funds and securities of this entity, under an Agreement signed on behalf of this entity:
- 2) That any of the officers or representative whose titles are listed below are hereby authorized on behalf of this entity:
 - To sign and execute Bank Documents with the Bank and to establish the appropriate account(s) (the “Account(s)”); and
 - To deposit, transfer or withdraw funds; to agree to the purchase, sale or exchange of any funds or assets held in the Account(s); to provide instructions, when needed, to the Bank with respect to the management or investment of such funds or assets; and to sign checks, drafts, stock powers, bond powers or other orders with respect to assets of, or being added to, the Account(s); and
 - To transact any and all other business relating to the Accounts(s), which at any time may be deemed desirable pursuant to the provisions of the Agreement; and
- 3) That the Bank may rely upon the authority conferred by this Resolution until it is revoked or modified and the Bank receives written notice thereof.

I further certify that the following officers or representatives are currently authorized to act on behalf of this entity in accordance with the terms of this Resolution as outlined.

<u>Officer or Representative Title</u>	<u>Name</u>	<u>Signature</u>
<u>Chair</u>	_____	_____
<u>Vice Chair</u>	_____	_____
<u>Treasurer</u>	_____	_____
<u>Secretary</u>	_____	_____

Number of signatures required, if applicable: 1

IN WITNESS WHEREOF, I have hereunder subscribed my name and affixed the seal of this entity if applicable.

Southwest Florida Water Management District
Entity Name
2379 Broad Street
Address
Brooksville FL 34604-6899
City, State and ZIP

Secretary

Date (Corporate Seal)



Business Account Signature Card

Region Number 042	Account Number [REDACTED] 0661
Account Title SOUTHWEST FLORIDA WATER MGMT DIST FLEXIBLE BENEFIT ACCOUNT	
Organization Type PF STATE/LOCAL	Tax ID Number 590965067
Authorized Signature(s)	
Name/Title	Signature
1. / CHAIR	
2. / VICE CHAIR	
3. / TREASURER	
4. / SECRETARY	
5.	
6.	

Date Opened 11/21/03	Date Revised 8/25/2020	Reason Change
Cost Center Number 6560250	Officer Number 12297	ID ADAM HORN
Work Phone Number 813-224-2183	Prepared By ESTHER TORRES	Maintenance Type <input type="checkbox"/> New <input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Change

SunTrust Bank ("Bank")

It is agreed that all transactions between the Bank and the entity listed in the above Account Title ("Depositor") shall be governed by the rules and regulations for this account and the above signed as the authorized agent(s) of the Depositor hereby acknowledge(s) receipt of such rules and regulations and the funds availability policy. The Depositor also acknowledges the funds availability policy has been explained.

Check Appropriate Box

- ☐ Individual / Sole Proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/Estate
☐ Limited Liability Company
Enter the tax classification (C=C corporation, S=S corporation, P=partnership) _____
☒ Other (See Instructions.) **GOVERNMENT**
☒ Exempt Payee

Certification—Under penalties of perjury, I, as authorized agent of the Depositor certify that:

- 590965067** is the correct taxpayer identification number for the Depositor (or the Depositor is waiting for a number to be issued), and
- The Depositor is not subject to backup withholding because: (a) the Depositor is exempt from backup withholding, or (b) the Depositor has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified the Depositor that it is no longer subject to backup withholding, and
- The depositor is a U.S. citizen or other U.S. person (defined in the instructions).

Certification Instructions. You must cross out item 2 above if the depositor has been notified by the IRS that the depositor is currently subject to backup withholding because the depositor has failed to report all interest and dividends on the depositor's tax return.

Signature of U.S. Person **(X)** _____ Date _____



Business Account Signature Card

Region Number 042	Account Number [REDACTED] 3015
Account Title SOUTHWEST FLORIDA WATER MGMT DIST ACCOUNTS PAYABLE	
Organization Type PF STATE/LOCAL	Tax ID Number 590965067
Authorized Signature(s)	
Name/Title	Signature
1. / CHAIR	
2. / VICE CHAIR	
3. / TREASURER	
4. / SECRETARY	
5.	
6.	

Date Opened 10/18/95	Date Revised 8/25/2020	Reason Change
Cost Center Number 6560250	Officer Number 12297	ID ADAM HORN
Work Phone Number 813-224-2183	Prepared By ESTHER TORRES	Maintenance Type <input type="checkbox"/> New <input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Change

SunTrust Bank ("Bank")

It is agreed that all transactions between the Bank and the entity listed in the above Account Title ("Depositor") shall be governed by the rules and regulations for this account and the above signed as the authorized agent(s) of the Depositor hereby acknowledge(s) receipt of such rules and regulations and the funds availability policy. The Depositor also acknowledges the funds availability policy has been explained.

Check Appropriate Box

- ☐ Individual / Sole Proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/Estate
☐ Limited Liability Company

Enter the tax classification (C=C corporation, S=S corporation, P=partnership) _____

☒ Other (See Instructions.) **GOVERNMENT**

☒ Exempt Payee

Certification—Under penalties of perjury, I, as authorized agent of the Depositor certify that:

- 590965067** is the correct taxpayer identification number for the Depositor (or the Depositor is waiting for a number to be issued), and
- The Depositor is not subject to backup withholding because: (a) the Depositor is exempt from backup withholding, or (b) the Depositor has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified the Depositor that it is no longer subject to backup withholding, and
- The depositor is a U.S. citizen or other U.S. person (defined in the instructions).

Certification Instructions. You must cross out item **2** above if the depositor has been notified by the IRS that the depositor is currently subject to backup withholding because the depositor has failed to report all interest and dividends on the depositor's tax return.

Signature of U.S. Person ☒

Date _____



Business Account Signature Card

Region Number 042	Account Number [REDACTED] 7302
Account Title SOUTHWEST FLORIDA WATER MGMT DIST PAYROLL ACCT	
Organization Type PF STATE/LOCAL	Tax ID Number 590965067
Authorized Signature(s)	
Name/Title	Signature
1. / CHAIR	
2. / VICE CHAIR	
3. / TREASURER	
4. / SECRETARY	
5.	
6.	

Date Opened 11/21/03	Date Revised 8/25/2020	Reason Change
Cost Center Number 6560250	Officer Number 12297	ID ADAM HORN
Work Phone Number 813-224-2183	Prepared By ESTHER TORRES	Maintenance Type <input type="checkbox"/> New <input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Change

SunTrust Bank ("Bank")

It is agreed that all transactions between the Bank and the entity listed in the above Account Title ("Depositor") shall be governed by the rules and regulations for this account and the above signed as the authorized agent(s) of the Depositor hereby acknowledge(s) receipt of such rules and regulations and the funds availability policy. The Depositor also acknowledges the funds availability policy has been explained.

Check Appropriate Box

- ☐ Individual / Sole Proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/Estate
☐ Limited Liability Company
Enter the tax classification (C=C corporation, S=S corporation, P=partnership) _____
☒ Other (See Instructions.) **GOVERNMENT**
☒ Exempt Payee

Certification—Under penalties of perjury, I, as authorized agent of the Depositor certify that:

- 590965067** is the correct taxpayer identification number for the Depositor (or the Depositor is waiting for a number to be issued), and
- The Depositor is not subject to backup withholding because: (a) the Depositor is exempt from backup withholding, or (b) the Depositor has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified the Depositor that it is no longer subject to backup withholding, and
- The depositor is a U.S. citizen or other U.S. person (defined in the instructions).

Certification Instructions. You must cross out item 2 above if the depositor has been notified by the IRS that the depositor is currently subject to backup withholding because the depositor has failed to report all interest and dividends on the depositor's tax return.

Signature of U.S. Person **(X)** _____ Date _____



Business Account Signature Card

Region Number 042	Account Number [REDACTED] 7304
Account Title SOUTHWEST FLORIDA WATER MGMT DIST CONCENTRATION ACCT	
Organization Type PF STATE/LOCAL	Tax ID Number 590965067
Authorized Signature(s)	
Name/Title	Signature
1. / CHAIR	
2. / VICE CHAIR	
3. / TREASURER	
4. / SECRETARY	
5.	
6.	

Date Opened 11/21/03	Date Revised 8/25/2020	Reason Change
Cost Center Number 6560250	Officer Number 12297	ID ADAM HORN
Work Phone Number 813-224-2183	Prepared By ESTHER TORRES	Maintenance Type <input type="checkbox"/> New <input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Change

SunTrust Bank ("Bank")

It is agreed that all transactions between the Bank and the entity listed in the above Account Title ("Depositor") shall be governed by the rules and regulations for this account and the above signed as the authorized agent(s) of the Depositor hereby acknowledge(s) receipt of such rules and regulations and the funds availability policy. The Depositor also acknowledges the funds availability policy has been explained.

Check Appropriate Box

- ☐ Individual / Sole Proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/Estate
☐ Limited Liability Company
Enter the tax classification (C=C corporation, S=S corporation, P=partnership) _____
☒ Other (See Instructions.) **GOVERNMENT**
☒ Exempt Payee

Certification—Under penalties of perjury, I, as authorized agent of the Depositor certify that:

- 590965067** is the correct taxpayer identification number for the Depositor (or the Depositor is waiting for a number to be issued), and
- The Depositor is not subject to backup withholding because: (a) the Depositor is exempt from backup withholding, or (b) the Depositor has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified the Depositor that it is no longer subject to backup withholding, and
- The depositor is a U.S. citizen or other U.S. person (defined in the instructions).

Certification Instructions. You must cross out item 2 above if the depositor has been notified by the IRS that the depositor is currently subject to backup withholding because the depositor has failed to report all interest and dividends on the depositor's tax return.

Signature of U.S. Person **(X)** _____ Date _____



PUBLIC FUNDS CUSTODIAN CERTIFICATION

I certify that I am currently the Official Custodian of

SOUTHWEST FLORIDA WATER MGMT DISTRICT

(Name of Public Unit)

0661

(Account Number)

and I have official custody of the public funds of the above named public unit. Further, I have plenary authority, including control, over funds owned by the public unit which I have been appointed or elected to serve.

I agree that the authorized signers currently on the existing bank records including the most recent resolution or signature card for the public unit will continue unless and until I otherwise notify the Bank.

By: **Treasurer**

Title

Name (printed)

Signature

Date

The foregoing instrument was acknowledged before me by _____ who is personally known to me and/or has produced _____ as identification.

Witness my hand and official seal this _____ day of _____ 20__.

Notary Public

My commission expires: _____

Print Name: _____

Forward Public Funds Custodian Certification form to Output Review (FL-Orlando-7021)



PUBLIC FUNDS CUSTODIAN CERTIFICATION

I certify that I am currently the Official Custodian of

SOUTHWEST FLORIDA WATER MGMT DISTRICT

(Name of Public Unit)

3015

(Account Number)

and I have official custody of the public funds of the above named public unit. Further, I have plenary authority, including control, over funds owned by the public unit which I have been appointed or elected to serve.

I agree that the authorized signers currently on the existing bank records including the most recent resolution or signature card for the public unit will continue unless and until I otherwise notify the Bank.

By: **Treasurer**

Title

Name (printed)

Signature

Date

The foregoing instrument was acknowledged before me by _____ who is personally known to me and/or has produced _____ as identification.

Witness my hand and official seal this _____ day of _____ 20__.

Notary Public

My commission expires: _____

Print Name: _____

Forward Public Funds Custodian Certification form to Output Review (FL-Orlando-7021)



PUBLIC FUNDS CUSTODIAN CERTIFICATION

I certify that I am currently the Official Custodian of

SOUTHWEST FLORIDA WATER MGMT DISTRICT

(Name of Public Unit)

7302

(Account Number)

and I have official custody of the public funds of the above named public unit. Further, I have plenary authority, including control, over funds owned by the public unit which I have been appointed or elected to serve.

I agree that the authorized signers currently on the existing bank records including the most recent resolution or signature card for the public unit will continue unless and until I otherwise notify the Bank.

By: **Treasurer**

Title

Name (printed)

Signature

Date

The foregoing instrument was acknowledged before me by _____ who is personally known to me and/or has produced _____ as identification.

Witness my hand and official seal this _____ day of _____ 20__.

Notary Public

My commission expires: _____

Print Name: _____

Forward Public Funds Custodian Certification form to Output Review (FL-Orlando-7021)



PUBLIC FUNDS CUSTODIAN CERTIFICATION

I certify that I am currently the Official Custodian of

SOUTHWEST FLORIDA WATER MGMT DISTRICT

(Name of Public Unit)

7304

(Account Number)

and I have official custody of the public funds of the above named public unit. Further, I have plenary authority, including control, over funds owned by the public unit which I have been appointed or elected to serve.

I agree that the authorized signers currently on the existing bank records including the most recent resolution or signature card for the public unit will continue unless and until I otherwise notify the Bank.

By: **Treasurer**
Title

Name (printed)

Signature

Date

The foregoing instrument was acknowledged before me by _____ who is personally known to me and/or has produced _____ as identification.

Witness my hand and official seal this _____ day of _____ 20__.

Notary Public

My commission expires: _____

Print Name: _____

Forward Public Funds Custodian Certification form to Output Review (FL-Orlando-7021)

Client Name: Southwest Florida Water Management District

This Addendum for a Legal Entity is an addendum to the Agreement dated October 1, 2016, establishing the Account on behalf of Client, who is a:

- ☐ Trust governed under the laws of _____. Attached is the governing trust instrument which provides the appointment and authorization of _____ as the (co-) fiduciary(ies) of the _____ Trust. If the governing trust instrument clearly defines the individuals authorized to act on Client's behalf, page 2 of this Addendum does not need to be completed.
- ☐ Corporation established under the laws of _____. Attached is a resolution of the Board of Directors of Client authorizing the Agreement on behalf of the Client and certified by the Corporate Secretary.
- ☐ Partnership, which is a ☐ General Partnership or a ☐ Limited Partnership established under the laws of _____. Attached is a certified copy of _____, or certified copy of the relevant section(s) of, the Partnership Agreement, Certificate of Partnership, or Partnership Resolution showing that the Signing Party(ies) to the Agreement (and the Signing Party(ies) to this Addendum) is a/are general partner(s) of Client.
- ☐ Limited Liability Company established under the laws of _____. Attached is a certified copy of _____, or certified copy of the relevant section(s) of, the Operating Agreement, which provides the name(s) of the managing member(s) of Client or that the Signing Party(ies) to the Agreement (and the Signing Party(ies) to this Addendum) is/are otherwise authorized to act on behalf of Client. A sole proprietor shall provide a copy of the proprietorship business license and the "doing business as" certificate, if applicable.
- ☒ Board or Board of Trustees ("Board") for government entity or union. Attached is a Resolution by the Board of Client, certified by the Board's Secretary, which provides the names of those authorized to act on behalf of Client.
- ☐ Other: _____. Attached is a _____ which provides that the Signing Party(ies) to the Agreement (and the Signing Party(ies) to this Addendum) is/are authorized to act on behalf of Client.

The Agreement is between Client and Bank only and requires Bank to act only on behalf of Client, as described in the Agreement. It does not confer any benefits upon any other parties, notwithstanding that a person may or may not be a shareholder, officer, partner, trust fiduciary, director, or member of Client or co-owner, heir, devisee, beneficiary, or ward of a fiduciary estate.

By acting pursuant to the Agreement, Bank accepts its appointment as defined in the Agreement. Bank does not accept any other form of fiduciary appointment with respect to any entity unless specifically provided in the Agreement and has no authority to interpret the document(s), law, or regulations governing Client.

Client represents that the entity identified above is registered in the manner prescribed by its governing law, and that the entity is currently in full compliance with all requirements relating to its organization and continued existence under applicable law.

Client represents that any appointment of persons duly authorized to act on Client's behalf, or any instructions given to Bank in connection with the Agreement shall be duly authorized by the governing law, resolutions, or governing documents of Client. Client represents that the Signing Party(ies) executing this Addendum, and the Signing Party(ies) to the Agreement is/are authorized to act on behalf of Client to bind Client to the terms of the Agreement as indicated above.

By the signature(s) below

Print Name and Title	Signature	Date

Treasurer

affirm(s) this Addendum for a Legal Entity and confirm(s) the authorization of the listed person(s) in this Addendum are authorized to act on behalf of Client.

Addendum Accepted and Agreed to by Bank

Print Name and Title	Signature	Date

Kathy Kraiss, Vice President

Persons Authorized to Act on Behalf of Client to Give Instructions to Bank

For all purposes under the Agreement, Bank shall be entitled to rely, without any duty or further inquiry, upon (i) the identity and authority of such persons represented by this Addendum and (ii) the genuineness and continued accuracy and effectiveness of this Addendum until such time as Bank receives written notice of changes to this Addendum by Client. **Note: All sections MUST be completed.**

Authorized Person (Print / Type) John Campbell, Management Services Director		Signature
Email Address John.Campbell@swfwmd.state.fl.us	Transaction Limit \$, if blank, authority is unlimited.	Phone Number 352.796.7211 x4610
Authorized to provide the following: <input checked="" type="checkbox"/> Full authority to give direction or confirmation to Bank on all matters regarding the Agreement and Account or <input type="checkbox"/> Limited authority to provide the following <i>Check all that apply. If full authority is granted, none of the items below should be selected.</i> <input type="checkbox"/> Directions or confirmation for payment by check <input type="checkbox"/> Directions or confirmation for payment by wire transfer <input type="checkbox"/> Directions or confirmation for payment by ACH <input type="checkbox"/> Other: _____		
Number of persons whose authorizations are required Specific requirements, including total number of authorizations required for specific transactions, are in documentation provided to Bank. All actions/transactions must be associated with the SWFWMD (District) and any movement of funds must be between District's accounts only. In accordance with the Corporate Resolution, an authorized person with full authority may not make any changes to this Addendum regarding their own delegated authority.		

Authorized Person (Print / Type) Melisa Lowe, Finance Bureau Chief		Signature
Email Address Melisa.Lowe@swfwmd.state.fl.us	Transaction Limit \$, if blank, authority is unlimited.	Phone Number 352.796.7211 x4119
Authorized to provide the following: <input checked="" type="checkbox"/> Full authority to give direction or confirmation to Bank on all matters regarding the Agreement and Account or <input type="checkbox"/> Limited authority to provide the following <i>Check all that apply. If full authority is granted, none of the items below should be selected.</i> <input type="checkbox"/> Directions or confirmation for payment by check <input type="checkbox"/> Directions or confirmation for payment by wire transfer <input type="checkbox"/> Directions or confirmation for payment by ACH <input type="checkbox"/> Other: _____		
Number of persons whose authorizations are required Specific requirements, including total number of authorizations required for specific transactions, are in documentation provided to Bank. All actions/transactions must be associated with the SWFWMD (District) and any movement of funds must be between District's accounts only. In accordance with the Corporate Resolution, an authorized person with full authority may not make any changes to this Addendum regarding their own delegated authority.		

Authorized Person (Print / Type)		Signature	
Ann Kenny, Accounting Manager			
Email Address	Transaction Limit	Phone Number	
Ann.Kenny@swfwmd.state.fl.us	\$25,000,00, if blank, authority is unlimited.	352.796.7211 x 4145	
Authorized to provide the following:			
<input type="checkbox"/> Full authority to give direction or confirmation to Bank on all matters regarding the Agreement and Account or <input checked="" type="checkbox"/> Limited authority to provide the following Check all that apply. If full authority is granted, none of the items below should be selected.			
<input checked="" type="checkbox"/> Directions or confirmation for payment by check <input checked="" type="checkbox"/> Directions or confirmation for payment by wire transfer <input checked="" type="checkbox"/> Directions or confirmation for payment by ACH <input checked="" type="checkbox"/> Other: <u>Direct the purchase or sale of investments</u>			
Number of persons whose authorizations are required <u>Specific requirements, including total number of authorizations required for specific transactions, are in documentation provided to Bank.</u>			
All actions/transactions must be associated with the SWFWMD (District) and any movement of funds must be between District's accounts only.			

Authorized Person (Print / Type)		Signature	
Email Address	Transaction Limit	Phone Number	
	\$, if blank, authority is unlimited.		
Authorized to provide the following:			
<input type="checkbox"/> Full authority to give direction or confirmation to Bank on all matters regarding the Agreement and Account or <input type="checkbox"/> Limited authority to provide the following Check all that apply. If full authority is granted, none of the items below should be selected.			
<input type="checkbox"/> Directions or confirmation for payment by check <input type="checkbox"/> Directions or confirmation for payment by wire transfer <input type="checkbox"/> Directions or confirmation for payment by ACH <input type="checkbox"/> Other: _____			
Number of persons whose authorizations are required <u>Specific requirements, including total number of authorizations required for specific transactions, are in documentation provided to Bank.</u>			

Authorized Person (Print / Type)		Signature	
Email Address	Transaction Limit	Phone Number	
	\$, if blank, authority is unlimited.		
Authorized to provide the following:			
<input type="checkbox"/> Full authority to give direction or confirmation to Bank on all matters regarding the Agreement and Account or <input type="checkbox"/> Limited authority to provide the following Check all that apply. If full authority is granted, none of the items below should be selected.			
<input type="checkbox"/> Directions or confirmation for payment by check <input type="checkbox"/> Directions or confirmation for payment by wire transfer <input type="checkbox"/> Directions or confirmation for payment by ACH <input type="checkbox"/> Other: _____			
Number of persons whose authorizations are required <u>Specific requirements, including total number of authorizations required for specific transactions, are in documentation provided to Bank.</u>			

Authorized Person (Print / Type)		Signature	
Email Address	Transaction Limit \$, if blank, authority is unlimited.		Phone Number

Authorized to provide the following:

☐ Full authority to give direction or confirmation to Bank on all matters regarding the Agreement and Account
or

☐ Limited authority to provide the following
Check all that apply. If full authority is granted, none of the items below should be selected.

☐ Directions or confirmation for payment by check
☐ Directions or confirmation for payment by wire transfer
☐ Directions or confirmation for payment by ACH
☐ Other: _____

Number of persons whose authorizations are required [Specific requirements, including total number of authorizations required for specific transactions,](#) are in documentation provided to Bank.

EXHIBIT



Unincorporated Organization Certificate of Authority

I, _____, the undersigned, hereby certify that I am the custodian of the records of Southwest Florida Water Management Dist. _____ (the "Organization"), that the following is a true and correct copy of certain resolutions duly adopted by the board of trustees or other governing body of the Organization at a meeting duly held on the 25th day of Aug. 2020 at which a quorum was present and acting, and that the following resolutions are in conformity with the charter and by-laws of the Organization and have not since been rescinded or modified.

RESOLVED that the Organization enter into a non-consumer credit card account ("Card Account") relationship with SunTrust Bank ("Bank") and that any 3 (number required) of the individuals listed below

Name	Brian Armstrong	Title	Executive Director
Name	Mandi Rice	Title	Assistant Executive Director
Name	John Campbell	Title	Division Director, Management &
Name		Title	

is (are) authorized to enter into, and execute and deliver on behalf of this Organization any agreements, documents, or other instruments the Bank may require in order to establish and administer the Card Account, and that this Organization shall be bound by the terms and conditions of said agreements, documents, or other instruments as the same may be amended from time to time.

FURTHER RESOLVED, that the undersigned is authorized and directed to furnish the Bank a certified copy of these resolutions, which resolutions shall continue in full force and effect until written notice of modification or revocation of the same has been received by the Bank and the Bank has had reasonable time to act on such notice, and to furnish to the Bank the names and specimen signature of the authorized person(s) named herein, and those persons from time to time holding such positions.

I hereby certify that the names and titles set forth above are of the authorized person(s) and that each presently holds that title indicated and has full authority for all acts noted herein.

IN WITNESS WHEREOF I have hereunto subscribed my signature this 25th day of August, 2020.

Signature

Treasurer

Title

FINANCE/OUTREACH & PLANNING COMMITTEE

August 25, 2020

Consent Agenda

Knowledge Management: Budget Authority Transfer of Funds Governing Board Policy

Purpose

Request approval of the revised Budget Authority Transfer of Funds Governing Board Policy.

Background/History

The District's Knowledge Management initiative was launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing, and leveraging the organization's data, information, and processes. The focus in FY2020 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

As discussed at the July 2020 Governing Board meeting, staff performed a review of the Budget Authority Transfer of Funds Governing Board Policy and deemed it necessary to update. The following are modifications made to the existing policy:

- 1.) Transfer of funds requiring prior board approval that changes the original intent increased from greater than \$50,000 to greater than \$75,000.
- 2.) Transfer of funds not requiring prior board approval, previously reported on the Consent Agenda, will be reported as Submit and File.

Benefits

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

Staff Recommendation:

Approve the Budget Authority Transfer of Funds Governing Board Policy as revised.

Presenter: John J. Campbell, Division Director, Management Services

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Budget Authority Transfer of Funds

Document Owner: Finance Bureau Chief

Approved By: Governing Board Chair

Effective Date: 10/01/2020

Supersedes: 06/25/2013

CONTENTS

PURPOSE	1
SCOPE	1
AUTHORITY	1
DEFINITIONS	1
Annual Budget	1
Transfer of Funds	1
Original Intent	2
STANDARDS	2
POLICY	2
DISTRIBUTION	2
REFERENCES	2
REVIEW PERIOD	2
DOCUMENT DETAILS	3
APPROVAL	3

PURPOSE

The purpose of this Budget Authority Transfer of Funds Policy (Policy) is to establish criteria for transfers of funds within the Annual Budget in accordance with Section 373.536(4), Florida Statutes.

SCOPE

This Policy shall apply to all personnel with the authority to expend District funds.

AUTHORITY

This Policy is governed by the Governing Board and subsection 373.536(4), Florida Statutes.

DEFINITIONS

Annual Budget - The revenues and expenditures adopted each fiscal year by the Governing Board through a resolution in compliance with applicable Florida Statutes.

Transfer of Funds - Reallocation of funds that modifies the Annual Budget without increasing or decreasing the Annual Budget in total.

GOVERNING BOARD POLICY

Title: Budget Authority Transfer of Funds

Effective Date: 10/01/2020

Page 2 of 3

Original Intent - How the funds were approved by the Governing Board through the budget development process or by transfers of funds in accordance with this Policy.

STANDARDS

All transfer of funds must comply with the District's Signature Authority Procedure.

POLICY

The Southwest Florida Water Management District (hereinafter "District") adopts an Annual Budget in accordance with applicable Florida Statutes. The Governing Board recognizes that transfers of funds may be necessary from time to time to accomplish the goals set forth in the Annual Budget. It is the policy of the Governing Board to allow transfers modifying the Annual Budget as set forth below.

- 1) All transfers of funds greater than \$75,000, that change the original intent of an appropriation, will require prior Governing Board approval.
- 2) The Governing Board delegates authority to the Executive Director or his/her designees to execute transfers of funds not to exceed \$75,000, that change the original intent of an appropriation. These delegated transfers will be presented to the Governing Board as a Submit and File Report at the next regular scheduled meeting.
- 3) The Governing Board delegates authority to the Finance Bureau Chief to execute transfers of funds for the express purpose of proper accounting of budget and related financial transactions within the District's financial system. These delegated transfers, which do not change the original intent of an appropriation, are measured as accounting transfers, and will be presented to the Governing Board as a Submit and File Report at the next regular scheduled meeting.

The Budget Section of the Finance Bureau will maintain records of all transfers of funds, including accounting transfers.

DISTRIBUTION

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

REFERENCES

Section 373.536(4), Florida Statutes; Signature Authority District Procedure

REVIEW PERIOD

The Policy shall be reviewed every three (3) years by the Executive Director or his/her 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.

GOVERNING BOARD POLICY**Title: Budget Authority Transfer of Funds****Effective Date: 10/01/2020****Page 3 of 3****DOCUMENT DETAILS**

Document Name	Budget Authority Transfer of Funds
Formerly Known As	N/A
Document Type	Policy
Author(s)	Budget Manager
Reviewing Stakeholder(s)	Office of General Counsel, Executive staff, and Finance Bureau Chief
Document Owner Name	Melisa Lowe
Document Owner Title	Finance Bureau Chief
Review Period (in days)	1095
Span of Control	Governing Board
Supersedes Date	06/25/2013
Effective Date	10/01/2020

APPROVAL

Mark Taylor
Chair

Date

RESOURCE MANAGEMENT COMMITTEE

August 25, 2020

Consent Agenda

FARMS – Symons Grove, LLC (H787), DeSoto County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Symons Grove, LLC, and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$495,668 (62 percent of total project costs). Of this amount, \$495,668 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$803,668.

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 Shell, Prairie, and Joshua Creek (SPJC) watersheds. This project will involve the construction and operation of a 1.9-acre surface water reservoir to collect tailwater and surface water from the western portion of the grove property and surrounding watershed to offset Upper Floridan aquifer groundwater used in supplemental irrigation of 370 acres of citrus. The Water Use Permit (WUP) authorizes an annual average withdrawal of 498,000 gallons per day (gpd). Project components consist of a 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.

In December 2011, the Governing Board approved a FARMS project with DeSoto Land Investment (H657) to offset groundwater use on 290 acres 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 approved for this project was 185,000 gpd. The project is achieving the anticipated benefits approved by the Board.

Benefits/Costs

The proposed 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 twenty-two percent savings of permitted quantities for daily irrigation, or 110,000 gpd, yields a daily cost of \$3.69 per thousand gallons of groundwater reduced over the proposed six-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 improves 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 \$3,701,353 remaining in its FARMS Program budget.

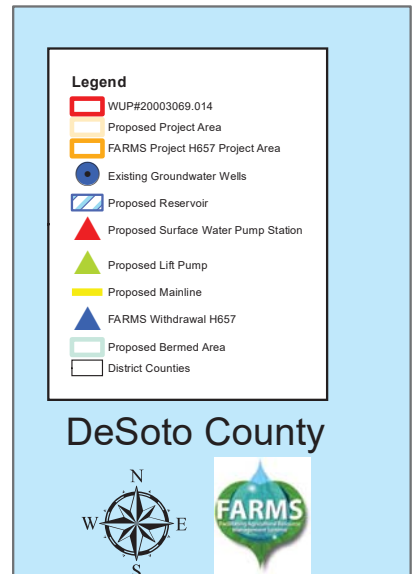
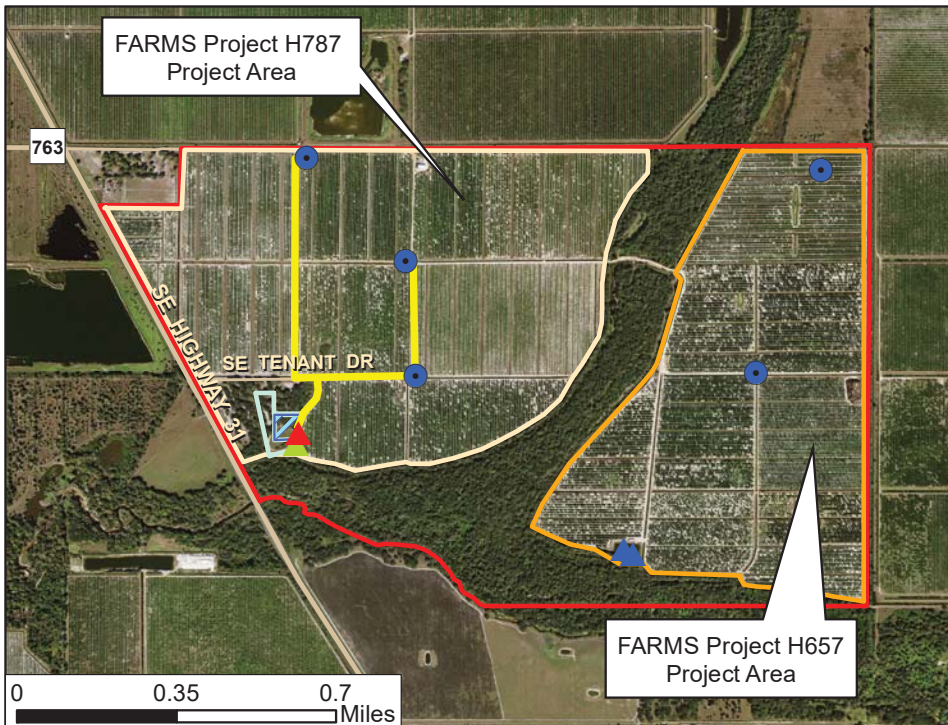
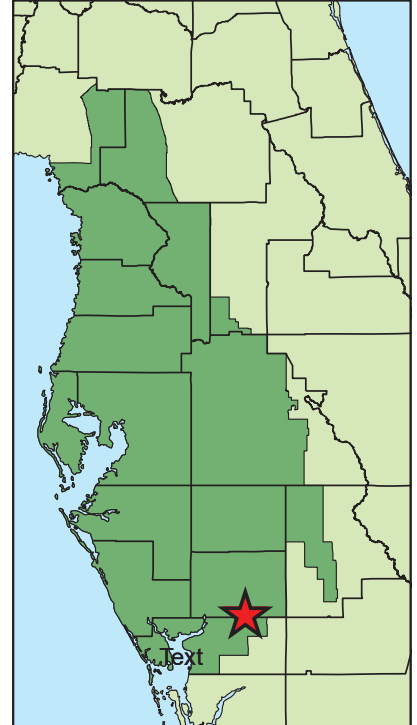
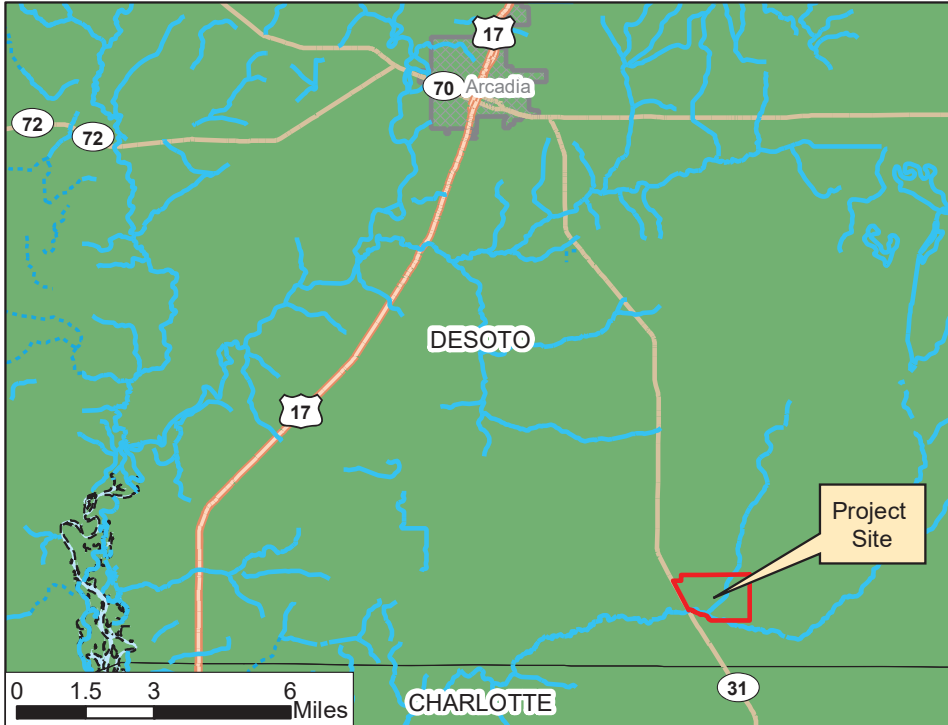
Item 9

Staff Recommendation:

- 1) Approve the Symons Grove, LLC project for a not-to-exceed project reimbursement of \$495,668 with \$495,668 provided by the Governing Board;
- 2) Authorize the transfer of \$495,668 from fund 010 H017 Governing Board FARMS Fund to the H787 Symons Grove, LLC fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

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

Location Map Symon Grove, LLC - H787



CJE 7/7/2020
2017 Aerial
2012 NAVTEQ

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 25, 2020

Consent Agenda

Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101C

Purpose

Recommend the Governing Board decline to exercise the right of first refusal to purchase the remainder fee interest over the Bright Hour Ranch (20-780-101C) encumbered by a District conservation easement. The opportunity to exercise this right exists for approximately 5,188 acres of the subject property located in DeSoto County within the Bright Hour Watershed Project. A general location map is included as Exhibit 1.

Background and History

The District identifies lands eligible for acquisition through the Board-approved Florida Forever Work Plan. In the Work Plan, lands are identified for acquisition as fee simple acquisitions or acquisitions of less than fee rights (conservation easement). Less than fee acquisitions consist of the purchase of certain rights, such as development rights, that are intended to ensure that natural systems and water resources are protected in their existing state in perpetuity. In a typical negotiation of a conservation easement acquisition, the District retains a “right of first refusal” which is perpetual, running with the land, and remaining in effect regardless if the District declines a previous offering.

The District originally acquired a conservation easement over 28,523 acres of the Bright Hour Ranch property in 1998. The easement terms allowed for division of title into tracts no smaller than 5,000 acres. A previous split divided the easement into two parcels consisting of the western 15,968 acres and eastern 12,555 acres. The western parcel was recently split with the sale of 10,780 acres. The subject of this Board item is the sale of the remaining 5,188 acres. The right of first refusal in the conservation easement requires notification of the Grantor’s (owner’s) intent to sell the property, or any portion thereof, and further requires that an offer be extended to sell the property to the District.

The contract provided by the owner’s representative includes 5,188 acres that are encumbered by the conservation easement together with 600 acres not encumbered or subject to the right of first refusal. The price reported in the contract for both the fee simple and encumbered property is \$1,841 per gross acre or \$9,550,000.

District staff evaluated the opportunity to purchase the remainder fee simple interest and determined that the existing conservation easement is sufficient to meet our intended natural systems and water resource benefits.

Benefit/Costs

The restrictions placed on the property by the existing conservation easement are adequate to protect the water resources of the property. The benefits of acquiring the remainder fee interest would be minimal.

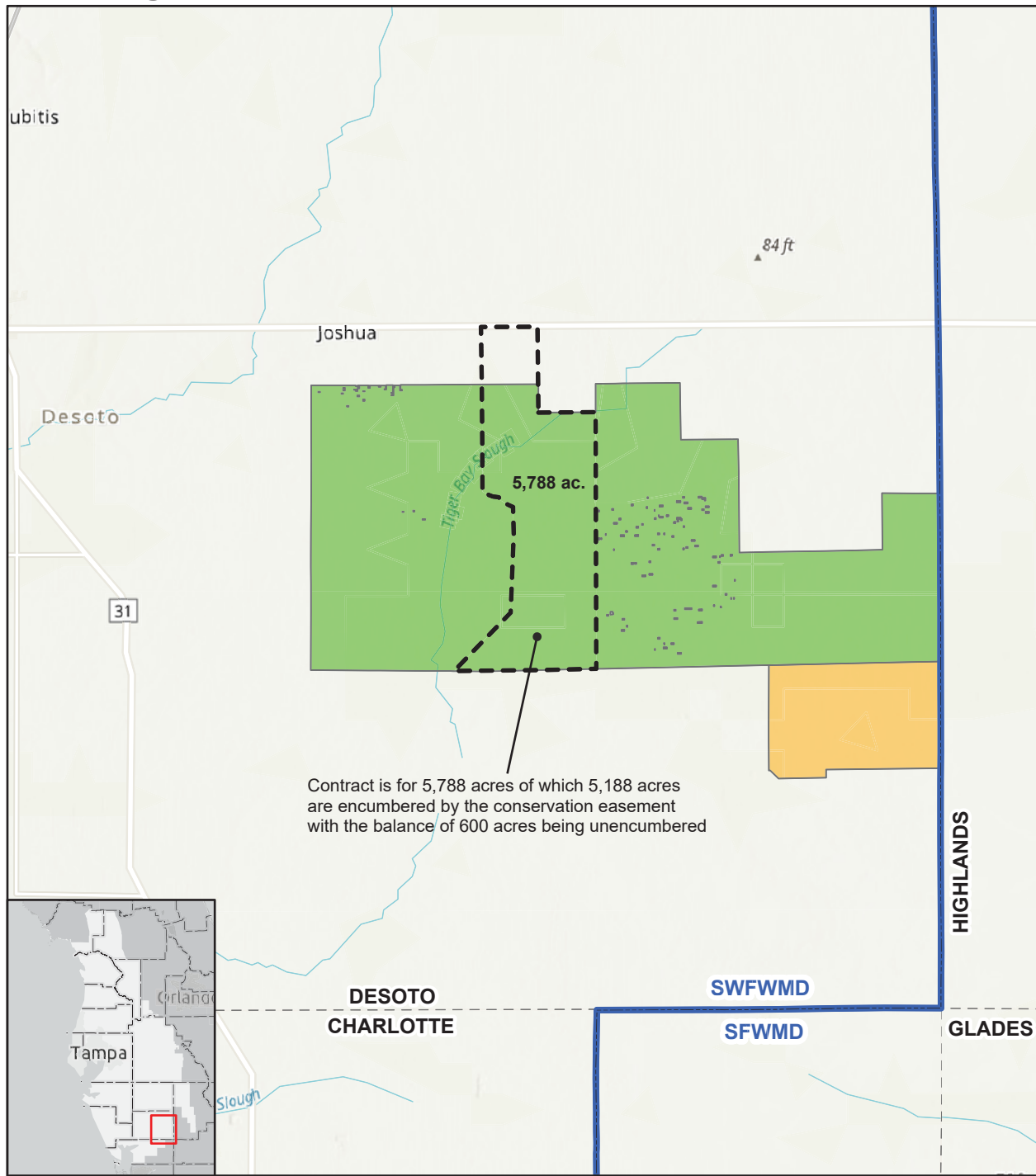
Item 10

Staff Recommendation:

- Approve declining to exercise the right of first refusal to purchase the remainder fee simple interest over SWF Parcel No. 20-780-101C encumbered by a District conservation easement.
- Authorize the Executive Director to execute the necessary documents to exercise declining the right of first refusal on SWF Parcel 20-780-101C.

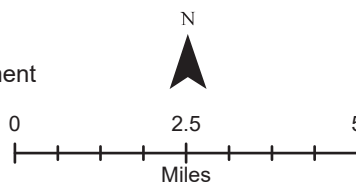
Presenters: Jerry Mallams, P.G., Operations and Land Management Bureau Chief and Ellen Morrison, Operations and Land Management Assistant Bureau Chief

Bright Hour Watershed - General Location Map



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

- First Right of Refusal Property
- Bright Hour Ranch Conservation Easement
- R.P. Ranch Conservation Easement



Southwest Florida
Water Management District

REGULATION COMMITTEE

August 25, 2020

Consent Agenda

WUP No. 20011982.004 / Bethel Farms / Bethel Farms LLLP (Charlotte County)

This is a renewal of an existing water use permit for agriculture use. The authorized quantities have changed from those previously permitted due to an increase in irrigated acreage and an update to the irrigation method. The annual average quantity has increased from 715,200 gallons per day (gpd) to 902,300 gpd, the drought annual average quantity has increased from 788,800 gpd to 996,700 gpd and the peak month quantity has decreased from 1,808,900 gpd to 1,785,600 gpd. There is no change in Use Type from the prior revision. Quantities are based on the District's irrigation allotment calculation program, AGMOD, for 362 acres of Sod, which includes the increase of 78.5 acres of sod. This permit is located within the Southern Water Use Caution Area (SWUCA) in the Shell Creek Prairie Watershed. The irrigation system incorporates a contractually complete FARMS project which captures surface water runoff for a tailwater recovery system that provides an approximate 10% offset in irrigation quantities.

Special Conditions include those that require the Permittee to report monthly meter readings, report quantities used for crop protection, perform meter accuracy checks every five years, submit annual crop reports, implement water conservation and best management practices, provide an update to the Conservation Plan at permit midterm, evaluate the feasibility of using reclaimed water upon request, comply with the permitted quantities, provide an overpumpage report upon request, and comply with the SWUCA recovery strategy.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 011982.004**

PERMIT ISSUE DATE: August 25, 2020

EXPIRATION DATE: August 25, 2040

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

TYPE OF APPLICATION: Renewal

GRANTED TO: Bethel Farms LLLP
8780 N.W. Bethel Farms Road
Arcadia, FL 34266

PROJECT NAME: Bethel Farms

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

COUNTY: Charlotte

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

ANNUAL AVERAGE	902,300 gpd
PEAK MONTH ¹	1,785,600 gpd
DROUGHT ANNUAL AVERAGE ²	996,700 gpd

1. Peak Month: Average daily use during the highest water use month.
2. Drought Annual Average: Annual average limit when less than historical average rainfall if sufficient Water Conservation credits exist in the Permittee's account.

ABSTRACT:

This is a renewal of an existing water use permit for agriculture use. The authorized quantities have changed from those previously permitted. The annual average quantity has increased from 715,200 gallons per day (gpd) to 902,300 gpd, the drought annual average quantity has increased from 788,800 gpd to 996,700 gpd and the peak month quantity has decreased from 1,808,900 gpd to 1,785,600 gpd. There is no change in Use Type from the prior revision. Quantities are based on the District's irrigation allotment calculation program, AGMOD, for 362 acres of Sod. The change in quantities is due to the addition of 78.5 acres of sod and an update to the irrigation method. This permit is located within the Southern Water Use Caution Area (SWUCA). This permit is also inside the Shell Prairie Watershed and 10 percent of irrigation is offset by a tailwater recovery system.

Special Conditions include those that require the Permittee to report monthly meter readings, report quantities used for crop protection, perform meter accuracy checks every five years, submit annual crop reports, implement water conservation and best management practices, provide an update to the Conservation Plan at permit midterm, evaluate the feasibility of using reclaimed water upon request, comply with the permitted quantities, provide an overpumpage report upon request, and comply with the SWUCA recovery strategy.

Attachment: 20011982.004 Recap Permit (5215 : WUP No. 20011982.004 - Bethel Farms)

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>
Agricultural	902,300	1,785,600	996,700

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Sod	362.00	Seepage Without Plastic	33.50"/yr.	36.68"/yr.
Cleaning / Maintenance				

WITHDRAWAL POINT QUANTITY TABLE

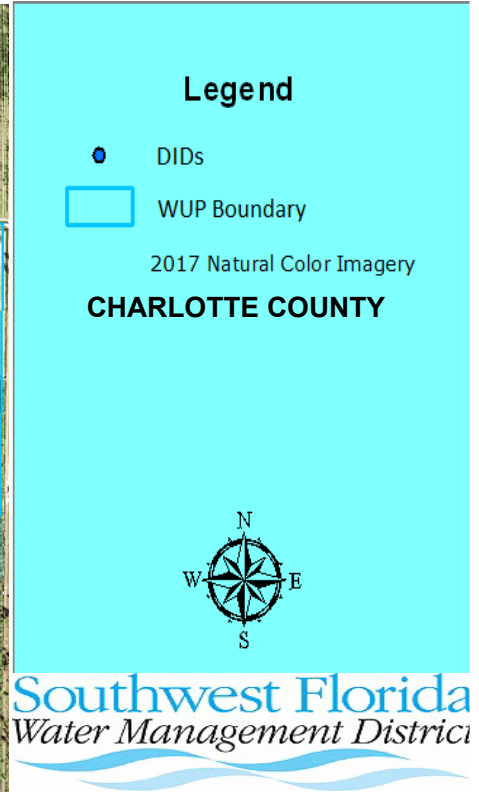
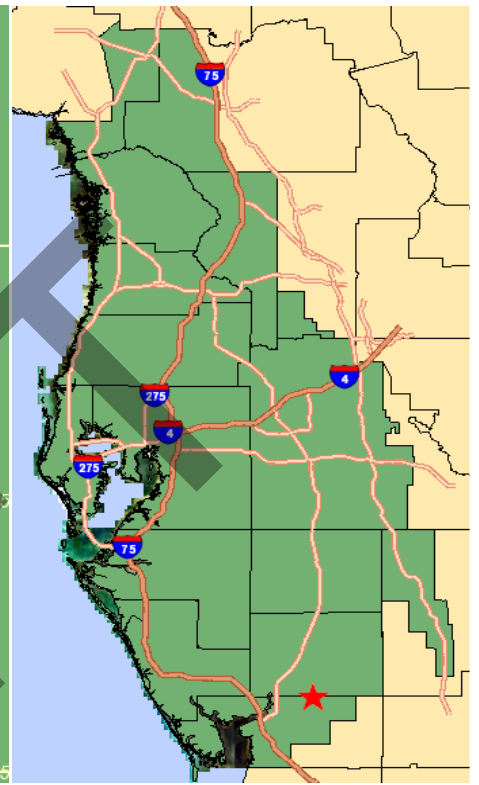
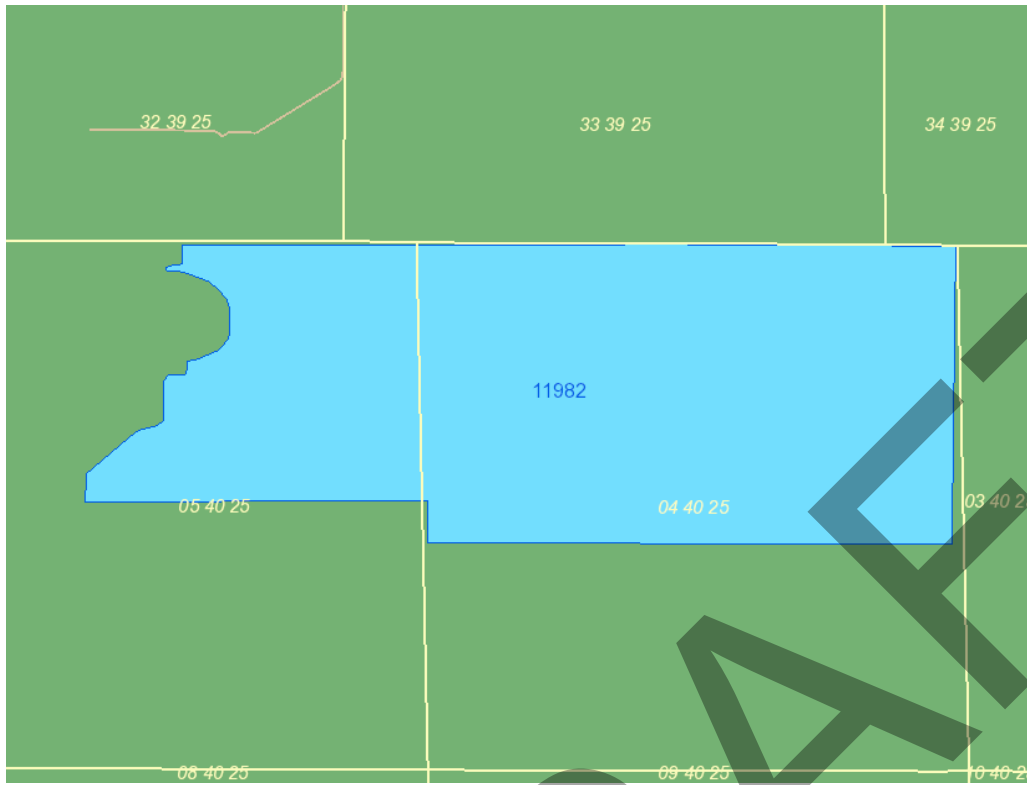
Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
2 / 2	12	900 / UNK	Irrigation	893,300	1,776,600
12 / 12	16	550 / 90	Irrigation	225,600	446,400
Standby					
13 / 13	16	500 / 120	Irrigation	225,600	446,400
Standby					
14 / 14	16	550 / 90	Irrigation	225,600	446,400
Standby					
15 / 15	6	230 / 50	Cleaning/Maintenance	9,000	9,000
16 / 16	8	N/A / N/A	Re-Pump	91,000	91,000

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
2	27° 01' 51.35"/81° 49' 03.39"
12	27° 01' 56.99"/81° 48' 45.98"
13	27° 01' 49.52"/81° 49' 31.91"
14	27° 01' 41.74"/81° 49' 03.49"
15	27° 01' 47.09"/81° 49' 11.12"
16	27° 01' 37.40"/81° 49' 31.61"

Location Map
Bethel Farms, LLLP
WUP No. 20 011982.004



Attachment: 20011982.004 Recap Permit (5215 : WUP No. 20011982.004 - Bethel Farms)

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 well(s) according to the surface diameter and casing depth specifications below. The casing depth specified is to prevent the unauthorized interchange of water between different water bearing zones. The total depth listed below is an estimate, based on best available information. However, since this well is located in an area where water quality can be poor, it is the well driller's responsibility to measure specific conductivity of the well water during construction, in 20 ft intervals once casing is set. The open hole interval of the well can only be advanced if the specific conductivity does not exceed 1000 microSiemens/centimeter and sampling of specific conductivity occurs in 20 foot intervals. Such sampling is necessary to ensure that the well does not encounter water of a quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause impacts to area surface waters or induce salt water intrusion. Specific conductivity readings must be recorded and submitted to the District. District staff are available to assist and verify readings during well construction and to receive water quality results. Please contact the Data Collection Bureau at (813) 985-7481 ext. 2102, 48 hours prior to initiation of well construction and specify at that time if assistance is needed in collecting specific conductivity measurements.

District ID No. 12, Permittee ID No. 12 having a surface diameter of 16 inches, with a minimum casing depth of 90 feet, drilled to an estimated total depth of 550 feet.

District ID No. 14, Permittee ID No. 14 having a surface diameter of 16 inches, with a minimum casing depth of 90 feet, drilled to an estimated total depth of 550 feet.

1. Regardless of the maximum depth specified above, it is the well driller's responsibility to cease drilling when the specific conductivity of the ground water reaches 1,000 microSiemens/centimeter.
2. The casing shall be continuous from land surface to the minimum depth stated above.
3. All well casing (including liners and/or pipe) must be sealed to the depth specified above.
4. 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.

5. 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.
 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.
 7. The finished well total depth shall not exceed the maximum total depth unless advance approval is granted by either the Water Use Permit Bureau Chief, or the Well Construction Section Manager, and the specific conductivity is less than 1,000 microSiemens/centimeter.
 8. Advance approval from the Water Use Permit Bureau Chief is necessary should the Permittee propose to change the well location or casing diameter.
(263)
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. This specific permit is issued with the understanding that the Permittee shall implement Best Management Practices (BMPs), which will result in elimination of off-site discharge of lower quality irrigation water to the greatest extent practicable. This is required to avoid contribution by this permitted site to the water quality degradation within the Shell Creek and Prairie Creek watersheds, and to assist in improvement in water quality of the City of Punta Gorda's Shell Creek Reservoir.(322)
 6. The District has determined that direct and indirect run-off of irrigation water into Shell Creek and Prairie Creek have contributed to water quality degradation in a Class I waterway that serves as a public supply source for an existing legal water user, the City of Punta Gorda. Degradation of the City's reservoir has occurred to such an extent that the concentration of several constituents has exceeded secondary drinking water standards in the past. To avoid further degradation of the reservoir and to improve water quality, such that it is consistent with Class I water quality standards, the Permittee shall continue to improve the management of irrigation water by reducing or eliminating off-site discharge of lower quality irrigation water. At the time of issuance of this permit the District is addressing off-site discharge and attempting to resolve the aforementioned adverse impacts through cooperative and collaborative measures with Permittees, changes in irrigation management practices, and other methods. If the effectiveness of these measures is determined to be insufficient to resolve these adverse impacts and irrigation management practices on this site appear to contribute to these continued impacts, the District may seek to modify this permit in accordance with applicable law.(327)
 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. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
 9. The Permittee shall geophysically (caliper) or video log District ID No. 2, Permittee ID No. 2, if the pump assembly is removed for maintenance or replacement within the term of this permit. If the Permittee does not have to remove the pump assembly during the term of this permit, he or she shall notify the District in writing upon submittal of their application to renew their water use permit (WUP). Such notification will not prejudice the Permittee's application. The District does not require the Permittee to remove the well assembly for the single purpose of logging the well.

The geophysical or video log must clearly show the diameter and total depth of each well, and the casing depth and casing continuity in each well. If a video log is made of the well, it shall clearly show the WUP number, Permittee name, and well identification number on the tape itself. One copy of the log shall be submitted to the District within 30 days of the logging event. Upon sufficient notice

(approximately two to three weeks), the District can caliper log the well(s) at no cost to the Permittee; however, the Permittee shall remove the pump assembly at their own cost and prior to the arrival of the District logging vehicle on location.

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

(408)

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

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

(427)

11. The Permittee shall immediately implement the District-approved water conservation plan dated July 10, 2020 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 July 1, 2030.(449)

12. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water.

(458)

13. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for annual crops for each permitted irrigation withdrawal point, District ID. No(s). 2, 12, 13, 14 and 16, Permittee ID No(s). 2, 12, 13, 14 and 16:

1. Crop type,
2. Irrigated acres,
3. Irrigation method (NTBWUCA only),
4. Dominant soil type per crop or the number of acres per crop on that dominant soil type, and
5. If used, quantities used for crop protection.

This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year.

(474)

14. 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)

15. The Permittee shall submit a copy of the well completion reports to the District's Water Use Permit Bureau, within 30 days of each well completion.(583)
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. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)
18. The following existing Alternative Water Supply re-pump facilities shall continue to be maintained and operated with non-resettable, totalizing flow meter(s) or other flow measuring devices(s) as approved by the Water Use Permit Bureau Chief: District ID No(s). 16, Permittee ID No(s). 16. 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.(716)
19. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID No(s). 12 and 14, Permittee ID No(s). 12 and 14. 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)
20. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID No(s). 2 and 13, Permittee ID No(s). 2 and 13. 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.(719)
21. Upon initiation of the construction of the well(s) listed below, the Permittee shall notify the Data Collection Bureau at (813) 985-7481 or 800-836-0797, extension 2102. Upon reaching the estimated total depth(s) listed below for the wells listed below, a water-quality sample shall be collected by District Staff for laboratory analysis. The sample shall be collected during reverse air drilling, or other appropriate method with prior approval by the Water Use Permit Bureau Chief, which will allow representative samples to be collected. The sample shall be analyzed by the District's certified laboratory for specific conductivity, chloride, sulfate and total dissolved solids. Reports of the analyses will be submitted to the Permittee upon completion.

District ID No. 12 / Permittee ID No. 12, at estimated total depth of 550 feet.

District ID No. 14 / Permittee ID No. 14, at estimated total depth of 550 feet.(754)

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. Within the Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the District, upon reasonable notice to the Permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact, but only after an opportunity for the Permittee to resolve or mitigate the change or impact or to request a hearing.
17. 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.

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.

Attachment: 20011982.004 Recap Permit (5215 : WUP No. 20011982.004 - Bethel Farms)

GENERAL COUNSEL'S REPORT

August 25, 2020

Consent Agenda

Approval of Settlement Agreement Between SWFWMD and Kelly Family Holdings, LLC - Overpumpage - Water Use Permit No. 20002588.012 - CT No. 390610 - Charlotte County

Kelly Family Holdings, LLC (Kelly Holdings) owns three contiguous parcels of real property in Charlotte County located north of State Road 74 in the City of Punta Gorda (Property). The Southwest Florida Water Management District (District) issued Water Use Permit No. 20002588.010 (Permit) to Kelly Farms, which authorized groundwater withdrawals in the amount of 704,600 gallons per day (gpd) on an annual average basis for agricultural irrigation and water-based recreation at the Property.

On March 31, 2017, June 8, 2017, and August 28, 2017, District staff issued three Notice of Potential Non-Compliance/Overpumpage letters to Kelly Holdings advising that the annual average quantities being pumped at the Property exceeded the quantities authorized in the Permit. Kelly Holdings responded to the District's Notices and applied for a modification to the Permit to increase the permitted groundwater quantities necessitated by changes to the irrigated acreage and crop type at the Property. On May 23, 2018, the District issued Water Use Permit No. 20002588.012 (Modified Permit) to Kelly Holdings, which authorized groundwater withdrawals in the amount of 1,043,600 gpd. However, Kelly Holdings continued to exceed the quantities authorized in the Modified Permit from May 2018 to October 2018.

On November 21, 2018, and March 28, 2019, District staff issued two Notices of Violation to Kelly Farms to resolve the compliance matter without the need for further enforcement action. Kelly Holdings did not respond to the Notices, and District staff obtained authorization from the Governing Board to initiate an action in circuit court to obtain compliance with the Modified Permit. From March 2019 to October 2019, Kelly Holdings' reported pumpage indicated an exceedance of the total annual average withdrawals by as much as 51.85%.

On October 15, 2019, District staff filed a Petition for Enforcement and Complaint for Civil Remedies against Kelly Holdings in Charlotte County Circuit Court. Kelly Holdings responded to the Petition and represented to District staff that the pumpage reporting may have contained errors overstating the amount of water pumped during the pendency of the compliance matter. Kelly Holdings subsequently agreed to a proposed corrective action plan to bring the withdrawals into compliance with the Modified Permit. From November 2019 to April 2020, Kelly Holdings reduced total monthly pumpage at the Property and expended \$19,394.00 to retrofit the well pumps at the Property to maintain continued compliance with the Modified Permit. As a result, Kelly Farms is currently in compliance with the quantities authorized in the Modified Permit.

Kelly Farms has agreed to a Settlement Agreement that assesses a penalty and enforcement costs in the amount of \$39,394.00 and requires additional corrective actions designed to ensure long-term compliance with the Modified Permit. The Agreement also provides Kelly Farms with a \$19,394.00 credit for the costs incurred to retrofit the wells and a \$5,000.00 credit upon documenting that the withdrawal facilities have properly calibrated meters. If Kelly Holdings does not complete and document the meter calibration by October 30, 2020, the \$5,000.00 credit will become due upon the District's written notification. The remaining \$15,000.00 is due within thirty (30) days of Governing Board approval of the Settlement Agreement. In return, the

Item 12a

District will not pursue further enforcement action related to the overpumpage described above.

Staff Recommendation:

- 1) Approve the Settlement Agreement.
- 2) Authorize District Staff to pursue additional measures to obtain compliance with the terms and conditions of the Settlement Agreement, including filing any appropriate actions in circuit court, if necessary.

Presenter: Christopher A. Tumminia, Deputy General Counsel

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into by and between the Southwest Florida Water Management District (District), and Kelly Family Holdings, LLC (Kelly Holdings), collectively referred to as “the Parties,” to settle certain matters at issue between the Parties.

WHEREAS, 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 rules promulgated thereunder as Chapter 40D-2, Florida Administrative Code (F.A.C.); and

WHEREAS, Kelly Holdings is a Florida limited liability corporation having a principal place of business and mailing address of 15775 Pine Ridge Road, Fort Myers, Florida 33908; and

WHEREAS, Kelly Holdings owns approximately 779 acres of real property located within Sections 28 and 33, Township 40S, Range 26E, in Charlotte County, Florida (Property); and

WHEREAS, on January 21, 2012, the District issued Water Use Permit (WUP) No. 20002588.010 (Permit) to Kelly Holdings authorizing groundwater withdrawals in the amount of 704,600 gallons per day (gpd) on an annual average basis; and

WHEREAS, Special Conditions 11 through 13 of the Permit require Kelly Holdings to meter and record all withdrawals authorized under the Permit on a monthly basis and report such information to the District on or before the tenth day of the following month; and

WHEREAS, on March 31, 2017, the District issued a Notice of Potential Non-Compliance/Overpumpage letter (First Notice) to Kelly Holdings advising that an annual average quantity of 950,029 gpd had been pumped under the Permit for the 12-month period ending in February 2017; and

WHEREAS, on April 20, 2017, District staff conducted a site inspection at the Property and observed the discharge of water from an authorized irrigation well into the mudbogging ditches, pits, and circular racing area on the Property, which was an authorized recreational use of the water. District staff observed three unauthorized surface water withdrawals from the ditches, which was a reuse of water for the authorized recreational use; and

WHEREAS, on June 8, 2017, the District issued a Notice of Potential Non-compliance/Overpumpage letter (Second Notice) to Kelly Holdings advising that an annual average quantity of 1,580,838 gpd had been pumped under the Permit for the 12-month period ending in April 2017; and

WHEREAS, on August 28, 2017, the District issued a Notice of Potential Non-Compliance/Overpumpage letter (Third Notice) to Kelly Holdings advising that an annual average quantity of 1,546,962 gpd had been pumped under the Permit for the 12-month period ending in July 2017; and

WHEREAS, on May 23, 2018, the District issued WUP No. 20002588.012 (Modified Permit) to Kelly Holdings authorizing groundwater withdrawals in the amount of 1,043,600 gpd on an annual average basis and 2,627,900 gpd on a peak month basis for irrigation resulting from the addition of a second crop to the Property; and

WHEREAS, from June 2018 to October 2019 Kelly Holdings reported pumpage exceeded the total annual average withdrawals authorized by the Modified Permit by as much as 51.85% and the peak month withdrawals authorized by the Modified Permit by as much as 1,539,256 gpd; and

WHEREAS, pumpage reporting contained errors overstating the amount of water pumped for the prior years and for the months December 2018, October 2019, which overstated amounts skewed the annual average and peak month pumpage report amounts; and

WHEREAS, Kelly Holdings' pumpage reporting may have contained errors overstating the amount of water pumped during the period for which the District notified Kelly Holdings that actual water use exceeded the quantities authorized in the Modified Permit.

WHEREAS, on October 15, 2019, the District filed a Petition for Enforcement and Complaint for Civil Remedies against Kelly Holdings in Charlotte County Circuit Court, which is further identified as Case No. 19001087CA, and served a copy of the Petition and summons on Kelly Holdings' authorized agent on October 31, 2019; and

WHEREAS, on November 6, 2019, Kelly Holdings submitted an application to modify the Modified Permit in order to achieve long-term compliance with state statutes, District rules, and the terms of the Modified Permit, to correct operational deficiencies that may have contributed to the apparent violations addressed herein, and to seek a surface water use permit to reuse water pumped from the wells;

WHEREAS, for the periods of November 2019, December 2019, January 2020, February 2020, March 2020, and April 2020 Kelly Holdings reported total monthly

pumpage of 51,501,400; 28,011,600; 54,411,300; 8,219,200; 31,363,000; and 24,733,000 gallons respectively, bringing the annual average quantity pumped under the Modified Permit down to 1,226,442 gpd for the 12-month period ending in January 2020, and down to 961,513 gpd for the 12 month period ending in April 2020; and

WHEREAS, on January 17, 2020, Kelly Holdings provided documentation to the District indicating it had installed frequency drives on the pumps of two wells at the Property, at a cost of \$19,394.00, for the purpose of maintaining continued compliance with the annual average and peak month quantities authorized under the Modified Permit; and

WHEREAS, as the result of a dairy farmer requesting corn for its operation, a crop of corn was planted in the Winter of 2020 on 150 acres, but not on the 300 acres that had been cultivated in 2019, in order to keep the food supply chain intact; and

WHEREAS, the Parties deem it in their best interests and in the public interest to enter into this Settlement Agreement, which is intended to memorialize the terms of their compromise and reach a resolution of this matter pursuant to the terms set forth below.

TERMS OF SETTLEMENT AGREEMENT

NOW, THEREFORE, in consideration of the terms and conditions defined herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The foregoing preamble and recitals are true, correct, and integral parts of this Agreement.

2. This Agreement shall be effective on the date last executed by the Parties. The Parties agree that this Agreement is contingent upon its approval by the District's Governing Board. If this Agreement is not approved by the District's Governing Board, nothing herein shall be deemed a representation or admission by any Party as to any issue and this Agreement shall be deemed null and void and of no legal effect.

3. Kelly Holdings, its principals, agents, or lessees (hereinafter referred to collectively as "Kelly Holdings"), shall not utilize withdrawals at the Property in excess of the quantities of water authorized by the Modified Permit as described herein. Furthermore, Kelly Holdings shall not engage in any activity that is subject to regulation under Chapter 373, F.S., including the offsite discharge of water, unless and until the appropriate authorization is obtained from the District.

4. Kelly Holdings shall implement the following corrective actions in accordance with the timeframes set forth herein:

- a. By September 1, 2020, Kelly Holdings shall provide to the District documentation verifying that the frequency drives described herein have been installed at the Property and are operational.
- b. By September 30, 2020, Kelly Holdings shall demonstrate compliance with the annual average quantities authorized by the Modified Permit. Demonstration of compliance shall be made by submitting monthly pumpage reports to the District on or before the 10th day of each month, up to and including the report submitted on October 10, 2020. If Kelly Holdings determines that additional quantities are necessary for successful operation

- of the project, a permit modification must be obtained from the District prior to utilizing such withdrawals.
- c. By October 30, 2020, Kelly Holdings shall obtain District approval of the application to modify the Modified Permit; which was previously submitted to the District on November 6, 2019.
 - d. From October 30, 2020 to October 30, 2023, Kelly Holdings shall not exceed the annual average or peak month quantities authorized in the Modified Permit or any subsequent modification (whichever is applicable), as contemplated herein.
 - e. From November 10, 2020 to November 10, 2023, Kelly Holdings shall timely submit monthly pumpage reports to the District in accordance with the conditions set forth in the Modified Permit or any subsequent modification, as contemplated herein.
 - f. Kelly Holdings shall calibrate all water use accounting methods for withdrawal facilities on the property by October 30, 2020 and provide the District with written notification upon completion. (anticipated expenditure for calibration is \$5,000.00) .
5. The Parties agree and acknowledge that the District has assessed a penalty and incurred enforcement costs in the total amount of \$39,394.00. Kelly Holdings shall make an initial payment to the District in the amount of \$15,000.00 within thirty (30) days of approval of this Settlement Agreement 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

Upon timely completion of the corrective action described in Paragraph 4.a. of this Agreement, Kelly Holdings shall receive a credit of \$19,394.000 against the remaining balance of the penalty and enforcement costs. Kelly Farms shall also receive a credit of \$5,000.00 against the remaining balance of the penalty and enforcement costs upon timely completion of the corrective action described in Paragraph 4.f. of this Agreement. Timely completion of the corrective actions described in Paragraph 4.a. and f. of this Agreement shall constitute satisfaction of the remaining balance of the penalty and enforcement costs described in this Paragraph.

6. Kelly Holdings may apply in writing to the District for an extension of the time limits contained in this Settlement Agreement no later than five (5) days prior to the expiration of such time limit. The District shall grant an extension of time in writing for good cause shown.

7. Any failure to comply with the terms set forth in Paragraphs 3 through 6 herein shall constitute a violation of this Settlement Agreement. For each violation, Kelly Holdings shall pay to the District an additional sum of Five (\$) Hundred Dollars (\$500.00) per occurrence. This additional sum shall be paid by Kelly Holdings upon the District's mailing of a demand letter to Kelly Holdings 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 of any other violation of Chapter 373, F.S., or the rules promulgated thereunder.

8. The District shall file with the Charlotte County Circuit Court a Notice of Voluntary Dismissal of Case No. 19001087CA within five (5) days of receipt of the payment described in Paragraph 5 herein.

9. The District hereby expressly reserves and retains the right to initiate appropriate legal action against Kelly Holdings to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Settlement Agreement. Kelly Holdings acknowledges by the execution of this Settlement Agreement 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 Kelly Holdings to administrative 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.

10. Execution of this Settlement Agreement shall not relieve Kelly Holdings of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

11. Kelly Holdings shall allow authorized District representatives to access the Property at all reasonable times without prior notice to determine compliance with this Settlement Agreement, Chapter 373, F.S., and District rules. Kelly Holdings shall make any tenant on the Property aware of this Agreement.

12. Each Party shall bear its own costs, including attorneys' fees, incurred in connection with Charlotte County Circuit Court Case No. 19001087CA and the development of this Agreement. Notwithstanding, should any Party employ an attorney

or attorneys to enforce any of the provisions of this Agreement or to recover damages for the breach of this Agreement, the prevailing party is entitled to receive from the other party all reasonable costs, charges, expenses, attorneys' fees, expert witness fees, fees and costs on appeal, and the cost of paraprofessionals working under the supervision of an attorney, expended or incurred in connection therewith, whether resolved by out-of-court settlement, arbitration, pre-trial settlement, trial, or appellate proceedings.

13. No modifications of the terms of this Settlement Agreement are effective unless reduced to writing and executed by all Parties.

IN WITNESS WHEREOF, the Southwest Florida Water Management District and Kelly Family Holdings, LLC, have executed this Settlement Agreement on the day and year set forth with their signatures below.

KELLY FAMILY HOLDINGS, LLC

Witness

Signature

Printed Name

Title

Date: _____

Approved by the Governing Board of the Southwest Florida Water Management District this _____ day of _____, 2020.

By: _____
Mark Taylor, Chair

Approved as to Legal Form and Content

Christopher A. Tumminia, Deputy General Counsel

Filed this ____ day of
_____, 2020.

Deputy Agency Clerk

SETTLEMENT AGREEMENT
KELLY FAMILY HOLDINGS, LLC
CT NO. 390610
CASE NO. 19001087CA
CHARLOTTE COUNTY, FLORIDA

EXECUTIVE DIRECTOR'S REPORT

August 25, 2020

Consent Agenda

Approve Governing Board Minutes – July 28, 2020

Staff Recommendation:

Staff recommends the Board approve the minutes as presented.

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

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

JULY 28, 2020

Due to the COVID-19 virus, this meeting was held through electronic media to reduce public gatherings and practice social distancing.

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on July 28, 2020, at its Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were present:

Board Members Present

Mark Taylor, Chair
Michelle Williamson, Vice Chair*via Phone
Joel Schleicher, Secretary*via Phone
Kelly S. Rice, Treasurer*via Phone
Rebecca Smith, Ph.D., Member*via Phone
James G. Murphy, Member*via Phone
Roger Germann, Member*via Phone
Jack Bispham, Member*via Phone
Seth Weightman, Member*via phone

Staff Members

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

Board Administrative Support

Robyn Felix, Communication & Board Services Bureau Chief
Lori Manuel, Administrative Coordinator

Approved minutes from previous meetings can be found on the District's website (www.WaterMatters.org).

PUBLIC HEARING

1. Call to Order

Chair Mark Taylor called the meeting to order and opened the public hearing.

Chair Taylor provided a telephone number to any member of the public wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda. Chair Taylor stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

At this time, the meeting was recessed to allow for communication with any members of the public who were providing input via telephone. (Audio – 00:04:20)

Chair Taylor reconvened the meeting. (Audio – 00:06:33)

2. Invocation and Pledge of Allegiance

Chair Taylor offered the invocation and led the Pledge of Allegiance.

Chair Taylor introduced each member of the Governing Board (this served as roll call), who attended remotely and staff at the dais. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input was only taken during the meeting via telephone communication.

Due to physical constraints, Chair Taylor chaired all committees.

Attachment: GB 07282020 Draft (5196 : Approve Governing Board Minutes – July 23, 2020)

3. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated the following item was removed from Discussion:

26. Polk Regional Water Cooperative West Polk Wellfield - Conceptual Design Third Party Review (N882)

Secretary Schleicher requested the following agenda items be moved to Discussion:

Resource Management Committee

7. FARMS – Bickett Holdings, LLC (H785), Charlotte County

Regulation Committee

8. Individual Water Use Permits Referred to the Governing Board

- a. Water Use Permit No. 20012659.001 / Grassy Lake / Robert Sons, Carl Sons and Patty Sons (Polk County)**

Operations, Lands and Resource Monitoring Committee

10. Purchase and Sale Agreement, Perpetual Conservation Easement, and Resolution Requesting Funds from the Florida Forever Trust Fund – Rocking Seven Ranch and Farms LLC, Upper Myakka Watershed (Flatford Swamp) Project, SWF Parcel No. 21-598-104C

General Counsel's Report

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

- c. Governing Board Concurrence – Emergency Order No. SWF 20-027 – Emergency Measures Made Necessary by COVID-19**

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

No requests were submitted.

Chair Taylor stated there was good cause to amend the agenda as allowed by Section 120.525, Florida Statutes. (Audio - 00:11:55)

Consent Agenda

Finance/Outreach & Planning Committee

5. Knowledge Management: Governing Board Committee Responsibilities and 110-1 Policies and Procedures Governing Board Policies

- Staff recommended the Board replace Governing Board policies 110-3, 110-3A, 110-3B, 110-3C and 110-3E with the new Governing Board Committee Responsibilities Governing Board Policy.
- Staff recommended the Board delete the 110-1 Policies and Procedures Governing Board Policy.

6. Budget Transfer Report

Staff recommended the approval of the Budget Transfer Report covering all budget transfers for June 2020.

Resource Management Committee

7. FARMS – Bickett Holdings, LLC (H785), Charlotte County

Staff recommended the Board:

- 1) Approve the Bickett Holdings, LLC project for a not-to-exceed project reimbursement of \$663,000 with \$663,000 provided by the Governing Board.
- 2) Authorize the transfer of \$663,000 from fund 010 H017 Governing Board FARMS Fund to the H785 Bickett Holdings, LLC project fund.
- 3) Authorize the Assistant Executive Director to sign the agreement.

Regulation Committee

8. Individual Water Use Permits Referred to the Governing Board

a. Water Use Permit No. 20012659.001 / Grassy Lake / Robert Sons, Carl Sons and Patty Sons (Polk County)

Staff recommended the Board approve the proposed permit attached as an exhibit.

Operations, Lands and Resource Monitoring Committee

9. Green Swamp East Rock Ridge Road Cattle Lease Agreement, SWF Parcel No. 10-200-1280X

Staff recommended the Board approve the award of the Green Swamp East Rock Ridge Road Cattle Lease to Lewis Jenkins, D.B.A. Jenkins Cattle LLC., and execute the lease on behalf of the District.

10. Purchase and Sale Agreement, Perpetual Conservation Easement, and Resolution Requesting Funds from the Florida Forever Trust Fund – Rocking Seven Ranch and Farms LLC, Upper Myakka Watershed (Flatford Swamp) Project, SWF Parcel No. 21-598-104C

Staff recommended the Board:

- Accept the appraisals for the Conservation Easement.
- Approve the Purchase and Sale Agreement and authorize the Executive Director or designee to sign on the behalf of the District.
- Approve and adopt Resolution 20-08 requesting funds from the Florida Forever Trust Fund for the acquisition of the Conservation Easement (SWF Parcel No. 21-598-104C).
- Authorize the Chairman and Secretary to execute the Conservation Easement on behalf of the District.
- Designate SWF Parcel No. 21-598-104C as having been acquired for conservation purposes.
- Authorize staff to make minor changes or corrections to conform documents or correct scrivener errors; any substantive changes will be subject to Governing Board review and approval; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

General Counsel's Report

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

a. Authorization to Issue Administrative Complaint and Order – Travel Imagination, LLC – Unauthorized Construction – CT No. 403929 – Manatee County

Staff recommended the Board:

- 1) Authorize District staff to issue an Administrative Complaint and Order to Travel Imagination, LLC to obtain compliance with state law and District rules.
- 2) Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Administrative Complaint and Order, including filing any appropriate actions in circuit court, if necessary.
- 3) Authorize District staff to initiate an action in circuit court against Travel Imagination, LLC to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.

b. Approval of Settlement Agreement Between SWFWMD and Minto Bradenton, LLC – Overpumpage – Water Use Permit No. 20012900.002 - CT No. 386256 - Manatee County

Staff recommended the Board:

- 1) Approve the Settlement Agreement.
- 2) Authorize District staff to pursue additional measures to obtain compliance with the terms and conditions of the Settlement Agreement, including filing any appropriate actions in circuit court, if necessary.

c. Governing Board Concurrence – Emergency Order No. SWF 20-027 – Emergency

Measures Made Necessary by COVID-19

~~Staff recommended the Board approve the third amended and reinstated Emergency Order No. SWF 20-027 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency.~~

12. Rulemaking – None

Executive Director's Report

13. Approve Governing Board Minutes – June 23, 2020

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:12:30)

Chair Taylor called the Finance/Outreach & Planning Committee to order. (Audio – 00:13:24)

Finance/Outreach & Planning Committee

Discussion

14. Consent Item(s) Moved for Discussion - None

15. Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, provided a presentation (remotely). He provided a COVID-19 Dashboard from John Hopkins University and a map outlining the status of state openings/re-openings from the New York Post.

Mr. Grady provided growth projections from the world economic outlook from the International Monetary Fund. He also provided information from the Bloomberg Financial Conditions Index, labor market jobless claims and housing market information.

Mr. Grady provided a comparative historical yield curve for United States treasury yields with three-month to five-year maturity.

Mr. Grady provided an overview of District assets portfolio for the period of April 1, 2020 through June 30, 2020.

Staff recommended the Board accept, and place on file, the District's Quarterly Investment Reports for the quarter ending June 30, 2020.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:43:55)

16. Legislative Update

Ms. Cara Martin, Government and Community Affairs Office chief, provided a recap of the Fiscal Year 2020-21 legislative session. She provided an overview of the state's \$92.2 billion budget which included a \$625 million investment in the environment; \$100 million for Florida Forever; \$2.25 million to the District for land management activities; \$25 million to St. Johns, Suwannee and Apalachicola Rivers and Springs Coast watershed; \$50 million in springs funding and \$40 million for alternative water supplies. Ms. Martin provided an overview of the bills that impacted the District and information regarding the 2020-2021 legislative session.

This item was provided for the Board's information; no action was required.

17. Fiscal Year (FY) 2021 Budget Development

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

source.

Mr. Campbell stated the tentative FY2021 total budget is approximately \$179.1 million dollars. He stated the proposed rollback-millage rate is 0.2669 mills. Mr. Campbell stated the proposed Ad Valorem budget is \$116 million which uses an actual new construction growth rate of 2.68 percent.

Staff recommended the Board approve the budget changes presented at the July 28, 2020 Governing Board meeting.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously.

Staff recommended the Board approve Resolution No. 20-09, Adoption of Proposed Millage Rate for Fiscal Year 2021.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously.

Approve the August 1 submittal of the Standard Format Tentative Budget Submission for FY2021.

A motion was made and seconded to approve staff's recommendation. The motion with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to concerns regarding current economic conditions.

18. Knowledge Management: Budget Authority Transfer of Funds

Mr. John Campbell, Director of Management Services, provided a presentation regarding the changes to the Budget Authority Transfer of Funds board policy. He explained there are two proposed modifications to the policy. Mr. Campbell outlined these changes.

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

Submit & File Reports

19. Office of Inspector General Quarterly Update – April 1, 2020 to June 30, 2020

This item was provided for the Board's information; no action was required.

Routine Reports

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

20. Treasurer's Report and Payment Register

21. Monthly Financial Statement

22. Monthly Cash Balances by Fiscal Year

23. Comprehensive Plan Amendment and Related Reviews Report

Chair Taylor adjourned the Committee and called the Resource Management Committee to order. (Audio – 01:06:50)

Resource Management Committee

Discussion

24. Consent Item(s) Moved for Discussion

7. FARMS – Bickett Holdings, LLC (H785), Charlotte County

Secretary Schleicher requested a vote be taken for this item. He requested information regarding Facilitating Agricultural Resource Management Systems (FARMS) Program projects associated with the 75 percent cost share. Ms. Jennette Seachrist, Resource Management Director, stated 140 projects have been approved for the 75 percent cost share. She stated that 35 of those projects have received the full reimbursement, an average of 51 percent. Ms. Seachrist stated that 73 projects have been approved, with 24 projects receiving the full 50 percent reimbursement, an average of 32 percent. She stated the District has a total of 213 Board approved FARMS projects that are funded at an average District cost of 45 percent.

Treasurer Rice asked about the funding at 72 percent cost share for this project. Ms. Seachrist responded that the District allows up to a 100 percent of costs, however there are certain items related to this project that are not eligible.

Staff recommended the Board:

- 1) Approve the Bickett Holdings, LLC project for a not-to-exceed project reimbursement of \$663,000 with \$663,000 provided by the Governing Board.
- 2) Authorize the transfer of \$663,000 from fund 010 H017 Governing Board FARMS Fund to the H785 Bickett Holdings, LLC project fund.
- 3) Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion with eight in favor and one opposed. (Audio: 01:07:32/01:10:52)

25. Cooperative Funding Initiative Update

Mr. Scott Letasi, Project Management Office chief, provided an update on the Cooperative Funding Initiative (CFI). This presentation included a timeline of the Fiscal Year (FY) 2022 cycle, communicated changes associated with the FY2022 CFI application, and provided an overview on the third-party review process.

Mr. Letasi also provided an overview of the cost increase and/or changes in scope guidelines associated with approved projects. He provided a percentage graph from 2014 to 2019 that compared projects that were under budget, on budget and on approved cost increases. He explained the process for use of contingency funds and processes being evaluated. Mr. Letasi stated that the District has communicated with stakeholders and the Environmental Advisory Committee for input on the process for contingency item reimbursement and setting a 5% threshold. The District and Cooperator will share the cost for contingency items up to 5% of the total project cost for items with reasonable cost and are needed to complete the project.

This item was provided for the Board's information; no action was required.

26. Polk Regional Water Cooperative West Polk Wellfield – Conceptual Design Third Party Review (N882)

~~Staff recommended the Board authorize staff to continue with the project preliminary design phase and a second third-party review in accordance with the cooperative funding agreement.~~

Submit & File Reports – None

Routine Reports

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

27. Minimum Flows and Levels and Reservations Status Report

28. Significant Water Resource and Development Projects

Chair Taylor adjourned the Committee and called the Operations, Lands and Resource Monitoring Committee to order. (Audio – 01:30:40)

Operations, Lands and Resource Monitoring Committee

Discussion

29. Consent Item(s) Moved for Discussion

10. Purchase and Sale Agreement, Perpetual Conservation Easement, and Resolution Requesting Funds from the Florida Forever Trust Fund – Rocking Seven Ranch and Farms LLC, Upper Myakka Watershed (Flatford Swamp) Project, SWF Parcel No. 21-598-104C

Secretary Schleicher questioned the prioritization of purchasing properties by the state.

Mr. Brian Starford, Operations, Lands and Resource Monitoring Director, stated this property meets all areas of responsibilities and addressed the benefits of the District acquiring it.

Mr. Brian Armstrong, Executive Director, explained the District's frugality when using the Florida Forever Funds and the consideration given when purchasing properties.

Chair Taylor suggested a future Board presentation regarding fee simple acquisition, acquisition of conservation easements and a discussion of the lands on the District's Florida Forever list. Mr. Starford responded in the affirmative.

Staff recommended the Board:

- Accept the appraisals for the Conservation Easement.
- Approve the Purchase and Sale Agreement and authorize the Executive Director or designee to sign on the behalf of the District.
- Approve and adopt Resolution 20-08 requesting funds from the Florida Forever Trust Fund for the acquisition of the Conservation Easement (SWF Parcel No. 21-598-104C).
- Authorize the Chairman and Secretary to execute the Conservation Easement on behalf of the District.
- Designate SWF Parcel No. 21-598-104C as having been acquired for conservation purposes.
- Authorize staff to make minor changes or corrections to conform documents or correct scrivener errors; any substantive changes will be subject to Governing Board review and approval; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. The motion with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to quantification of land ownership by the District. (Audio: 01:38:58)

30. Acquisition of Mineral Interests and Closing of Escrow Account – Myakkahatchee Creek, SWF Parcel Nos. 21-694-102 and 21-694-103C

Mr. Jerry Mallams, Operations and Land Management Bureau chief, provided an overview that included information regarding Carlton Ranch and the acquisition of mineral interests. He explained that the purchase of Carlton Ranch was a joint acquisition with Sarasota County in December 2007. Mr. Mallams explained that at the time of the purchase 20 percent of the mineral rights were held by third parties.

Staff recommended the Board:

- Accept the 97.396 percent mineral interests held by Carlton Ranch for SWF Parcels 21-694-102 and 21-694-103C.

- Authorize settlement of the Escrow Account as outlined above, accept Carlton Ranch's total contribution towards settlement of \$32,000, Sarasota County's contribution towards settlement of \$10,000, and a contribution to the same by the District of \$10,000 from Florida Forever funds to purchase the outstanding mineral interests.
- Authorize the Executive Director to enter into a purchase and sale contract between Carlton Ranch, Sarasota County, and the District as buyers, and Patricia M. Kranzlein as seller, for \$40,000 for her outstanding mineral interests in Carlton Ranch.
- Authorize the Executive Director to enter into a purchase and sale contract between Carlton Ranch, Sarasota County, and the District as buyers, and SC Property Tax Ventures as sellers, for the amount of \$12,000 for their outstanding mineral interests in Carlton Ranch.
- Authorize release of the remaining escrowed funds to Carlton Ranch after closing on the outstanding mineral interests as set forth in the Escrow Agreement.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:47:13)

Submit & File Reports

31. Hydrologic Conditions Report

This item was provided for the Board's information; no action was required.

Routine Reports

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

32. Surplus Lands

33. Structure Operations

34. Significant Activities

Chair Taylor adjourned the Committee and called the Regulation Committee to order. (Audio – 01:48:20)

Regulation Committee Discussion

35. Consent Item(s) Moved for Discussion

8. Individual Water Use Permits Referred to the Governing Board

a. Water Use Permit No. 20012659.001 / Grassy Lake / Robert Sons, Carl Sons and Patty Sons (Polk County)

Secretary Schleicher asked for clarification regarding the increase in quantities for this permit.

Ms. Michelle Hopkins, Director of Regulation, explained this permit is a renewal with a request for modification of quantities. The previous permits were administratively transferred from the St. Johns River Water Management District when District boundaries were revised. She stated that crop protection quantities in the SJRWMD permits were only provided for two of the 13 original permits. This permit combines all 13 permits and allows for crop establishment quantities for the entire acreage.

Staff recommended the Board approve the proposed permit attached as an exhibit.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:51:12)

36. Denials Referred to the Governing Board

None were referred to the Board.

Vice Chair Williamson asked for an update regarding Hillsborough County (County) One Water initiative. Mr. Michael Molligan, Employee and External Relations Director, explained that the proposed initiative will streamline County comprehensive plans. The District will be one of several agencies reviewing the proposed initiative.

Vice Chair Williamson expressed concern the initiative may be proposing the placement of agricultural under the stormwater management ordinances. Mr. Molligan stated that staff would provide a thorough review once the initiative is provided to the District.

Submit & File Reports – None

Routine Reports

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

37. Individual Permits Issued by District Staff

38. Overpumpage Report

Chair Taylor adjourned the Committee. (Audio – 01:56:10)

General Counsel's Report

Discussion

39. Consent Item(s) Moved for Discussion

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

c. Governing Board Concurrence – Emergency Order No. SWF 20-027 – Emergency Measures Made Necessary by COVID-19

Secretary Schleicher expressed concerns regarding continuing to conduct District business remotely.

Staff recommended the Board approve the third amended and reinstated Emergency Order No. SWF 20-027 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency.

A motion was made and seconded to approve staff's recommendation. The motion with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to the inability to return to pre-COVID conditions to conduct District business. (Audio – 1:58:55)

Submit & File Reports – None

Routine Reports

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

40. July 2020 Litigation Report

41. July 2020 Rulemaking Update

Committee/Liaison Reports

42. Environmental Advisory Committee

Chair Taylor provided a summary regarding the July 14 meeting. He stated that the Committee provided valuable feedback regarding several topics. A copy of the meeting summary was provided.

Executive Director's Report

43. Executive Director's Report

Mr. Brian Armstrong, Executive Director, stated that officer elections will be held at the August

Board meeting.

Chair's Report

44. Chair's Report

Chair Taylor informed the Board of utilizing Zoom for the next meeting scheduled for August 25 at 9:00 a.m.

45. Employee Milestones

The meeting was adjourned at 11:06

Chair

Attest:

Secretary

DRAFT

Attachment: GB 07282020 Draft (5196 : Approve Governing Board Minutes – July 23, 2020)

EXECUTIVE DIRECTOR'S REPORT

August 25, 2020

Consent Agenda

Approve Calendar for Fiscal Year 2020-2021 Meeting Dates

Staff Recommendation:

Staff recommends the Board approve the dates as presented.

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

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

8/12/2020

Agricultural & Green Industry Advisory Committee – 10:00 a.m., Tampa Office

2020 – December 1

2021 – March 9, June 8, September 14

Environmental Advisory Committee – 10:00 a.m., Tampa Office

2020 – October 13

2021 – January 12, April 13, July 13

Industrial Advisory Committee – 10:00 a.m., Tampa Office

2020 – November 10

2021 – February 9, May 11, August 10

Public Supply Advisory Committee – 1:00 p.m., Tampa Office

2020 – November 10

2021 – February 9, May 11, August 10

Springs Coast Management Committee – 1:30 p.m., Brooksville Office

2020 – October 21, December 9

2021 – January 6, February 24, May 26, July 14

Springs Coast Steering Committee – 2:00 p.m., Brooksville Office

2020 – November 18

2021 – January 27, March 10, July 28

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

2020 – October 7

2021 – January 6, April 7, July 7

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

2021 – February 3 – Northern Region, Brooksville Office

2021 – February 4 – Southern Region, Manatee County Board of County Commission Chambers

2021 – February 10 – Heartland Region, Bartow City Hall

2021 – February 11 – Tampa Bay Region, Tampa Office

2021 – April 7 – Northern Region, Brooksville Office

2021 – April 8 – Southern Region, TBD

2021 – April 14 – Heartland Region, Bartow City Hall

2021 – April 15 – Tampa Bay Region, Tampa Office

Public Meeting for Pending Permit Applications – 9:00 a.m., Tampa Office

2020 – October 7, November 4, December 2

2021 – January 6, February 3, March 3, April 7, May 5, June 2 July 7, August 4 September 1

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

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

2020 – November 18

2021 – March 31, July 28

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604

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

Manatee County Board of County Commission Chambers – 1112 Manatee Avenue W., Bradenton, FL 34205

Bartow City Hall – 450 N. Wilson Avenue, Bartow, FL 33830

Attachment: FY2021 Committee and CFI Dates FINAL (5209 : Approve Calendar for Fiscal Year 2020-2021 Meeting Dates)

**Governing Board Meeting
August 25, 2020**

FINANCE/OUTREACH & PLANNING COMMITTEE
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Discussion Items

16. Consent Item(s) Moved for Discussion	81
17. Fiscal Year (FY) 2020 Board Designated Encumbrance Request	82
18. ePermitting Modernization Services Budget Transfer and Encumbrance	86

Submit and File Reports – None

Routine Reports

19. Treasurer's Report and Payment Register	88
20. Monthly Financial Statement.....	94
21. Monthly Cash Balances by Fiscal Year	99
22. Comprehensive Plan Amendment and Related Reviews Report	101

FINANCE/OUTREACH & PLANNING COMMITTEE

August 25, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Michael Molligan, Division Director, Employee and External Relations

FINANCE/OUTREACH & PLANNING COMMITTEE

August 25, 2020

Discussion Item

Fiscal Year (FY) 2020 Board Designated Encumbrance Request

Please see attachment.

Staff Recommendation:

Approve the encumbrance of \$1.0 million from the FY2020 Salary appropriation to carry forward into FY2021 for staff performance-based salary increases.

Presenters: Michael Molligan, Division Director, Employee and External Relations, and John Campbell, Division Director, Management Services

Fiscal Year (FY) 2020 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 FY2021 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 2020 reflecting performance for FY2020.

The following is a thorough explanation of how performance-based increases are determined and last year's distribution of grades and pay increases.

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.

Employee Evaluation Process

All employees receive a performance evaluation from their supervisors. Evaluations are based on performance related to goals and competencies. Goals and competencies are evaluated on a five-point scale:

- 5 = Consistent performance substantially exceeding normal expectations for total job
- 4 = Frequently exceeds normal performance expectation for key job tasks
- 3 = Meets normal job requirements in accordance with established standards and may exceed requirements for some job tasks
- 2 = Overall performance acceptable but improvement needed in one or more significant aspects of job
- 1 = Does not meet standards

Each employee is required to have three SMART goals (specific, measurable, achievable, results-focused and time-bound) developed in collaboration with their supervisor. Each goal may have multiple components. Objectives are clearly identified to determine a 3, 4 or 5 rating for each goal. The goal scores are averaged to provide one grade. The remaining scoring comes from an evaluation of how well the employee is meeting the District competencies:

- Service Excellence
- Teamwork and Collaboration
- Self-Management
- Professional Conduct
- Professional and Technical Excellence (non-management)
- Leadership and Management Excellence (management)

Each competency is further defined in the review document by a series of specific behaviors.

While all employees take part in an evaluation process, not all employees are eligible for a performance-based increase. Employees are ineligible for a performance-based increase if they were hired after April 1, received a pay increase after April 1, received an overall evaluation score below 2.75, or received more than one “2” grade in the six categories (five competencies and goals).

Since the 2020 performance evaluation cycle will not be completed until September, staff does not have the grade distributions for this year. However, the following table displays the results of the performance evaluation cycle for 2019.

FY2019 Distribution of Performance Scores

Scores	Count
2.00 - 2.49	2
2.50 - 2.99	6
3.00 - 3.49	107
3.50 - 3.99	243
4.00 - 4.49	139
4.50 - 4.99	19
5.00 - 5.00	1
Total	517

In August 2019, the Board approved funding for salary increases of \$1.14 million -- \$1 million for performance-based increases and \$140,000 for the implementation of recommended salary adjustments for positions identified in the 2019 Salary Survey. The following chart shows the distribution of performance-based increases by percentage to employees based on their performance in FY2019.

FY2019 Distribution of Percent Performance-based Increase

Increase %	Count
0.00% - 0.00%	4
1.00% - 1.49%	1
1.50% - 1.99%	0
2.00% - 2.49%	5
2.50% - 2.99%	48
3.00% - 3.49%	225
3.50% - 3.99%	161
4.00% - 4.49%	24
4.50% - 4.99%	0
5.00% - 5.49%	0
5.50% - 5.99%	2
Total	470

It's important to note how performance-based dollars are distributed within the organization. Recognizing that there may be slightly different approaches to performance grading amongst the bureaus, funds available for performance-based increases are divided proportionately by bureau. Each bureau receives its proportional allocation of available funds based on its combined salary dollars of eligible employees compared to salary dollars of all eligible employees districtwide. The distribution of those funds is determined by each bureau chief with oversight by the appropriate division director.

2019 Salary Survey Implementation

Last year the Governing Board also approved the implementation of the recommendations from a salary survey conducted by Evergreen Solutions, LLC to determine the competitiveness of salaries offered at the District to help recruit and retain qualified and skilled employees. Evergreen performed the salary survey for all District job profiles within the labor market (Brooksville, Tampa, Sarasota and Lakeland) of competitive organizations. Changes affected nearly 10 percent of the workforce, mostly at the lower end of the pay grades, for a cost of approximately \$140,000

Budgetary Impacts

Funds are available in FY2020 budget to support this proposed encumbrance. The FY2020 salary budget appropriation totals \$43.4 million for the 574 board-authorized FTE's. Expenditures are forecasted to total \$41.9 million through the end of the fiscal year. The net difference between the budget and forecasted fiscal year expenditures provides approximately \$1.5 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 \$1.5 million salary savings in FY2020. District management requests to utilize \$1.0 million of these savings for performance-based salary increases for staff based on their 2020 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 FY2020.

FINANCE/OUTREACH & PLANNING COMMITTEE**August 25, 2020*****Discussion Item*****ePermitting Modernization Services Budget Transfer and Encumbrance*****Purpose***

Staff requests approval of a \$250,000 budget transfer from the withdrawn Zephyr Creek Drainage Improvements: Units 3 and 4 Cooperative Funding Initiative (CFI) project (N990) to the ePermitting Modernization Project (P455).

Background/History

The Water Management Information System (WMIS) has entered its thirteenth year as the District's ePermitting platform. It was designed to have a life expectancy of 15 to 20 years, and as part of the long-range planning efforts the Information Technology and Regulatory Support Bureaus (ITB/RSB) are in the process of rebuilding the Environmental Resource Permit (ERP) process on the new Business Process Management application, Appian. Appian is a low-code/no-code application platform that significantly increases the efficiency of building an application and preparing it for deployment. The new system will decrease system maintenance costs and provide more flexibility in meeting future ePermitting requirements.

The ePermitting Modernization Project is expected to have a duration of up to five years and will result in the replacement of the Environmental Resource Permit (ERP), Water Use Permit (WUP), Well Construction Permit (WCP) and Compliance Review applications. The original project cost estimate was \$9.5 million and was provided to the Governing Board in October 2017. The selected software and successful Request for Proposals (RFP) for project services in FY2019 resulted in a significant reduction in estimated project costs which are now projected to be approximately \$4.2 million.

Project Impacts

District staffing changes due to external competitive recruitments have caused the internal project team to be understaffed by 50%. As a result the development team has experienced increased stress due to internal competition for development team resources for application development and critical maintenance on existing District applications such as the *Watermatters.com* website and the current ePermitting platform, development of the new CFI database as well as ongoing security and platform end-of-support issues. The COVID-19 event further impacted ITB's ability to fill the existing vacancies which are currently under active recruitment.

Consulting Services

In year one, the required funds were budgeted for FY2019 to cover the first full year of services from the consulting vendor Bits in Glass (BIG). Development began in FY2019, with purchase orders issued to BIG from FY2019 and FY2020 funds sufficient for project services through FY2020. The project impacts noted above create a need for 1,517 supplementary consulting hours from BIG through FY2021 to keep the project moving at its required velocity.

Item 18

Benefits/Costs

Funding of \$250,000 for the supplementary consulting services is available from the Zephyr Creek Drainage Improvements: Units 3 and 4 (N990) CFI project, which has been cancelled by Pasco County and replaced by an FY2021 CFI request to complete a feasibility study of the Zephyr Creek area. The feasibility study will evaluate cost effective solutions to the street and structure flooding along Zephyr Creek before proceeding with any improvement project.

The development of a new ePermitting application platform provides the following benefits:

- Addresses the maintainability and extensibility of the current system.
- The User Interface (UI) will be compatible with mobile devices, i.e. tablets and smartphones, which now make up over 50% of all internet activity.
- Creates integrated business process management and workflow functionality replacing the existing custom-built workflow system.
- Moves the existing underlying database platform from Oracle to Microsoft SQL which reduces database complexity, dependency on Oracle and total cost of ownership.
- Improves the District's ability to implement system enhancements and meet changes in statutory requirements.

Staff Recommendation:

- 1.) Approve the transfer of \$250,000 from the withdrawn Zephyr Creek Drainage Improvements: Units 3 and 4 CFI project (N990) to the ePermitting Modernization Project (P455) for the procurement of consulting services.
- 2.) Approve the board designated encumbrance and carry forward of funds remaining at the end of FY2020 into FY2021 to continue the implementation of the new ePermitting system.

Presenter: Thomas Hughes, Information Technology Bureau Chief

FINANCE/OUTREACH & PLANNING COMMITTEE

August 25, 2020

Routine Report

Treasurer's Report and Payment Register

Purpose

Presentation of the Treasurer's Report and Payment Register.

Background

In accordance with Board Policy, *District Investment Policy*, a monthly report on investments shall be provided to the Governing Board. The Treasurer's Report as of July 31, 2020, reflects total cash and investments.

In accordance with Board Policy, *Disbursement of Funds*, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic fund transfers (EFTs).

Staff Recommendation:

These items are presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2020

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
PUBLIC TRUST ADVISORS						
<u>SFWWMD-Enhanced Cash Portfolio</u>						
7951619	Investments	1.39	\$166,863,070	\$168,301,971	\$484,340	
7951619	Cash / Money Market Fund	0.05	331,086	331,086	0	
			Subtotal	\$167,194,156	\$168,633,057	\$484,340
7951619	Accounts Receivable-Trade date prior to 7/31/20, Settlement date after 7/31/20		12	12	0	
			Total	\$167,194,168	\$168,633,069	\$484,340
						33.71
<u>SFWWMD- 1-3 Year Portfolio</u>						
7951620	Investments	1.54	\$256,922,029	\$262,731,097	\$1,235,638	
7951620	Cash / Money Market Fund	0.05	263,796	263,796	0	
			Subtotal	\$257,185,825	\$262,994,893	\$1,235,638
7951620	Accounts Receivable-Trade date prior to 7/31/20, Settlement date after 7/31/20		20	20	0	
			Total	\$257,185,845	\$262,994,913	\$1,235,638
						51.85
TOTAL CUSTODIAN HELD INVESTMENTS				\$424,380,013	\$431,627,982	\$1,719,978
						85.56

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
STATE BOARD OF ADMINISTRATION						
<u>Florida PRIME (Formerly Local Government Investment Pool)</u>						
271413	SBA General Investments	0.43	\$37,922,999	\$37,922,999		
271414	SBA Land Resources	0.43	19,411,618	19,411,618		
271415	SBA Advanced State Funding (Eco System Trust Fund)	0.43	167,647	167,647		
271416	SBA Advanced State Funding (FDOT)	0.43	13,883,173	13,883,173		
271418	SBA Advanced State Funding (WPSTF)	0.43	250,092	250,092		
	TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS		\$71,635,529	\$71,635,529		14.44
	TOTAL INVESTMENTS		\$496,015,542	\$503,263,511		100.00
	CASH, SUNTRUST DEMAND ACCOUNT		716,822	716,822		
	TOTAL CASH AND INVESTMENTS		\$496,732,364	\$503,980,333		

Weighted average yield on portfolio at July 31, 2020 is 1.33%.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2020

EQUITY - CASH AND INVESTMENTS

DISTRICT AND BASINS

District General Fund	\$449,983,066	90.58%
Restricted for Alafia River Basin	494,623	0.10%
Restricted for Hillsborough River Basin	5,891,344	1.19%
Restricted for Coastal Rivers Basin	321,532	0.06%
Restricted for Pinellas-Anclote River Basin	8,975,255	1.81%
Restricted for Withlacoochee River Basin	922,261	0.19%
Restricted for Peace River Basin	1,518,382	0.31%
Restricted for Manasota Basin	2,691,129	0.54%
Total District General Fund	<u>\$470,797,592</u>	<u>94.78%</u>
 FDOT Mitigation Program	 13,695,506	 2.76%
Florida Forever Program	12,239,266	2.46%
 TOTAL EQUITY IN CASH AND INVESTMENTS	 <u>\$496,732,364</u>	 <u>100.00%</u>

Monthly Investment Report for Period Ended July 31, 2020



Southwest Florida Water Management District Investment Program Review

2379 Broad Street
Brooksville, FL 34604-6899

Public Trust Advisors LLC
201 E. Pine Street, Suite 750
Orlando, Florida 32801

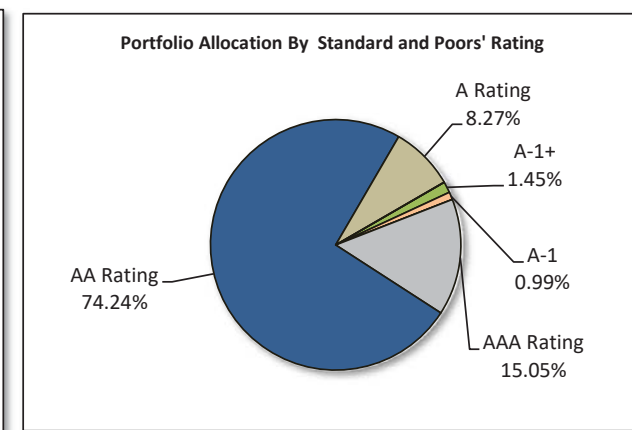
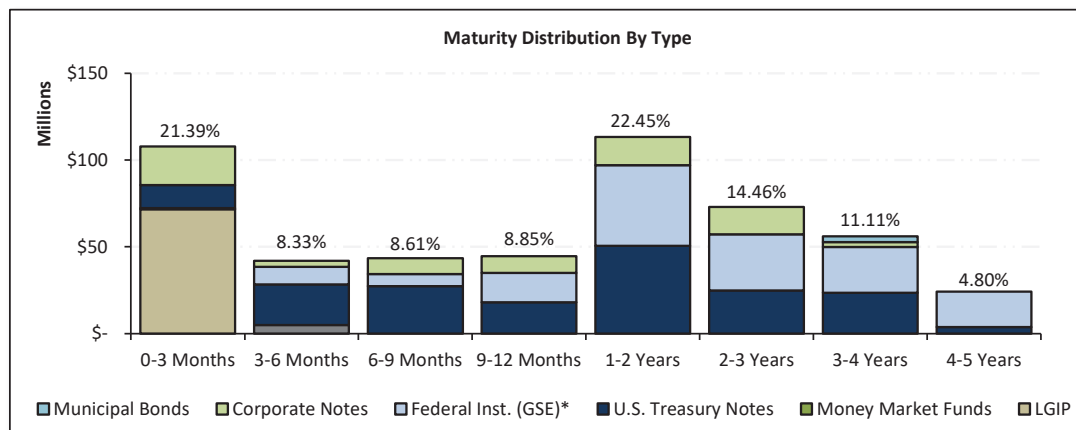
Southwest Florida Water Management District All Assets Summary Comparison for the period July 1, 2020 to July 31, 2020

Southwest Florida Water Management District All Assets Portfolio	July 1, 2020 Beginning Balance	July 31, 2020 Ending Balance	Portfolio Characteristic	July 1, 2020 Beginning Balance	July 31, 2020 Ending Balance
Book Value Plus Accrued	\$ 508,220,728	\$ 497,735,488	Weighted Book Yield	1.38%	1.33%
Net Unrealized Gain/Loss	7,200,692	7,247,969	Weighted Duration	1.37 Years	1.41 Years
Net Pending Transactions	85	32			
Market Value Plus Accrued Net	\$ 515,421,505	\$ 504,983,489			

Individual Portfolio Characteristics	July 1, 2020 Beginning Balance	July 31, 2020 Ending Balance	July 31, 2020 Monthly Earnings	July 31, 2020 YTD Earnings
Liquid Portfolio (SBA-Florida Prime)	\$ 82,666,057	\$ 71,635,529	27,171	977,830
Enhanced Cash	169,001,964	169,117,409	206,270	2,586,203
Short Term 1-3 Year	263,753,484	264,230,551	338,965	3,942,890
Market Value Plus Accrued Net	\$ 515,421,505	\$ 504,983,489	\$ 572,406	\$ 7,506,923

Less Advisory Fees:	\$ (10,722)	\$ (104,600)
Total Earnings Net of Fees	\$ 561,684	\$ 7,402,323

Blended Basis Fee (Annualized)	0.02585%	0.02522%
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See additional disclosures for footnotes.

Additional Disclosure

This statement is for general information purposes only and is not intended to provide specific advice or recommendations. Please review the contents of this statement carefully. Should you have any questions regarding the information presented, calculation methodology, investment portfolio or security detail, or any other facet of your statement, please feel free to contact us.

Public Trust Advisor's monthly statement is intended to detail our investment advisory activity as well as the activity of any accounts held by clients in pools that are managed by Public Trust Advisors. The custodian bank maintains the control of assets and executes and settles all investments transactions. The custodian statement is the official record of security and cash holdings transactions. Public Trust Advisors recognizes that clients may use these reports to facilitate record keeping; therefore the custodian bank statement and the Public Trust Advisors statement should be reconciled and differences resolved. Many custodians use a settlement date basis which may result in the need to reconcile due to a timing difference. Please contact your relationship manager or our toll free number 855-395-3954 with questions regarding your account.

Public Trust Advisors does not have the authority to withdraw funds from or deposit funds to the custodian. Our clients retain responsibility for their internal accounting policies; implementing and enforcing internal controls and generating ledger entries or otherwise recording transactions.

Pricing sources from our reporting platform are provided by Clearwater reporting platform and are established by Clearwater's internal pricing procedures. Clearwater utilizes a hierarchical pricing model which starts with one of the industry's pricing sources, S&P Capital IQ. Securities with short maturities and infrequent secondary market trades are typically priced via mathematical calculations. The Securities in this investment portfolio, including shares of mutual funds, are not guaranteed or otherwise protected by Public trust Advisors, the FDIC (except for certain non-negotiable certificates of deposit) or any government agency, unless otherwise specifically stated. Investment in fixed income securities involves risks, including the possible loss of the amount invested.

Past performance is not an indication of future performance.

Beginning and Ending Balances based on Market Value plus Accrued Interest on a Trade Date basis.

Public Trust Advisors is an investment advisor registered with the Securities and Exchange Commission, and is required to maintain a written disclosure statement of our background and business experience. If you would like to receive a copy of our current disclosure statement, privacy policy, or code of ethics please contact Service Operations at the address below.

Public Trust Advisors
717 17th Street, Suite 1850
Denver, CO 80202

FINANCE/OUTREACH & PLANNING COMMITTEE

August 25, 2020

Routine Report

Monthly Financial Statement

Purpose

Presentation of the July 31, 2020, monthly financial statement.

Background

In accordance with Sections 373.536(4)(e) and 215.985(11), Florida Statutes, relating to state financial information with certain financial transparency requirements, the District is submitting a "Statement of Sources and Uses of Funds for the Tenth Month Ended July 31, 2020."

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

Statement of Sources and Uses of Funds For the Ten Months Ended July 31, 2020

The attached “Statement of Sources and Uses of Funds” statement is provided for your review. This financial statement provides summary-level revenues (i.e., sources) and expenditures by program (i.e., uses). **This unaudited financial statement is provided as of July 31, 2020, with 83.3 percent of the fiscal year completed.**

This financial statement compares revenues recognized and encumbrances/expenditures made against the District’s FY2019-20 available budget of \$365.1 million. Encumbrances represent orders for goods and services which have not yet been received.

Revenues (Sources) Status:

- Overall, as of July 31, 2020, 91 percent of the District’s budgeted revenues/balances have been recognized.
- As of July 31, 2020, the District has received \$113,646,419 of ad valorem tax revenue representing 100 percent of the budget. This is in-line with the ten months prior year collection rates of 100 percent for FY2018-19 and 101 percent for FY2017-18. The budget represents 96 percent of estimated proceeds based on the taxable property values as certified by the District’s sixteen counties multiplied by the Governing Board approved millage rate. Projections are based on historical collections.
- Intergovernmental Revenues are recognized as soon as they are both measurable and available. Revenues are considered available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For FY2019-20, \$8,402,482 revenues have been recognized, representing 18 percent of the budget. From year to year, the budgeted amount of intergovernmental revenue compared to the recognized amount can fluctuate for various reasons; projects can be in the planning stages and have not incurred a significant amount of expenditures, or anticipated projects may be canceled (e.g., cooperative funding projects).
- The FY2019-20 interest earnings budget was based on a 2.33 percent expected rate of return. The District’s investment portfolio at July 31, 2020 is earning a weighted average yield of 1.33 percent. For the ten months ended July 31, 2020, the District has earned 1.80 percent yield on its investments. Interest earnings on invested funds in the amount of \$7,511,990 have been recognized representing 68 percent of the budgeted amount.
- License and Permit Fees consist of revenue from water use permits, environmental resource permits, water well construction permits, and water well construction licenses. Revenue recognized represents 84 percent of the budgeted amount as of July 31, 2020.
- As of July 31, 2020, other revenue earned is 1095 percent of budget. Each year, items that fall within the “Other” revenue category are budgeted conservatively due to the uncertainty of the amounts to be collected. For example, revenues from timber sales, hog hunts, insurance recoveries and the sale of capital assets can vary significantly from year to year. The majority of the increase is due to sales of capital assets in the amount of \$6,645,889.

- Fund Balance consists of balance from prior years (budgeted for the current year) plus fund balance associated with the ad valorem funded encumbrances that rolled into the current year.

Expenditures (Uses) Status:

Overall, as of July 31, 2020, the District had obligated 76 percent of its total budget.

Summary of Expenditures by Program

This financial statement illustrates the effort to date for each of the District's six statutory program areas (Section 373.536(5)(e)4, Florida Statutes). A discussion of the expenditures by program follows.

- The **Water Resource Planning and Monitoring Program** includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resource planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review). Of the \$47.2 million budgeted for this program, the District has obligated 79 percent of the budget (41 percent expended, and 38 percent encumbered).
- The **Land Acquisition, Restoration and Public Works Program** includes the development and construction of all capital projects (except for those contained in the Operation and Maintenance of Works and Lands Program), including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction, land acquisition (i.e., Florida Forever program), and the restoration of lands and water bodies. Of the \$251.5 million budgeted for this program, the District has obligated 77 percent of the budget (13 percent expended, and 64 percent encumbered).
- The **Operation and Maintenance of Works and Lands Program** includes all operation and maintenance of facilities, flood control and water conservation structures, lands, and other works authorized by Chapter 373, Florida Statutes. Of the \$29.3 million budgeted for this program, the District has obligated 63 percent of the budget (46 percent expended, and 17 percent encumbered).
- The **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration, compliance and enforcement, and any delegated regulatory program. Of the \$21.5 million budgeted for this program, the District has obligated 78 percent of the budget (70 percent expended, and 8 percent encumbered).
- The **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resources education; public information activities; all lobbying activities relating to local, regional, state, and federal governmental affairs; and all public relations activities and advertising in any media. Of the \$3.1 million budgeted for this program, the District has obligated 67 percent of the budget (44 percent expended, and 23 percent encumbered).

- The **Management and Administration Program** includes executive management, executive support, governing board support, ombudsman, general counsel, inspector general, administrative support (general), procurement, finance, human resources, and risk management. Of the \$12.5 million budgeted for this program, the District has obligated 84 percent of the budget (79 percent expended, and 5 percent encumbered).

Based on the financial activities for the ten months ended July 31, 2020, the financial condition of the District is positive and budget variances are generally favorable. There are no reported or identified major trends, conditions or variances that warrant additional management attention.

**Southwest Florida Water Management District
Statement of Sources and Uses of Funds
For the Ten Months Ended July 31, 2020
(Unaudited)**

	Current Budget	Actuals Through 7/31/2020	Variance (under)/Over Budget	Actuals As A % of Budget (rounded)
Sources				
Ad Valorem Property Taxes	\$ 113,153,713	\$ 113,646,419	\$ 492,706	100%
Intergovernmental Revenues	45,815,159	8,402,482	(37,412,677)	18%
Interest on Invested Funds	11,000,000	7,511,990	(3,488,010)	68%
License and Permit Fees	2,029,700	1,713,152	(316,548)	84%
Other	690,250	7,558,759	6,868,509	1095%
Fund Balance	192,396,261	192,396,261	-	100%
Total Sources	\$ 365,085,083	\$ 331,229,063	\$ (33,856,020)	91%

	Current Budget	Expenditures	Encumbrances¹	Available Budget	% Expended (rounded)	% Obligated² (rounded)
Uses						
Water Resource Planning and Monitoring	\$ 47,184,464	\$ 19,316,500	\$ 17,845,755	\$ 10,022,209	41%	79%
Land Acquisition, Restoration and Public Works	251,498,699	32,687,907	160,422,540	58,388,252	13%	77%
Operation and Maintenance of Works and Lands	29,272,964	13,522,278	5,054,288	10,696,398	46%	63%
Regulation	21,512,817	15,166,503	1,705,433	4,640,881	70%	78%
Outreach	3,081,465	1,349,314	729,378	1,002,773	44%	67%
Management and Administration	12,534,674	9,869,145	709,725	1,955,804	79%	84%
Total Uses	\$ 365,085,083	\$ 91,911,647	\$ 186,467,119	\$ 86,706,317	25%	76%

¹ Encumbrances represent unexpended balances of open purchase orders and contracts.

² Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited preliminary financial statement is prepared as of July 31, 2020, and covers the interim period since the most recent audited financial statements.

FINANCE/OUTREACH & PLANNING COMMITTEE

August 25, 2020

Routine Report

Monthly Cash Balances by Fiscal Year

Purpose

To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of July 31, 2020.

Background

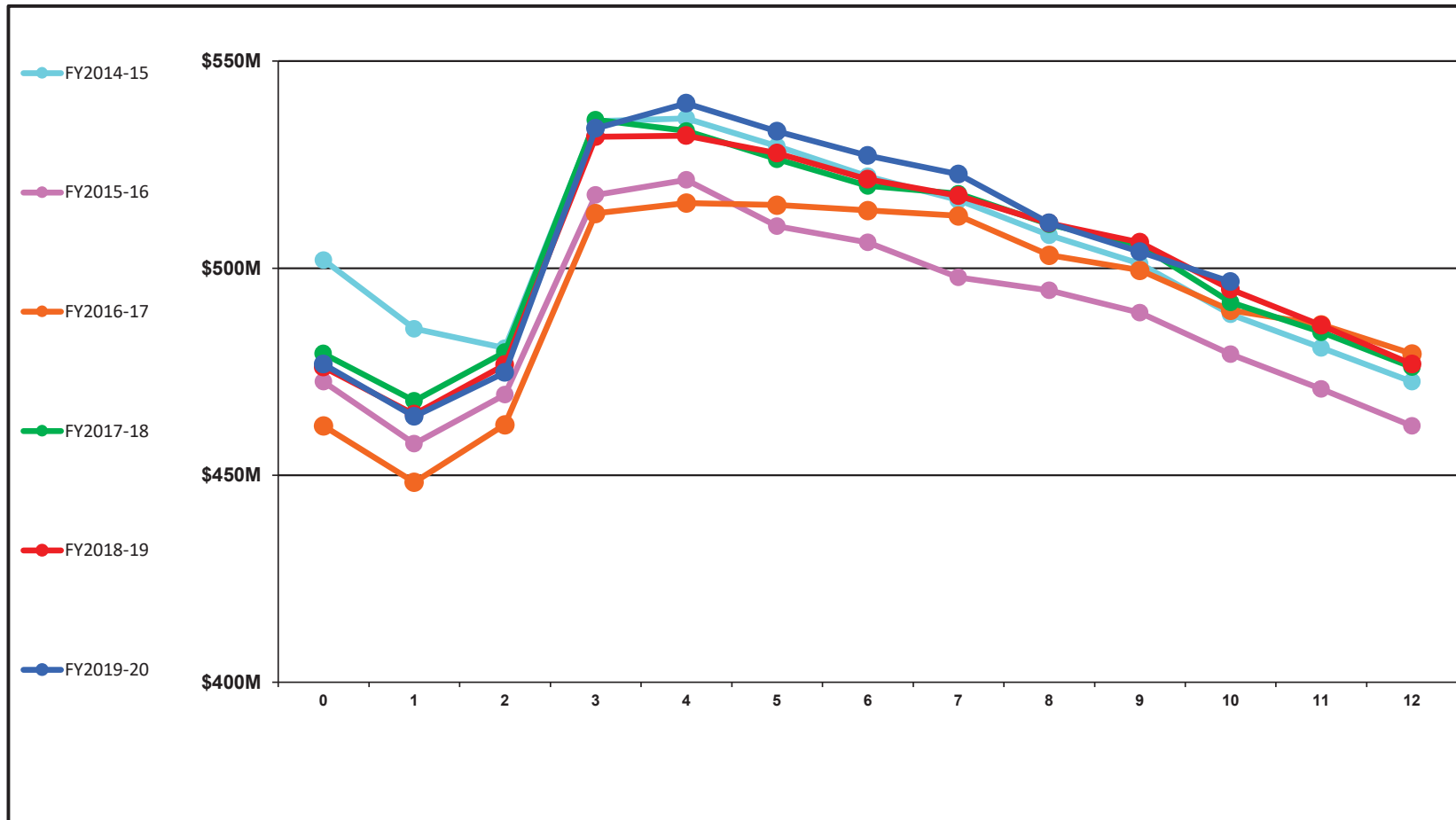
This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves are utilized for projects.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

Southwest Florida Water Management District
Monthly Cash Balances by Fiscal Year
(FY2014-15 - FY2018-19 and FY2019-20 To-Date)



FINANCE/OUTREACH & PLANNING COMMITTEE

August 25, 2020

Routine Report

Comprehensive Plan Amendment and Related Reviews Report

Purpose

This report is provided for the Committee's information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly.

Background/History

The water management districts provide technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses various areas of water resource management, including water supply, flood protection and water quality, and is intended to support sound land use decisions. Statutory directives for this assistance include Section 373.711, Florida Statutes (F.S.), Technical Assistance to Local Governments, and Section 163.3184, F.S., Process for Adoption of Comprehensive Plan or Plan Amendments. Under Section 163, F.S., substantially revised in 2011, if important state resources and facilities are to be adversely impacted, the water management districts and other state reviewing agencies must state with specificity how the plan amendment will adversely impact the resource or facility and must include measures that the local government may take to eliminate, reduce, or mitigate the impacts. Any plan amendment comments provided by a water management district and/or other state agencies that are not resolved may be challenged by the Department of Economic Opportunity (DEO).

Benefits/Costs

The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

Staff Recommendation:

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

Presenter: Cara Martin, Government and Community Affairs Office Chief

Local Government Comprehensive Plan Amendment and Related Reviews Report

As of August 06, 2020

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Auburndale 20-1ACSC	Regular	5/22/2020	6/12/2020	Comments addressed floodplains, wetlands, existing WUP/well and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Bartow 20-1	ESR	5/21/2020	6/8/2020	Comments addressed statutory requirements for water supply planning, floodplains, wetlands, existing WUP/wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Charlotte 20-2	ESR	6/26/2020	7/17/2020	No substantive comments.	<input type="checkbox"/>
Charlotte 20-3	ESR	8/3/2020		Map amendments.	<input type="checkbox"/>
Citrus 20-1	ESR	7/6/2020		Text amendment.	<input type="checkbox"/>
Citrus 20-2	ESR	8/3/2020		Text amendments.	<input type="checkbox"/>
Clearwater 20-1	ESR	5/12/2020	6/12/2020	No substantive comments.	<input type="checkbox"/>
Dade City 20-1	ESR	7/7/2020	8/3/2020	No substantive comments.	<input type="checkbox"/>
Dade City 20-2	ESR	8/3/2020		Map amendment.	<input type="checkbox"/>
Dundee 20-1	ESR	8/3/2020		Map amendment.	<input type="checkbox"/>
Dundee 20-2	ESR	8/3/2020		Map amendment.	<input type="checkbox"/>
Dunnellon 20-2	ESR	6/19/2020	7/20/2020	No substantive comments.	<input type="checkbox"/>
Eagle Lake 20-2	ESR	6/8/2020	7/6/2020	Comments addressed conservation, reuse, existing WUP/well and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Haines City 20-2	ESR	7/23/2020		Map amendment.	<input type="checkbox"/>
Highlands 20-2	ESR	7/20/2020	7/31/2020	No substantive comments.	<input type="checkbox"/>
Inverness 20-1	ESR	6/25/2020	7/29/2020	Comments addressed water supply availability analyses, water conservation, flood prone and wetland areas and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Lake 20-1	ESR	6/8/2020	7/6/2020	Advised amendment lies within SJRWMD.	<input type="checkbox"/>
Lake 20-2	ESR	6/26/2020	7/2/2020	Advised amendment lies within SJRWMD.	<input type="checkbox"/>

Attachment: CPARR August 2020 (5225 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Lakeland 20-1	ESR	6/4/2020	6/23/2020	Comments addressed statutory requirements for water supply planning, floodplains, wetlands and encouraged scheduling of an ERP preapplication meeting.	<input type="checkbox"/>
Marion 20-1	ESR	6/8/2020	7/1/2020	No substantive comments.	<input type="checkbox"/>
Marion 20-2DRI	ESR	6/15/2020	7/24/2020	Comments addressed water conservation, flood prone areas and encouraged scheduling of an ERP preapplication meeting.	<input type="checkbox"/>
Marion 20-3	ESR	6/15/2020	7/20/2020	Comments addressed water conservation, floodprone areas and encouraged scheduling of an ERP preapplication meeting.	<input type="checkbox"/>
Marion 20-4	ESR	6/26/2020	7/15/2020	Advised amendment lies within SJRWMD.	<input type="checkbox"/>
Pasco 20-8	ESR	5/21/2020	6/22/2020	No substantive comments.	<input type="checkbox"/>
Pinellas 20-1	ESR	8/3/2020		Map and text amendments.	<input type="checkbox"/>
Polk 20-2	ESR	5/22/2020	6/4/2020	Comments addressed statutory requirements for potable water supply planning, conservation, reuse, floodplains, wetlands and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Polk 20-3	ESR	5/22/2020	6/23/2020	Comments addressed statutory requirements for water supply planning, conservation, reuse, floodplains, wetlands and encouraged scheduling of an ERP preapplication meeting.	<input type="checkbox"/>
Polk 20-4	ESR	6/18/2020	7/6/2020	No substantive comments.	<input type="checkbox"/>
Punta Gorda 20-2	ESR	7/8/2020	7/31/2020	Comments addressed water supply planning, conservation, reuse, hazard mitigation planning in the coastal high hazard area, an existing well and encouraged scheduling of an ERP preapplication meeting.	<input type="checkbox"/>
Redington Beach 20-1	EAR	7/10/2020		Text amendment.	<input type="checkbox"/>
Redington Beach 20-2	EAR	7/10/2020		Text amendment.	<input type="checkbox"/>
Tampa 20-2	ESR	6/10/2020	7/10/2020	No substantive comments.	<input type="checkbox"/>
Tarpon Springs 20-1	ESR	6/8/2020	7/1/2020	Comments addressed statutory requirements for water supply planning, water conservation and encouraged scheduling of an ERP preapplication meeting.	<input type="checkbox"/>
Venice 20-2	ESR	6/2/2020	6/23/2020	No substantive comments.	<input type="checkbox"/>
Wildwood 20-3	ESR	7/10/2020		Map amendment.	<input type="checkbox"/>

Attachment: CPARR August 2020 (5225 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Winter Haven	ESR	7/16/2020		Map amendment.	<input type="checkbox"/>

Abbreviations:
ACSC Area of Critical State Concern
DRI Development of Regional Impact
EAR Evaluation and Appraisal Report
ESR Expedited State Review

Governing Board Meeting

August 25, 2020

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

23. Consent Item(s) Moved for Discussion	105
24. Polk Regional Water Cooperative West Polk Wellfield Project – Third Party Review of Conceptual Design (N882)	106
25. Status of the Polk Regional Water Cooperative Projects and Schedule Adjustments to Governing Board Resolution 18-06 (Amended)	109
26. Hernando County Culbreath Road Area Flood Relief Project (N981) – Third-Party Review of 30 percent Design and Associated Scope Change	116
27. Peace River Manasota Regional Water Supply Authority Loop System Phase 1 Interconnect (N416) Scope of Work Change	119
28. FARMS – Creekside Nursery, Inc. (H780), Pasco County	121
29. Fiscal Year 2021 Project Funding Update	124

Submit & File Reports

30. Lower Hillsborough River Recovery Strategy Implementation – Annual Update	127
31. Minimum Flows and Minimum Water Levels Priority List and Schedule Update	137

Routine Reports

32. Minimum Flows and Levels and Reservations Status Report	146
33. Significant Water Resource and Development Projects	149

RESOURCE MANAGEMENT COMMITTEE

August 25, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

RESOURCE MANAGEMENT COMMITTEE

August 25, 2020

Discussion Item

Polk Regional Water Cooperative West Polk Wellfield Project - Third Party Review of Conceptual Design (N882)

Purpose

The purpose of this item is to provide the results of the project's first third-party review (TPR) on the brackish well feasibility study and conceptual design of a reverse osmosis (RO) facility and regional transmission system, and to request Governing Board approval to continue executing the cooperative funding agreement (CFA) for preliminary design and a second TPR.

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 regional water supply entity, the Polk Regional Water Cooperative (PRWC), to develop future alternative water supplies (AWS). The West Polk Wellfield project is one of four PRWC projects that are utilizing funds from District Resolution 15-07 for the feasibility and design of new AWS sources.

The West Polk Wellfield Project is being designed to provide 5.0 million gallons per day (mgd) of AWS in its initial phase, with five incremental expansions up to a total of 15 mgd, and transmission systems to deliver AWS to multiple PRWC member utility systems. The District Governing Board discussed the project and approved initial funding at its April 2017 meeting. The current Cooperative Funding Agreement (CFA) project phase consists of the design, permitting, and construction of a Lower Floridan aquifer test/production well study; the conceptual design, pilot testing, and preliminary design of a water treatment facility; and conceptual and preliminary design of a regional transmission system. The CFA requires two District third-party reviews (TPRs) at the conceptual design (feasibility) and preliminary design (30 percent) stages, and Governing Board authorization is required to proceed with the project following each TPR. The conceptual design (feasibility) TPR was conducted in May/June 2020 and reviewed the PRWC's formal drafts of the Test Well Completion Report, Injection Wells Conceptual Design Memo, Projected Water Quality Modeling Memo, Water Production Facility Conceptual Design Report, and Transmission Conceptual Routing Analysis. The documents and findings of the TPR are discussed below. The PRWC is incorporating TPR suggestions in the final copies of the reports.

The West Polk Wellfield Test Well Completion Report describes the drilling and testing study that was conducted at a 14-acre property adjacent to the City of Lakeland's T.B. Williams Water Production Facility and was completed in January 2020. Objectives of the study were to determine productivity, groundwater quality, hydraulic properties, evaluate confinement between the Upper Floridan and Lower Floridan aquifers; and evaluate the potential injection zone below the production zone for RO concentrate disposal. The TPR found the testing study to be thorough and accomplished the stated goals.

The Injection Wells Conceptual Design Memo reviews the confinement for the deep injection zone below the Lower Floridan Confining Unit (LFCU), Underground Injection Control (UIC) permitting rules and guidelines with the FDEP and identified potential issues. The TPR found the study to be thorough and recommended further testing to evaluate the confidence related to confinement for the injected water.

The Projected Water Quality Modeling Memo describes the groundwater modeling tools and scenarios used to determine the raw water quality expected at startup and in the future from planned withdrawals at the West Polk Wellfield to support the design of the water treatment facility. The TPR reviewed both the report and the parameters of the groundwater simulation model. The TPR found the methods to be a reasonable approach for the current stage of the design process. The Modeling Memo summarized results of 26 modeling runs and predicted a raw water Total Dissolved Solids (TDS) of 3,200 to 4,700 mg/l after 30 years of full-capacity use. The TPR suggested two additional scenarios that the PRWC team tested. The additional scenarios did not impact the report conclusions. The additional scenarios and other suggested edits will be included in the final Modeling Memo.

The Water Production Facility Conceptual Design Report was reviewed for its assumptions of brackish raw water chemistry, RO treatment system methods, finished water quality and post-treatment systems, and pipelines for raw water intake and concentrate disposal. The TPR evaluated the anticipated pH, corrosion control, and chloride and sulfate levels to predict compatibility with customer utility systems and provided recommendations for the future stages of design. The TPR found the methods of design to be appropriate for the conceptual stage. The PRWC concurred with multiple suggestions (including additional water quality blending analysis) which will be incorporated during preliminary design.

The Transmission Conceptual Routing Analysis Report developed options for regional water delivery to PRWC member customers. Several transmission routes were evaluated with a nine-criteria ranking system. The recommended transmission system would provide direct supply from the West Polk Wellfield to the City of Lakeland with water wheeling to Auburndale, Polk City and Polk County's northwestern utility service area. The TPR suggested additional considerations regarding surge analysis, assurance of blending compatibility with local water systems, easement acquisitions, and materials. The PRWC concurred with suggestions and will consider them during preliminary design. The TPR found the techniques used were appropriate for the current level of design.

Detailed construction schedules were not required or included with the conceptual design reports for the water production facility or transmission systems; however, the reports stated a goal of having the AWS available by 2027 achievable. The TPR noted this goal was reasonable and provided additional considerations to help meet this goal.

The TPR evaluated the conceptual cost opinions provided for the Water Production Facility and Transmission System. Most direct cost items were determined to be reasonable assumptions or based on market prices. The conceptual cost estimations utilize multiple percentage markups for non-direct items like contingency, general conditions, site work, etc. The TPR recommended using a consistent contingency of 30 percent of direct costs at this conceptual stage of design. The PRWC has updated the conceptual cost opinions and the revised estimates are shown in

Table 1 based on 2019 dollars. The cost opinions will continue to evolve and will become more focused in the preliminary and later design phases.

TABLE 1. West Polk Wellfield - Conceptual Cost Opinion at initial and full phases.

Project Component	Initial 5.0 mgd capacity	Future 15.0 mgd capacity (Cumulative Total)
Water Production Facility	\$111,224,000	\$203,524,000
Regional Transmission System	\$16,211,000	\$16,211,000
Combined Capital Cost	\$127,435,000	\$219,735,000

Benefits/Costs

The TPR engineering team reviewed the project design for consistency with industry standards and feasibility to meet its intended purpose. The TPR report concludes that the conceptual design is feasible and consistent with the parameters of similar systems. The continuation of the project will provide the PRWC with preliminary design reports for the water production facility and regional transmission system including more refined opinions of cost, a second TPR to support future cooperative funding applications for final design and construction phases, as well as a preliminary water rate analysis for PRWC member customers. The current CFA total cost is \$8,940,734, with the District share \$3,970,367. The District share was fully budgeted in FY2018 through a transfer of Resolution 15-07 funds.

Staff Recommendation:

Authorize staff to continue with the project preliminary design phase and a second third-party review in accordance with the cooperative funding agreement.

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

RESOURCE MANAGEMENT COMMITTEE

August 25, 2020

Discussion Item

Status of the Polk Regional Water Cooperative Projects and Schedule Adjustments to Governing Board Resolution 18-06 (Amended)

Purpose

The purpose of this item is to provide the Governing Board a brief status report on the four Polk Regional Water Cooperative (PRWC) alternative water supply projects and to request the Board: 1) excuse six schedule milestone exceedances associated with two of the projects; and 2) reaffirm the excusal regarding two third-party reviews associated with two of the projects. The requirements for meeting these goals are identified as a part of Governing Board Resolution 18-06 (amended - see attached 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).

Amended Resolution 18-06 indicates that for the District to provide \$5,000,000 for FY2021, the following conditions must be met:

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.

Regarding project status, the status of each project is as follows:

Southeast Lower Floridan Aquifer Wellfield and Transmission (N905)

The project is on schedule. The project is planned to supply up to 30 million gallons per day (mgd) of alternative water from the Lower Floridan Aquifer to utilities primarily located in central Polk County along the Highway 27 and Highway 60 corridors. The first phase of the project is planned to supply 7.5 mgd by 2023 and 12.5 mgd by 2027. The first third-party review on the conceptual design was completed and approved by the Governing Board in September 2019. The second third party-review on the preliminary design (30 percent design) is expected to be presented to the Governing Board by February 2021. The total contract amount for this phase of the project is \$11,117,916, with a District share of \$4,846,958 of which \$3,760,520 has been spent to date.

West Polk Lower Floridan Aquifer Wellfield and Transmission (N882)

The project is on schedule. The project is planned to supply up to 15 mgd of alternative water from the Lower Floridan Aquifer to utilities primarily located in central-northern Polk County along the I-4 corridor. The first phase of the project is planned to supply 5.0 mgd by 2027. The first third-party review on the conceptual design has been completed and is scheduled to be presented to the Governing Board in August 2020. The second third-party review on the preliminary design (30 percent design) is expected to be presented to the Governing Board in late 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 \$2,702,658.18 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 project has missed, or is expected to miss, three project milestones identified in the contract: Task 4 - Preliminary design report (30 percent design) due August 15, 2020, Task 5 - Third-party review due July 15, 2020, and Task 7 - Easements and permitting report due September 30, 2020. The project will miss these deadlines due to continued coordination between the PRWC, District and the Peace River Manasota Regional Water Supply Authority (PRMRWSA) on development of a water availability model. That model was completed in July 2020 and these tasks can be resumed. The total contract amount for this phase of the project is \$1,980,250, with a District share of \$990,125 of which \$404,623.19 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 project has missed, or is expected to miss, three project milestones identified in the contract: Task 3 - Conceptual UIC feasibility due August 15, 2020, Task 5 - Environmental biological surveys due May 30, 2020, and Task 6 - Third-party review due July 15, 2020. The project will miss these deadlines due to continued coordination between the PRWC, District and the PRMRWSA on development of a

water availability model. That model was completed in July 2020 and these tasks can be resumed. The total contract amount for this phase of the project is \$961,100 with a District share of \$480,550 of which \$117,840 has been spent to date.

Regarding the third-party review completion deadline for all four projects by April 30, 2020, the Governing Board previously excused the delay for the N928 and Q133 projects at the October 22, 2019 meeting. At that time, staff had just begun the water availability model development with the PRWC and PRMRWSA and anticipated that the April 30, 2020 deadline would not be met. Staff request that the Governing Board reaffirm its excusal of this deadline based upon the necessary coordination between the PRWC, District, and PRMRWSA on water availability associated with the Peace River.

Regarding the resolution requirement that all Phase One work must be on schedule for each project, staff have identified six schedule milestones associated with the two surface water projects (Q133 and N928) that will need to be considered by the Governing Board. The missed milestones are identified above in the project status narrative. The missed deadlines are all associated with continued coordination efforts between the PRWC, District and the PRMRWSA on development of a water availability model. That model was completed in July 2020 and these tasks can now be resumed.

To correct these schedule issues and still provide the \$5,000,000 funding incentive to the PRWC for FY2021 and anticipated to be provided in FY2022, 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 delay in the three tasks associated with the Peace Creek Integrated Water Supply Plan (N928) and the three tasks associated with the Peace River/Land use Transition Treatment Facility and Reservoir Project (Q133). Staff also recommends the Governing Board reaffirm its excusal of the third-party review deadlines previously approved October 22, 2019. Excusal of these schedule issues will allow the FY2021 funds, once approved in the District's final adopted FY2021 budget, to be encumbered to the PRWC, and keep future funds in FY2022 and FY2023, as noted in the resolution, available to the PRWC.

Staff Recommendation:

Staff request approval to:

- 1) Excuse the schedule delay 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);
- 2) Reaffirm the excusal associated with the schedule delay for the completion of third-party reviews associated with two surface water cooperative funding projects (N928, Q133).

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

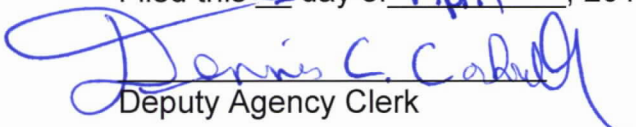
Approved as to Legal Form and Content


Karen E. West, General Counsel

[SEAL]



Filed this 23 day of April, 2019.


Deputy Agency Clerk

Attachment: RES 18-06 PRWC Amended (5180 : Status of the Polk Regional Water Cooperative Projects)

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

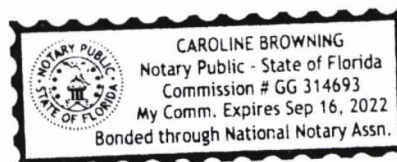
ACKNOWLEDGEMENT

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.

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



RESOURCE MANAGEMENT COMMITTEE

August 25, 2020

Discussion Item

Hernando County Culbreath Road Area Flood Relief Project (N981) – Third-Party Review of 30 Percent Design and Associated Scope Change

Purpose

The purpose of this item is to present the results of the third-party review (TPR) for the Hernando County (County) Culbreath Road Area Flood Relief project and the associated scope change, and to request Governing Board approval to amend the cooperative funding agreement (CFA) to include final design, permitting, and construction of the eligible project elements at a total eligible project cost of \$586,860.

Background/History

The Culbreath Road Area Flood Relief project consists of design, permitting, and construction of drainage improvements to an existing one-mile section of Culbreath Road just south of Powell Road in Hernando County. Culbreath Road is designated as an evacuation route and the project area has experienced frequent roadway flooding primarily due to undersized stormwater infrastructure and low topography.

In FY2019, the Governing Board initially approved funding for this project only through 30% design and TPR. At that time, the conceptual estimate to complete final design, permitting and construction was \$3,000,000. This was less than the \$5,000,000 metric for requiring a TPR but, due to the complex nature of the project, a TPR was required. The details of the project have now been defined, and the project elements include both increasing the drainage conveyance capacity and reconstructing the roadway to a higher elevation. The drainage conveyance capacity improvements will enhance the intermediate drainage system and are eligible for cooperative funding initiative (CFI) funding. According to the CFI Guidelines, roadway improvements, including raising the elevation of a road, are considered local system improvements that are not eligible for CFI funding. These local system improvements are considered to be the responsibility of the local agency. It should be noted that this proposed solution, combining drainage improvements along with raising the roadway, is the most economical of several alternatives evaluated. If constructed, the project will reduce existing flooding problems during the 100-year, 24-hour storm event to the extent that Culbreath Road is predicted to be passable during this 100-year event.

In addition to the FY2019 funding approved for the 30% design and TPR, in FY2020 the Governing Board approved additional District funding of \$250,000 to complete final design and permitting contingent upon the TPR and further authorization by the Governing Board to proceed.

The District's TPR consultant (NorthStar Contracting Group, Inc.) completed their draft and final review of the 30% design package on 3/13/2020 and 5/1/2020, respectively. The conclusions of the final TPR report are summarized by the following:

- If executed properly, the project will achieve the benefits as set forth in the CFI agreement. The hydraulic model and the construction drawings are reasonably consistent with each other. The provided hydraulic modeling indicates that flooding during the 100-year storm will be reduced.

Item 26

- The design drawings indicate a project that is constructible and will achieve the stated benefit set forth in the CFI agreement.
- Upon review of the drawings provided, there were no unmitigated life safety issues or fatal flaws found in the scope of the proposed project.
- The revised engineer's opinion of total probable cost (final design, permitting, and construction) of \$1,966,467 appears reasonable for a project of this magnitude and complexity for 30% design plans. It should be noted that this cost includes both eligible and ineligible project elements as discussed previously.
- The construction schedule estimates a total of 195 days which is reasonable for this type of construction.

The District's existing CFA with the County covers only 30% design and TPR. Governing Board approval is required to amend the agreement with revised scope of work, cost, and schedule to include final design, permitting, and construction of eligible project elements.

Benefits/Costs

The project will reduce the existing flooding problem during the 100-year, 24-hour storm event and Culbreath Road is predicted to be passable during this 100-year event. The measurable benefit of the project will be completion of design, permitting, and construction of the proposed drainage improvement to relieve flooding at Culbreath Road just south of Powell Road in Hernando County.

Based on the 30% design and the TPR, the County has confirmed that the total estimated project cost to complete final design, permitting, and construction of the entire project is \$1,966,467. The design and TPR information were also used by the County and the District to mutually agree on the project elements that are eligible for CFI funding and the estimated cost of those eligible project elements. The actual cost of the 30% design and the TPR was \$155,400. In addition to these costs, the estimated cost to complete final design, permitting, and construction of the intermediate drainage system improvements eligible for CFI funding is \$431,460. This results in a total project eligible cost of \$586,860. The District 50% share of the project eligible cost (30% design, TPR, final design, permitting, and construction) is \$293,430.

Using the total eligible project cost and based upon the TPR findings, staff re-evaluated the project with the result that rankings in each category are High or Medium and the overall ranking remains as High. The completed evaluation is provided in the accompanying Exhibit. The project provides for an improvement in water quality through new roadside swales that will treat the roadway runoff prior to discharge into the downstream system. This water quality enhancement, together with its flood protection benefits, results in a High ranking for strategic goal achievement.

Staff Recommendation:

Authorize continuation of the project and approve amending the CFA to include final design, permitting, and construction of the eligible project components with a total project budget of \$586,860 and the District share of \$293,430.

Presenter: Terese Power, P.E., CFM, Engineering and Watershed Management Section Manager

Project No. N981	SW IMP - Flood Protection - Culbreath Road Area Flood Relief			
Hernando County	FY2020			
Risk Level:	Type 3	Multi-Year Contract: Yes, Year 2 of 2		
Description				
Description:	Design, permitting, and construction of drainage improvements to an existing one mile section of Culbreath Road, which is an evacuation route, just south of Powell Road. Due to undersized stormwater infrastructure, the project area has experienced frequent roadway flooding problems. Funding was approved in FY2019 for 30% design and third-party review as this project has complex design elements. The FY2020 funding request is to complete final design, permitting, and construction.			
Measurable Benefit:	The contractual Measurable Benefit will be the completion of design, permitting, and construction of the proposed drainage improvement to relieve flooding at Culbreath Road just south of Powell Road. Construction will be done in accordance with the permitted plans.			
Costs:	Total project cost: \$586,860 (design, third-party review, permitting, and construction) Hernando County: \$293,430 District: \$293,430 with \$77,700 budgeted in previous years and \$215,730 requested in FY2020.			
Evaluation				
Application Quality:	High	Application included all the required information identified in the CFI Guidelines.		
Project Benefit:	Medium	The benefit of this project, if constructed, will reduce the existing flooding problem during the 100-year, 24-hour storm event. Street flooding currently occurs in the project area and the project impacts the regional or intermediate drainage system.		
Cost Effectiveness:	High	Benefit/cost ratio is greater than or equal to 1. Benefits include avoided damages to roads.		
Past Performance:	High	Based upon an assessment of the schedule and budget for the 3 ongoing projects.		
Complementary Efforts:	High	Cooperator's Community Rating System class is 5 and is in the 5 or better range.		
Project Readiness:	High	Project is ongoing and on schedule.		
Strategic Goals				
Strategic Goals:	High	Strategic Initiative - Water Quality Maintenance and Improvement: Develop and implement programs, projects and regulations to maintain and improve water quality. Strategic Initiative - Flood Protection Maintenance and Improvement: Develop and implement programs, projects and regulations to maintain and improve flood protection, and operate District flood control and conservation structures to minimize flood damage while preserving the water resource.		
Overall Ranking and Recommendation				
Fund as High Priority.	The County has completed 30% design, and the District's third-party review has also been completed and will be presented to the Governing Board on August 25, 2020. Contractually, the County will need Governing Board approval to proceed beyond this task. Total project cost has decreased to \$586,860 after removing project elements associated with local system. Staff will request Governing Board approval to amend the County's Cooperative Funding Agreement to continue through project final design, permitting, and construction. Overall ranking remains high. If constructed, this project will provide flood protection for an evacuation route during the 100-year, 24-hour storm event and improve water quality through treatment.			
Funding				
Funding Source	Prior	FY2020	Future	Total
District	\$77,700	\$215,730	\$0	\$293,430
Hernando County	\$77,700	\$215,730	\$0	\$293,430
Total	\$155,400	\$431,460	\$0	\$586,860

RESOURCE MANAGEMENT COMMITTEE**August 25, 2020*****Discussion Item*****Peace River Manasota Regional Water Supply Authority Loop System Phase 1 Interconnect (N416) - Scope of Work Change*****Purpose***

The purpose of this item is to consider a request from the Peace River Manasota Regional Water Supply Authority (Authority) to amend an existing Cooperative Funding Agreement (CFA) for the Loop System Phase 1 Interconnect Project (N416) to add the acquisition of a pump station owned by DeSoto County to the scope of work. The pump station supports the operation of the Interconnect and deliveries through the regional water supply system.

Background/History

DeSoto County constructed the Project Prairie Pump Station in 2005 to receive and transmit regional water supply from the Authority to county customers. The pump station is located on US-17 in the southern part of the county. The station includes a 0.5 million gallon (mg) storage tank, turbine pumps with a combined 5 million gallon per day (mgd) max capacity, chemical adjustment systems, a metal building housing the pumps and chemical systems, and an emergency generator. The Authority already owns a large storage building, an emergency well and an aeration tower at the Project Prairie site. The Authority is the sole water provider for DeSoto County Utilities. Since 2005 the Authority has provided 0.2 to 0.9 mgd to DeSoto County Utilities annually.

The Project Prairie facility is located at the northern end of the Loop System Phase 1 Interconnect Project. The District and Authority entered into a CFA for the Phase 1 Interconnect in 2016 to regionally connect DeSoto County with a blending station at the City of Punta Gorda's Shell Creek surface water and brackish groundwater facilities in Charlotte County. The Phase 1 Interconnect consists of approximately 6 miles of 24-inch pipeline between the Shell Creek and Project Prairie facilities. The total cost of the Agreement is \$12,000,000 with the District share \$6,000,000. Construction will be completed this summer.

The Phase 1 Interconnect was first conceived in 2006 and included a separate booster pumping station located at the Shell Creek facility. A design update in 2014 provided an estimated cost of \$13,500,000. This cost estimate included \$1,000,000 for the booster pump station. In 2015, a third-party review analyzed the hydraulic capacity and anticipated water demands and determined that the existing Project Prairie pump station had enough surplus capacity to meet near- and mid-term needs of both DeSoto County Utility's demands and the Phase 1 Interconnect. DeSoto County was amenable to sharing the pumping capacity. Also, deleting the separate booster station at the Shell Creek facility helped to keep the project within the Authority's available budget.

As the Phase 1 Interconnect project progressed, the Authority has achieved approximately \$1,200,000 in project savings through value engineering and lower than expected construction bids. As the savings became apparent, the Authority and DeSoto County began discussing the acquisition of the Project Prairie pump station. They concurred that having the pump station under Authority control would improve future operations as it becomes a hub for regional water

supply. Under most conditions, water will continue to be pumped to DeSoto County Utilities and approximately 1 mgd will also be pumped southward through the Phase 1 Interconnect to Punta Gorda's blending station. From Punta Gorda's blending station the capacity will be transferred through the City's system to Charlotte County connections in Port Charlotte and future County developments. At times when Punta Gorda has extra supply available and to balance annual transfers, the Authority may import water through the Phase 1 interconnect to the Project Prairie pump station and then re-pump it to DeSoto County. The Authority also has future plans to develop new supplies in eastern central DeSoto County for which the Project Prairie facility would be instrumental in distribution.

In Fall 2019, the Authority conducted a third-party engineering evaluation of the Project Prairie pump station facilities. The evaluation found the facility to be in good condition, and the pump motors had been replaced in recent years. The pump station assets, including the building with pumps and chemical systems, storage tank, and emergency generator, were valued at \$748,733. DeSoto County has accepted the assessed value for the acquisition. The land would be transferred to the Authority at no cost. For comparative purposes, the Authority's evaluation estimated the comparable new construction cost to be \$1,575,000 in 2019 dollars. District staff conducted a CFI cost evaluation for the pump station assets, and for the Phase 1 Interconnect Project in whole, and found both to be ranked high in cost benefit.

The Authority is requesting to amend the Loop System Phase 1 Interconnect Agreement scope of work to include the Project Prairie Pump Station acquisition. The acquisition costs will be paid for by using some of the \$1,200,000 in savings from the construction phase tasks and will not change the total contractual budget of the Agreement.

Benefits/Costs

The change to the scope of work for the Loop System Phase 1 Agreement will enable the Authority's acquisition of a pump station necessary for the immediate and future needs of operating a regional water supply transmission system that provides service to two counties. The Authority will not require dependency on DeSoto County for the regular operation, routine maintenance, or emergency service of the regional pump station. The Authority will acquire the pump station for approximately half the cost of building a similar new station. The acquisition cost of \$748,733 is covered by project construction savings within the existing budget, so no changes are needed to the \$12,000,000 total Agreement cost.

Staff Recommendation:

Authorize staff to amend the cooperative funding agreement with the Authority for the Regional Loop System Phase 1 Interconnect Project (N416) to include the acquisition of the Project Prairie Pump Station with no change in the \$12,000,000 agreement cost.

Presenter: JP Marchand, Bureau Chief, Water Resources Bureau

RESOURCE MANAGEMENT COMMITTEE**August 25, 2020*****Discussion Item*****FARMS – Creekside Nursery, Inc. (H780), Pasco County*****Purpose***

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Creekside Nursery, Inc. and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$161,500 (75 percent of total project costs). Of this amount, \$161,500 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$215,333.

Project Proposal

The District received a project proposal from Creekside Nursery, Inc. for their property located six miles northwest of San Antonio in north central Pasco County, within the Northern Tampa Bay Water Use Caution Area (NTBWUCA) and the Weeki Wachee Springshed. This project will involve construction of water conservation and precision agriculture best management practices for irrigation and fertilization of 85 acres of sod to offset Upper Floridan aquifer groundwater used and reduce nutrient loading to the groundwater. The Water Use Permit (WUP) authorizes annual average groundwater withdrawals of 198,200 gallons per day (gpd). FARMS project components consist of one center pivot, high efficiency irrigation guns, automation, fertigation, soil mapping, soil moisture probes, and mainline pipe necessary to connect the high efficiency irrigation guns to the existing irrigation system.

Benefits/Costs

The proposed project involves water conservation and nutrient reduction best management practices within the Weeki Wachee Springshed and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is consistent with the Governor's executive order 19-12 which directs the District to prioritize funding to focus on projects that maximize nutrient reductions. The project is also consistent with the District's Weeki Wachee SWIM plan. The Weeki Wachee Springshed will benefit from a 30,000 gpd reduction in groundwater use and a reduction of 347 pounds of nitrogen per year. The water conservation components are integrated with the nutrient reduction components to maximize nutrient reduction. Based on the 30,000 gpd groundwater offset and a reduction of 347 pounds per year of nitrogen and a proposed six-year contract term, the cost per thousand gallons of water is \$3.63 and the cost per pound of nitrogen reduced is \$7.05. These values are within the guidelines for the generally accepted average cost savings for water conservation and nutrient reduction BMPs for perennial crops.

Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$3,701,353 remaining in its FARMS Program budget.

Item 28

Staff Recommendation:

- 1) Approve the Creekside Nursery, Inc. project for a not-to-exceed project reimbursement of \$161,500 with \$161,500 provided by the Governing Board;
- 2) Authorize the transfer of \$161,500 from fund 010 H017 Governing Board FARMS Fund to the H780 Creekside Nursery, Inc. project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

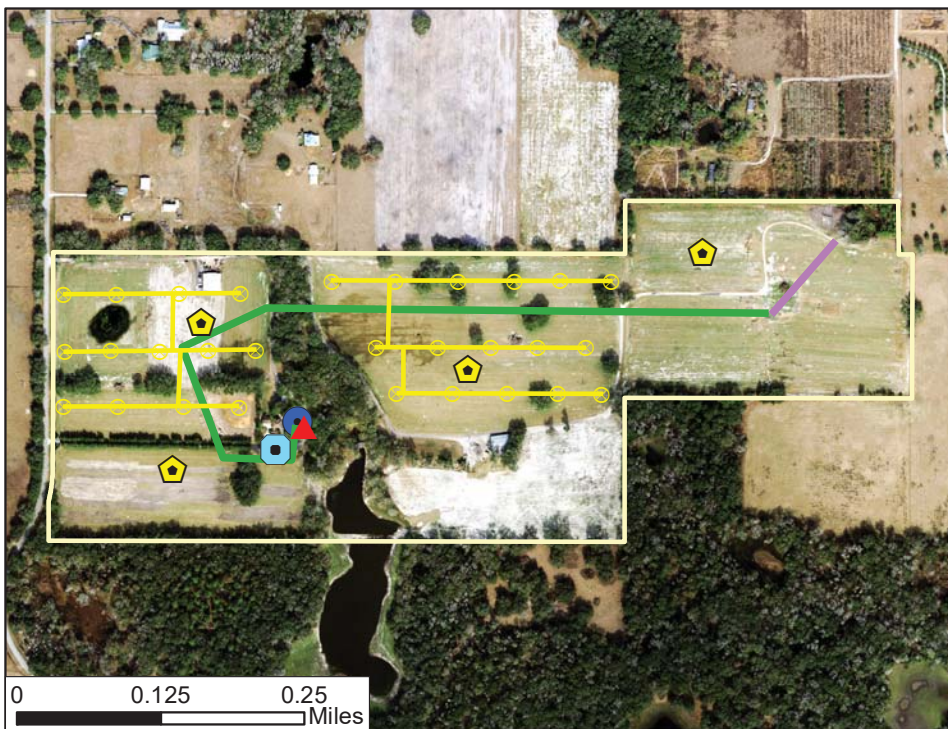
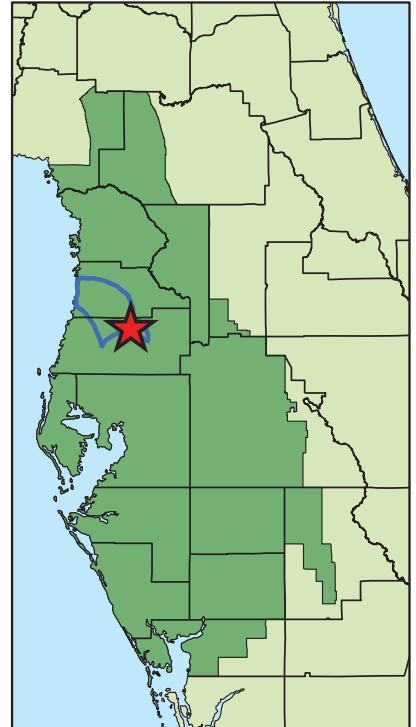
Presenter: Randy Smith, PMP, Bureau Chief, Natural Systems and Restoration

Location Map

Creekside Nursery, Inc.

FARMS Project - H780

WUP No. 20012072.003



RESOURCE MANAGEMENT COMMITTEE

August 25, 2020

Discussion Item

Fiscal Year 2021 Project Funding Update

- a. **Water Protection Sustainability Program Trust Fund (WPSPTF) State Appropriation**
- b. **Weeki Wachee River Restoration Project**
- c. **Florida Department of Environmental Protection (FDEP) Springs Project Funding**

Purpose

- a. Provide an update on the state appropriation of \$450,000 from the WPSPTF allocated to the District by the 2020 Florida Legislature. Staff requests Board approval to apply this revenue to the Pasco County River Landing Reclaimed Water Transmission Cooperative Funding Initiative (CFI) project (Q158) in the FY2021 budget.
- b. Provide an update on a recent grant application the District submitted to the FDEP for \$4,195,000 to fund the Weeki Wachee River Restoration project. Staff requests Board approval to include this revenue in the FY2021 budget.
- c. Provide an update on a request from the FDEP for the Board to consider including additional ad valorem funding in the FY2021 budget for seven Springs projects in our District.

Background/History

- a. **WPSPTF State Appropriation**

The 2020 Florida Legislature appropriated \$1,800,000 to the WPSPTF, of which the District was allocated \$450,000. These funds are restricted to alternative water supply projects and are not currently included in the District's FY2021 budget. Staff proposes to allocate this appropriation to the Pasco County River Landing Reclaimed Water Transmission CFI project (Q158) which was approved for District funding during the FY2021 CFI cycle. The project is for construction of approximately 14,950 feet of reclaimed water transmission mains and other necessary appurtenances to supply reclaimed water to approximately 410 single-family homes, 416 multi-family homes and to enable supply to future planned subdivisions. The project benefit is the supply of 465,000 gallons per day (gpd) of reclaimed water to residential customers for an anticipated water savings of 291,000 gpd within the Northern Tampa Bay Water Use Caution Area. The total project cost is \$3,386,600 with the District and Pasco county each contributing \$1,693,300 (50%). Additional project details and the revised funding share with the inclusion of this revenue can be found in the attached exhibit. With Board approval, the revenue will be included for this project in the FY2021 budget for adoption at the tentative public hearing scheduled to be held on September 8, 2020.

- b. **Weeki Wachee River Restoration Project**

Sedimentation in the lower Weeki Wachee River has been accelerated by human disturbances including river widening in the vicinity of Weeki Wachee Gardens. Accumulated sediments have altered the river channel structure and smothered beneficial river bottom habitat and submerged aquatic vegetation. The District received a \$400,000 state appropriation in 2018 to design and permit a project to remove sedimentation to restore this segment of the river. The design and permitting of this project was completed in the spring of 2020 and was fully funded by the state appropriation. The District recently submitted a grant funding application to the FDEP for \$4,195,000 to construct the project. The project is anticipated to remove 26,200 cubic yards of accumulated sediments by hydraulic dredging along a 1.6 mile stretch of the river from upstream of Grand Cypress Canal and downstream past the Shoal Line Blvd bridge. The project will restore river bottom habitats, enhance submerged aquatic vegetation, and provide adequate depth for manatee passage. With

Board approval, the revenue will be included for this project in the FY2021 budget for adoption at the tentative public hearing scheduled to be held on September 8, 2020.

c. **FDEP Project Funding Request**

The District recently received a request from the FDEP to consider additional District ad valorem funding in the FY2021 budget for seven projects that were recommended for FY2021 FDEP Springs Initiative funding by the Springs Coast Steering Committee. Staff will provide information on each of these seven projects in detail during the board presentation. With Board approval, funding will be included for these projects in the FY2021 budget for adoption at the tentative public hearing scheduled to be held on September 8, 2020.

Staff Recommendation:

- a. Approve including \$450,000 of WPSPTF state appropriation in the FY2021 budget and applying those funds to the Pasco County River Landing Reclaimed Water Transmission CFI project (Q158) equally reducing the District's and cooperator's share of the total project cost.
- b. Approve including \$4,195,000 of grant funding for the Weeki Wachee River Restoration project in the FY2021 budget.
- c. Consider the request by the FDEP to include additional ad valorem funding in the FY2021 budget for the seven Springs projects as presented.

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

Project No. Q158	Reclaimed – Pasco Co. River Landing Reclaimed Water Transmission			
Pasco County	FY2021			
Risk Level:	Type 2	Multi-Year Contract: No		
Description				
Description:	This project is for the construction of approximately 14,950 feet of reclaimed water transmission mains and other necessary appurtenances to supply approximately 410 single-family homes, 416 multi-family homes and 15 acres in the Pasco County reclaimed water service area and to enable supply to future planned subdivisions.			
Measurable Benefit:	The contractual Measurable Benefit will be construction of a reclaimed water transmission main to supply of 465,000 gpd of reclaimed water for residential and common area irrigation for an anticipated 291,000 gpd of water savings within the Northern Tampa Bay Water Use Caution Area (NTBWUCA). Construction will be done in accordance with the permitted plans.			
Costs:	Total Project Cost: \$3,386,600 (Construction) District: \$1,468,300 Pasco County Share: \$1,468,300 Water Protection Sustainability Program Trust Funds (WPSPTF): \$450,000			
Evaluation				
Application Quality:	High	Application included all the required information identified in the CFI Guidelines.		
Project Benefit:	High	The project benefit is the supply of 465,000 gpd of reclaimed water to residential irrigaton customers (single-family, multi-family and common area) for an anticipated 291,000 gpd of water savings within the NTBWUCA.		
Cost Effectiveness:	Medium	\$11.64 per gallon per day capital cost which is within the \$10 to \$15 per gallon average for alternative supplies. The estimated cost/benefit is \$2.81 per 1,000 gallons of water resource benefit which is within the cost range for reuse projects which typically range from a low of \$0.15 per 1,000 gallons for golf course projects and up to \$10.00 per 1,000 gallons for residential projects.		
Past Performance:	Medium	Based upon an assessment of the schedule and budget for the 18 ongoing projects.		
Complementary Efforts:	High	Pasco County's reclaimed water system includes metering and incentive based reuse rate structures for high volume water users and has pro-active reclaimed water expansion policies which maximize utilization, water resource benefits and environmental benefits.		
Project Readiness:	Medium	Project is expected to begin on or before March 1, 2021.		
Strategic Goals				
Strategic Goals:	High	Strategic Initiative - Alternative Water Supplies: Increase development of alternative sources of water to ensure groundwater and surface water sustainability. Strategic Initiative - Reclaimed Water: Maximize beneficial use of reclaimed water to reduce demand on traditional water supplies. Tampa Bay Region Priority: Implement Minimum Flow and Level (MFL) Recovery Strategies.		
Overall Ranking and Recommendation				
Fund as High Priority.	The project is recommended for funding as it reduces reliance on traditional supplies in the NTBWUCA, and is cost effective.			
Funding				
Funding Source	Prior	FY2021	Future	Total
Pasco County	\$0	\$1,468,300	\$0	\$1,468,300
District	\$0	\$1,468,300	\$0	\$1,468,300
WPSPTF	\$0	\$450,000	\$0	\$450,000
Total	\$0	\$3,386,600	\$0	\$3,386,600

RESOURCE MANAGEMENT COMMITTEE**August 25, 2020*****Submit and File Report*****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 the adopted minimum flow or is projected to fall below the 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, however, the District has continued to own and operate the facilities necessary for transfer of water from the lower to the middle pool of the TBC at the S-162 structure.

- 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 2019. On average, water did not flow over the dam for 152 days each year (range: 9 to 315 days, based on days from 1995 through 2019 when flows were less than 1 cfs; in 2019, no flow occurred 61 days out of 359 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.

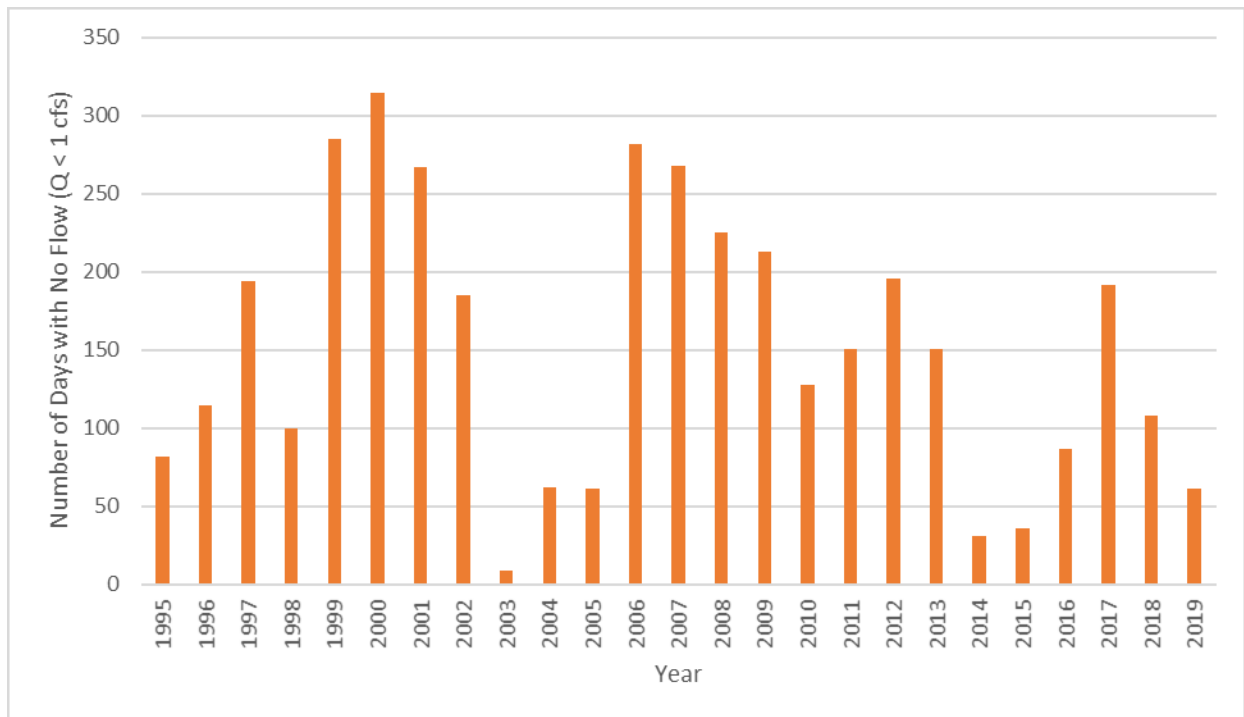


Figure 1. Number of days of no-flow (flows < 1 cfs) at the U.S. Geological Survey Hillsborough River near Tampa, FL gage at the Hillsborough River Dam from 1995 through 2019.

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 operation tools were available to be utilized, including Blue Sink and a new sluice gate at the dam. Total quantities of available minimum flow at the dam are 29 cfs in 2019. 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 2019) as compared to conditions that existed in the absence (0 percent) of a minimum flow in the year 2000.

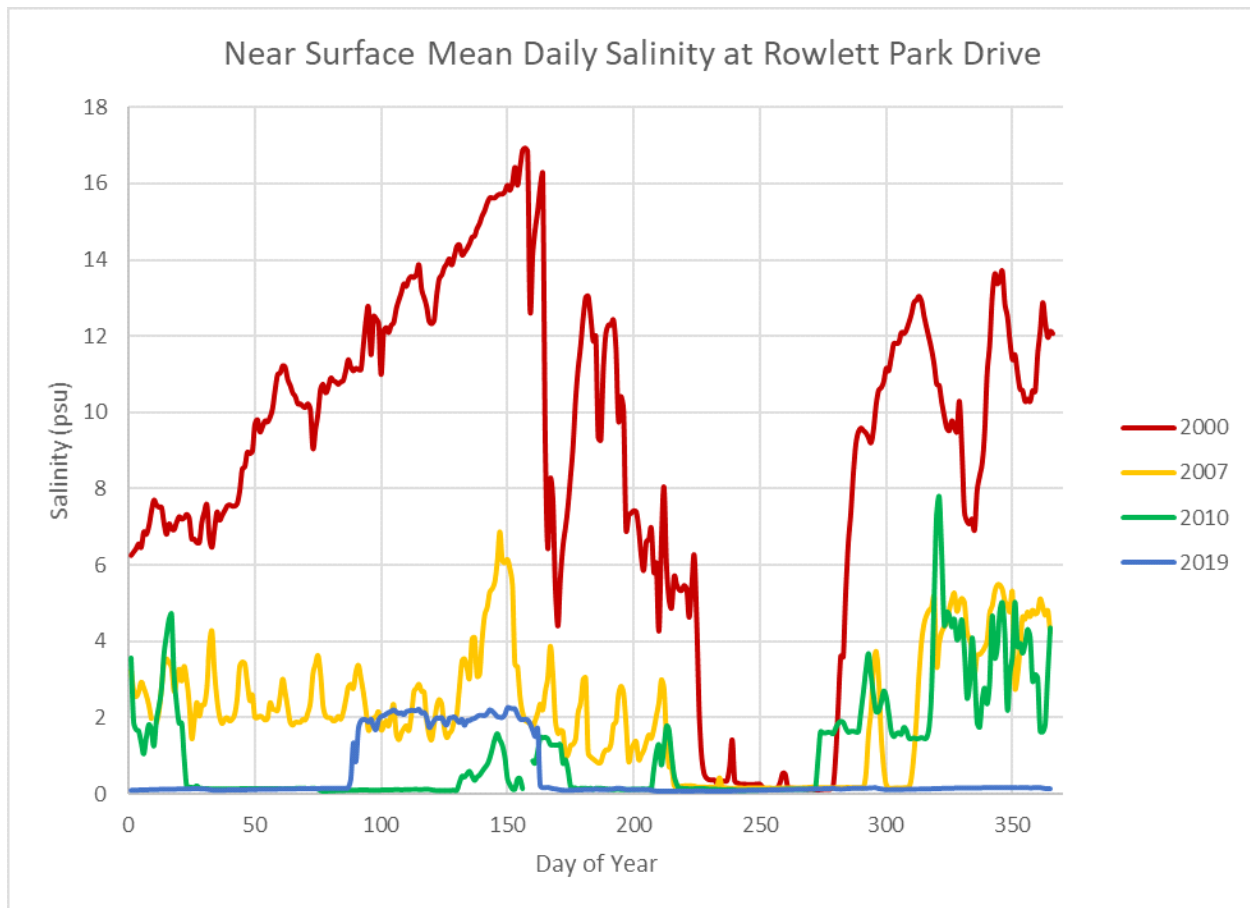


Figure 2. Near surface mean daily salinity in the LHR at the U.S. Geological Service Rowlett Park Drive near Tampa, FL gage for four selected years: year 2000, no minimum flows implemented; year 2007, up to 10 cfs flow available to be supplied from Sulphur Springs; year 2010 up to 10 cfs from Sulphur Springs and 8 cfs available from the TBC; year 2019, up to 18 cfs Sulphur Springs flow, 8 cfs flow from the TBC, and 3 cfs flow from Blue Sink. Note some of these data are provisional.

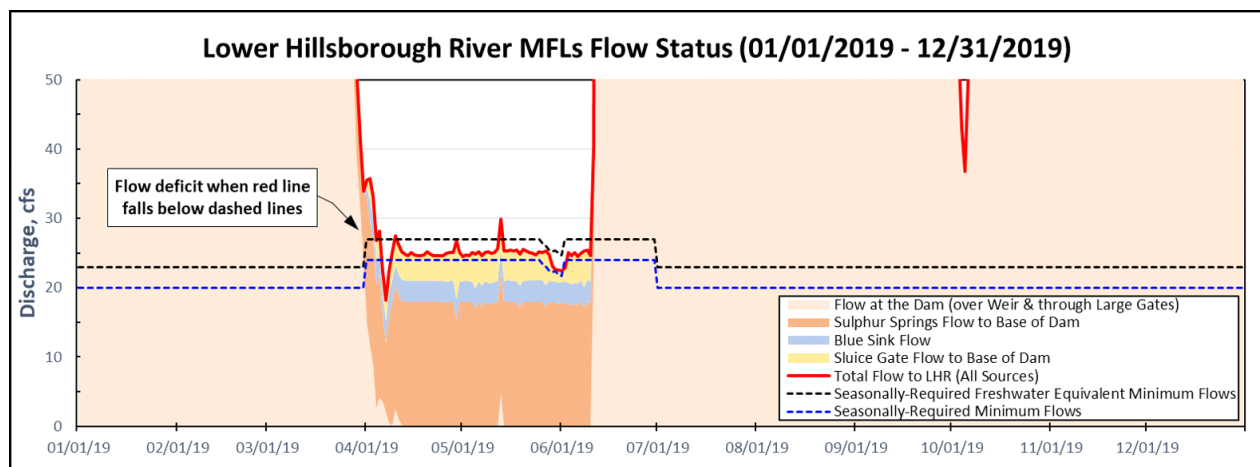
As summarized in the first and second five-year recovery strategy assessment reports provided to the Governing Board in March 2015 and May 2020, respectively, improvements in water quality and ecological conditions in the river below the dam have occurred as a result of minimum flows implementation, i.e., use of recovery source water when flow over the Hillsborough River Dam was insufficient to meet minimum flow requirements.

In 2019, minimum flow implementation was required for 72 days. Minimum flow implementation was generally sufficient to meet minimum flow requirements on all days in calendar year 2019, with exceptions. For example, in April 2019, a pump failure at Sulphur Springs disrupted the volume of water diverted from Sulphur Springs to the base of the dam. The pump failure was resolved, but as a result, water diverted to the LHR was not sufficient to meet minimum flow requirements for four days in April 2019 (Figure 3, upper panel). In addition, water needed to

Item 30

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. Original analysis performed by the District indicated an additional 3 cfs needed to be added operationally to the 20 and 24 cfs to meet the salinity-habitat improvement goal of the minimum flows.

In 2020 (January 1, 2020 through June 12, 2020), minimum flow implementation was 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 resumed June 29, 2020 due to cessation of flow over the dam and was ongoing June 30, 2020 when this report was developed. Minimum flow implementation was required for 100 days in 2020 (January 1, 2020 - June 30, 2020). Figure 3, lower panel, indicates that seasonal minimum flow targets of 20 and 24 cfs were achieved for all but 1 day during the 100-day minimum flow implementation period when not accounting for freshwater equivalents. The freshwater equivalent targets of 23 and 27 cfs were achieved 14 days during the implementation period. Deficiencies in meeting the freshwater equivalent flow target were often less than 1 cfs.



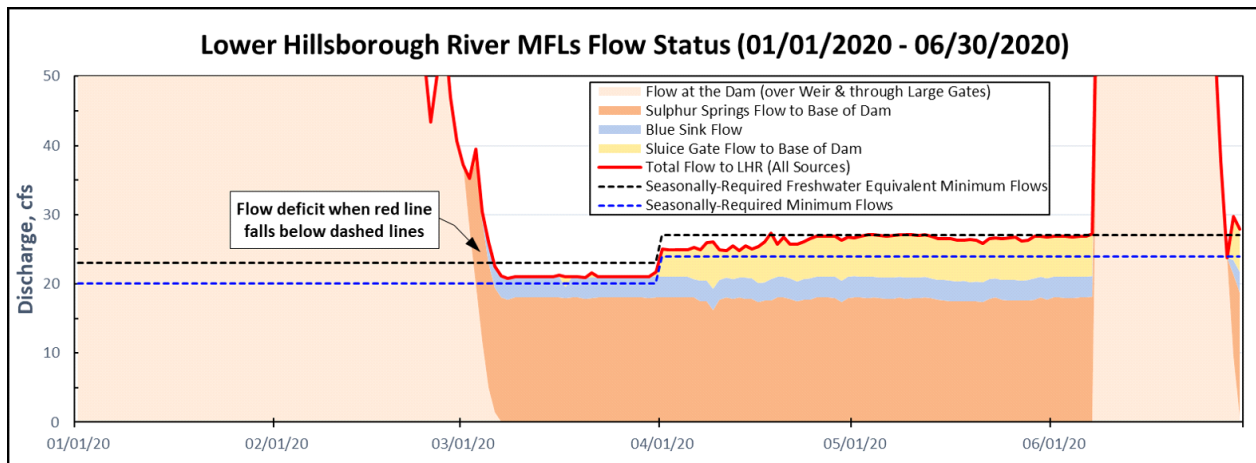


Figure 3. Minimum flows implementation for the LHR in 2019 (upper panel) and from January 1, 2020 through June 12, 2020 (lower panel). Seasonally-required minimum flows are depicted as those that include (dashed blue line) and do not include (dashed black line) flows required to meet the freshwater equivalent. 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 TBC. 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. The first sampling event was completed in May 2020.

Improvements in the coordination of data sharing for the LHR have also been achieved. The COT now provides daily pumpage data submittals to the District and maintains contact with District operations staff during minimum flow implementation periods.

Additional water quality data collection has also been initiated. A sensor for collecting continuous specific conductance, dissolved oxygen, pH, turbidity, temperature, and depth data was installed upstream of the confluence of the Sulphur Springs run and the LHR. This new data collection effort 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 13 sites within the LHR.

The District intends to schedule a stakeholder meeting in September to review the status of the LHR minimum flows and recovery strategy and discuss planned and ongoing data collection and analysis efforts to support the third five-year recovery strategy assessment due in 2023.

In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Important components of the recovery strategy are currently in operation or available, including the use of Sulphur Springs, Blue Sink and the TBC 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

- Davis, P.R., Ross, M.A. and Motz, L.H. 2008. Draft peer review panel report - Tampa Pipeline Project. Prepared for the Southwest Florida Water Management District, Brooksville, Florida and the City of Tampa, Florida.
- MHW Americas, Inc. 2011. Memorandum to Brian Pickard, P.E./City of Tampa dated April 18, 2011. Subject: Lower Hillsborough recovery strategy status and minimum flow evaluation technical memorandum. Tampa, Florida.
- Scharping, R.J., Garmon, E.M, Henry, R.P., P.J. Eswara and J.R. Gary. 2018. The fate of urban springs: pumping-induced seawater intrusion in a phreatic cave. *Journal of Hydrology* 564(2018): 230-245.
- Southwest Florida Water Management District. 2006. Lower Hillsborough River low flow study results and minimum flow recommendation, draft - August 31, 2006. Brooksville, Florida.
- Southwest Florida Water Management District. 2008. Lower Hillsborough River MFLs recovery strategy - implementation. Included in the significant water resource and development projects routine report to the Resource Management Committee. Governing Board meeting agenda and meeting information, November 18, 2008. Brooksville, Florida.
- Southwest Florida Water Management District. 2015. Lower Hillsborough River recovery strategy implementation - five-year assessment. Submit and file report to the Resource Management Committee. Governing Board meeting agenda and meeting information, March 31, 2015. Brooksville, Florida.
- Southwest Florida Water Management District and Atkins, North America, Inc. 2015. A hydrobiological assessment of the phased implementation of minimum flows for the lower Hillsborough River. Brooksville, Florida.
- Southwest Florida Water Management District and Water and Air Research, Inc. (WAR), 2020. A hydrobiological assessment of the Minimum Flows for the Lower Hillsborough River for the Second Five-Year Assessment Period - October 2012 to May 2018. Brooksville, Florida.
- Weber, C. 2018. Technical memorandum to Eric DeHaven, P.G., Southwest Florida Water Management District, dated October 30, 2018. Subject: Summary report on the Investigation of Additional Water Supply Options (H400). City of Tampa Water Department. Tampa, Florida.

Item 30

Staff Recommendation:

This item is for the Board's information only; no action is required.

Presenter: Danielle Rogers, PWS, PMP, Environmental Project Manager, Environmental Flows and Assessments Section

RESOURCE MANAGEMENT COMMITTEE

August 25, 2020

Submit and File Report

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 2020 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 "Southwest Florida Water Management District Proposed 2020 Minimum Flows and Minimum Water Levels Priority List and Schedule and Reservations List and Schedule" that staff will preliminarily review with DEP and public stakeholders. As indicated in the draft priority list, the District has established 205 MFLs, including MFLs for 23 river segments, 10 springs or spring groups, 127 lakes, 36 wetlands, 7 wells in the Northern Tampa Bay Water Use Caution Area, the Upper Floridan aquifer in the Most Impacted Area of the Southern Water Use Caution Area (SWUCA) and in the Dover/Plant City Water Use Caution Area. The established MFLs include 90 that have been reevaluated and revised, as needed. 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.)). Formatting requirements from the DEP Office of Water Policy are also addressed.

The draft priority list differs from those previously prepared by the District in that it identifies prioritized water bodies for a three-year period, as required by guidance provided in the Water Resource Implementation Rule. The draft priority list includes water bodies scheduled for MFLs establishment in 2021, 2022 and 2023, as well as water bodies for which MFLs establishment is expected to be completed during the remainder of this year, i.e., in 2020. The three-year list is consistent with the priority lists submitted by the other water management District's.

Previous priority lists have included scheduled MFLs and reservation establishment for up to or more than a 10-year period. Staff will continue to maintain a longer planning list to assist with

priority list development and data collection planning. This change is consistent with statute and will provide more flexibility to address changing resource management needs and priorities.

Past Year Rule Adoption Updates

Since the last priority list update, rulemaking for MFLs and reservations scheduled for 2019 and 2020 was completed for 55 waterbodies. The completed rulemaking addressed the reevaluation of MFLs for 5 Hillsborough County lakes (Calm, Charles, Church, Echo and Sapphire), 40 wetlands in the Northern Tampa Bay area (33 reevaluated and revised, as necessary; 7 deleted; names changed for 34), 2 rivers (Chassahowitzka River and Homosassa River), 3 springs/spring groups (Chassahowitzka Spring Group, Blind Spring, and Homosassa Spring Group). The completed rulemaking also addressed replacement of MFLs established by emergency rule for 1 river segment (Rainbow River) and 1 spring group (Rainbow Spring Group), establishment of MFLs for 2 Northern Tampa Bay wetlands without previously established MFLs, and 1 reservation for Lake Hancock and Lower Saddle Creek.

In addition to the completed rulemaking, initiation of rulemaking was authorized by the Governing

Board for 1 Northern Tampa Bay wetland, and for 1 Levy County lake (Marion) that was not included on the previous priority list.

Scheduling for Priority Water Bodies

Scheduling changes have been proposed for four waterbodies on the draft priority list. The reevaluation of MFLs for 1 Pasco County lake (Linda) is rescheduled from 2019 to 2020 due to the need for additional hydrologic data collection. Establishment of minimum flows for the lower segment of Shell Creek has been rescheduled from 2020 to 2021 to allow for additional consideration of appropriate approaches for minimum flows development for the impounded river, concurrent adoption of a necessary recovery strategy or adoption of a reservation. Establishment of minimum flows for the lower segments of the Braden River and Manatee River have been rescheduled from 2021 to 2023 for the same reasons identified for the lower segment of Shell Creek.

No newly listed water bodies have been included on the draft priority list, but 4 previously unlisted reevaluations have been added. A new reevaluation is scheduled for 1 Levy County lake (Marion) in 2020 to allow for use of updated modeling information for the lake and based on its location near the District's boundary with the Suwannee River Water Management District and within a springshed. New reevaluations are scheduled for 1 Polk County lake (North Wales) and 2 Highlands County lakes (Tulane and Verona) in 2022 to support ongoing recovery assessment efforts in the Southern Water Use Caution area.

The draft priority list includes several deletions. The reevaluations of MFLs established for 5 Hillsborough County lakes (Barbara, Crenshaw, Ellen, Helen and Mound) previously scheduled for completion in 2021 have been deleted to ensure staff-time availability for sandhill lake and wetland MFLs methods development in 2021. Development of these MFLs methods is a high priority prerequisite for their use in planned reevaluations for several Highland and Polk county lakes to support the ongoing five-year assessment of the Southern Water Use Caution Area Recovery Strategy. Finally, based on the development of a priority list based on a three-year time-frame, numerous water bodies previously listed for years ranging from 2024 through 2029 are not identified on the draft list.

Item 31

Outreach and Follow-Up Activities

Staff presented the draft priority list to the Environmental Advisory Committee on July 14, 2020 and to the Public Supply Advisory Committee on August 11, 2020. During the Environmental Advisory Committee meeting, a committee member suggested that development of MFLs for the lower segments of the Braden River and Manatee River should not be delayed beyond the proposed completion in 2023, based on the importance of these estuaries for coastal fisheries. Other members of the Environmental Advisory Committee inquired about the status and goals for some currently prioritized water bodies but did not offer specific comments regarding the draft priority list and schedule.

Following the August 2020 Governing Board meeting staff will post the draft priority list on the District web site. A web-based public workshop (webinar) will be facilitated by staff on August 26, 2020 to solicit additional stakeholder input on the priority list update process. Staff also anticipates co-facilitating a public workshop webinar with South Florida Water Management District and St. Johns River Water Management District staff in early September 2020 for discussion of Central Florida Water Initiative (CFWI) planning 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, 2020. Upon approval by DEP, the priority list will be incorporated into the 2021 Consolidated Annual Report that will be presented to the Board for consideration and approval in January and February 2021.

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 Assessments Section

SOUTHWEST FLORIDA WATER MANAGEMENT 2020 PRIORITY LIST AND SCHEDULE

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 established 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 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 2020 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.)).

District rules include minimum flows or minimum water levels for 205 water bodies (Chapter 40D-8, F.A.C.) and reservations for 2 water bodies (Chapter 40D-2, F.A.C.). As listed in this draft 2020 priority list and schedule, minimum flows or water levels have been established for 127 lakes, 36 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. Ninety of these established minimum flows and level have been reevaluated and revised, as necessary. As also noted in this draft 2020 priority list and schedule, reservations have been established for Lake Hancock/Lower Saddle Creek and Morris Bridge Sink to support minimum flow recovery in 2 rivers.

Minimum flows, minimum water levels and reservations proposed for establishment and reevaluation through 2023 are provided in tabular form in this 2020 priority list and schedule. Designation of water body type (aquifer, estuary, lake, river, river-estuary, spring and as appropriate, spring magnitude, which is associated with the rate of spring discharge) are provided along with location information. Water bodies that are part of a larger system, e.g., a spring group associated with a river, are listed by water body name and system.

The District's intent regarding completion of voluntary, independent, scientific peer review is also identified for each prioritized water body. Voluntary scientific peer review is proposed for all prioritized spring and river segments identified for minimum flow establishment based on the expected level of complexity of the minimum 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 development of the minimum water levels.

Prioritized water bodies that may be affected by withdrawals occurring in other water management districts, i.e., are potentially subject to cross-boundary impacts, are identified to support coordination of regulatory activities among the districts and DEP. Development of minimum flow or water levels by the DEP for these water bodies is not, however, currently considered necessary or appropriate.

Finally, the status of rulemaking for each prioritized water body is also provided.

Southwest Florida Water Management District Water Bodies with Adopted and Effective Minimum Flow and Minimum Water Level Rules, Including Those That Have Been Reevaluated

- Alafia River (upper segment) ^a
- 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 (OFS) ^b and Blind Spring (reevaluated)
- Citrus County Lakes – Ft. Cooper, Tsala Apopka – Floral City, Inverness and Hernando Pools
- Crystal River/Kings Bay Spring Group (OFS) ^b
- Crystal Springs
- Dona Bay/Shakett Creek System
- Dover/Plant City Water Use Caution Area Minimum Aquifer Level
- Gum Slough Spring Run ^a
- Hernando County Lakes – Hunters, Lindsey, Mountain, Neff, Spring, Tooke, Weekiwachee Prairie, Whitehurst
- Highland County Lakes – Angelo ^a, Anoka ^a, Damon ^a, Denton ^a, Jackson ^a (reevaluated) ^a, Little Lake Jackson (reevaluated) ^a, June-in-Winter ^a, Letta ^a (reevaluated) ^a, Lotela (reevaluated) ^a, Placid ^a, Tulane ^a, Verona ^a
- 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 Sites – 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 (OFS) (reevaluated) ^b
- Levy County Lake – Marion
- 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), Pasco, Pierce (reevaluated), Unnamed #22 aka Loyce
- Pasco County Wetland Sites – Cross Bar Q-1 (reevaluated), Cross Bar Q-25 (Stop #7), Cross Bar T-3 (reevaluated), Cypress Bridge A (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 Site – Eldridge Wilde 5
- Pithlachascotee River (lower segment)
- Pithlachascotee River (upper segment)
- Polk County Lakes – Annie ^a, Aurora ^a, Bonnie ^a, Clinch (reevaluated) ^a, Crooked (reevaluated) ^a, Crystal ^a, Dinner ^a, Eagle (reevaluated) ^a, Easy ^a, Eva ^a, Hancock, Lee ^a, Lowery ^a, Mabel ^a, McLeod (reevaluated) ^a, North Lake Wales ^a, Parker, Starr (reevaluated) ^a, Venus ^a, Wailes (reevaluated) ^a
- Rainbow River/Rainbow Spring Group (OFS) ^{a, b}
- Sulphur Springs
- Sumter County Lakes – Big Gant ^a, Black ^a, Deaton ^a, Miona ^a, Okahumpka ^a, Panasoffkee ^a
- Southern Water Use Caution Area – Upper Floridan aquifer ^a
- Tampa Bypass Canal
- Weeki Wachee River/Weeki Wachee Spring Group (OFS) ^b

Southwest Florida Water Management District 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)

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2020

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
Reevaluation	Cypress, Lake	Cypress, Lake	Lake	Hillsborough	No	No	28.125561	-82.564727	N/A
Reevaluation	Garden, Lake	Garden, Lake	Lake	Hillsborough	No	No	28.131751	-82.63094	N/A
Reevaluation	Halfmoon Lake	Halfmoon Lake	Lake	Hillsborough	No	No	28.097114	-82.548128	N/A
Reevaluation	Jackson, Lake	Jackson, Lake	Lake	Hillsborough	No	No	28.137542	-82.629974	N/A
Reevaluation	Linda, Lake	Linda, Lake	Lake	Pasco	No	No	28.1890	-82.4787	N/A
Reevaluation	Marion, Lake	Marion, Lake	Lake	Levy	No	Yes	29.2952	-82.5762	Notice of Proposed Rule Published
Reevaluation	Strawberry (North Crystal) Lake	Strawberry (North Crystal) Lake	Lake	Hillsborough	No	No	28.139517	-82.474755	N/A
Reevaluation	Cross Bar Q-25 (Stop #7)	Cross Bar Q-25 (Stop #7)	Wetland	Pasco	No	No	28.3436	-82.4744	N/A
Reevaluation	Peace River (lower segment)	Peace River (lower segment)	River-Estuary	Hardee, DeSoto, Charlotte	Yes	Yes	27.2206	-81.8764	N/A

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2021

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
New	Shell Creek (lower segment)	Shell Creek (lower segment)	River-Estuary	Charlotte	Yes	Yes	26.9844	-81.9358	N/A

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2022

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
Reevaluation	North Lake Wales	North Lake Wales	Lake	Polk	No	No	27.9096	-81.5805	N/A
Reevaluation	Tulane, Lake	Tulane, Lake	Lake	Highlands	No	No	27.5860	-81.5036	N/A
Reevaluation	Verona, Lake	Verona, Lake	Lake	Highlands	No	No	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

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2023

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
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	Manatee River (lower segment)	Manatee River (lower segment)	River-Estuary	Manatee	Yes	No	27.5133	-82.3672	N/A
New	Horse Creek	Horse Creek	River	Hardee, DeSoto	Yes	No	27.1992	-81.9886	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	Yes	27.5603	-82.4013	N/A

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- ^a Water body may be affected by groundwater withdrawals in an adjacent water management district.
 - ^b OFS = Outstanding Florida Spring.
 - ^c 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
 - ^d 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.

RESOURCE MANAGEMENT COMMITTEE

August 25, 2020

Routine Report

Minimum Flows and Levels and Reservations Status Report

Section 373.042 of the Florida Statutes requires the state water management districts or Department of Environmental Protection (DEP) to establish minimum flows and minimum water levels (MFLs) for aquifers, surface watercourses and other surface water bodies. MFLs are the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area and are used in District permitting programs and for water-supply planning.

Section 373.223(4) of the Florida Statutes provide a legal basis for establishing reservations by the water management districts or the DEP. A reservation sets aside a defined quantity of water from consumptive use, i.e., from being included in a permitted withdrawal. Reservations are used for the protection of fish and wildlife or the public health and safety, and like MFLs, are used for permitting and planning activities.

Summary information concerning the status of five major tasks for water bodies scheduled for MFLs or reservation adoption by December 2020, based on the 2019 Priority List and Schedule that was approved by the Governing Board and DEP is summarized below. Data collection and analyses for priority water bodies scheduled for MFLs adoption in 2021 through 2029 is also ongoing but is not summarized in this status report.

MFLs and Reservation Development Tasks

- Draft MFLs and reservation reports are completed for stakeholder review, and in some cases are subjected to independent scientific peer review.
- Independent, scientific peer review is voluntarily initiated and completed for draft reports addressing river, spring and aquifer MFLs and reservations. Draft reports for lake and wetland MFLs are not typically subjected to voluntary peer review. The methods used to establish lake and wetland MFLs were, however, peer reviewed prior to those methods being adopted in rule. Voluntary peer review for individual lakes and wetlands may be conducted based on requests from affected stakeholders or by District decision.
- Public workshops are completed to provide opportunities for stakeholders to learn about and provide input on proposed MFLs and reservations.
- Final MFLs and reservation reports that incorporate peer review findings and stakeholder input are prepared for Governing Board approval.
- Rulemaking for proposed MFLs, any necessary MFLs prevention or recovery strategies, and reservations is approved by the Governing Board, initiated through legal noticing of rule development and proposed rules, and completed with adoption and incorporation of effective MFLs, necessary recovery strategies and reservations into District rules.

Status for Water Bodies Scheduled for MFLs or Reservation Establishment by December 2020 (Recent Status Changes Highlighted)

Water Body	Draft MFLs/ Reservation Report	Independent, Scientific Peer Review	Public Workshop	Final MFLs/ Reservation Report	Rulemaking

Item 32

Calm Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Charles, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Church Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Echo Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Linda, Lake ^a	Completed	Completed ^b	Completed		
Sapphire, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
41 Northern Tampa Bay Wetlands ^c	Completed	Completed ^b	Completed ^d	Approved ^d	Completed ^d
Chassahowitzka River ^a	Completed	Completed	Completed	Approved	Completed
Chassahowitzka Spring Group ^a	Completed	Completed	Completed	Approved	Completed
Blind Spring ^a	Completed	Completed	Completed	Approved	Completed
Homosassa River ^a	Completed	Completed	Completed	Approved	Completed
Homosassa Spring Group ^a	Completed	Completed	Completed	Approved	Completed
Rainbow River ^a	Completed	Completed	Completed	Approved	Completed
Rainbow Spring Group ^a	Completed	Completed	Completed	Approved	Completed
Marion, Lake ^e	Completed	Completed ^b	Not Needed ^f	Approved	Completed
Hancock, Lake ^g	Completed	Completed	Completed	Approved	Completed
Cypress, Lake ^h					
Garden, Lake ^h					
Halfmoon Lake ^h					
Jackson, Lake ^h					
Strawberry (North Crystal) Lake ^h					
Peace River (lower segment) ^h	Completed	Completed			
Shell Creek (lower Segment) ^h	Completed	Completed			

^a MFLs or MFLs reevaluation scheduled for completion in 2019.

^b Peer review completed for lake and wetland MFLs methods.

Item 32

^c 20 wetland MFL reevaluations scheduled for completion in 2019 and 21 scheduled for completion in 2020.

^d Public workshop, final MFLs report and rulemaking completed for 40 of 41 wetlands scheduled for completion in 2019 and 2020 and 2 additional wetlands not included on the priority list; rulemaking for removal of 1 of the scheduled wetlands approved by the Governing Board in June 2020.

^e MFLs reevaluation for Lake Marion completed outside of the MFL Priority List and Schedule due to the lake's location in a springshed and near a District boundary

^f The small number of owners of property adjacent to Lake Marion precluded the need for a public workshop. However, an informational letter was sent to lakefront property owners and an offer was made to meet with all stakeholders with questions or concerns associated with the MFLs.

^g Reservation scheduled for completion in 2020.

^h MFLs or MFLs reevaluation scheduled for completion in 2020.

Staff Recommendation:

This item is for the Board's information only; no action is required.

Presenter: Doug Leeper, MFLs Program Lead, Environmental Flows and Assessments Section

RESOURCE MANAGEMENT COMMITTEE

August 25, 2020

Routine Report

Significant Water Resource and Development Projects

This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the project that have recently occurred or are about to happen.

SWUCA Recovery Project at Flatford Swamp and Hydrologic Restoration

The project investigates the feasibility of using excess water from Flatford Swamp recharged into the Upper Floridan Aquifer that would reduce the rate of saltwater intrusion inland and help restore hydroperiods. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. Several preliminary scenarios for removal of excess water from the swamp have been evaluated such as a feasibility study to determine Mosaic's potential uses for excess water from Flatford Swamp. The Feasibility Study with Mosaic was finalized in March 2013 but determined unfeasible. Staff researched an injection option at Flatford for the excess water to recharge the aquifer and discussed the need for more information on the Avon Park formation at the swamp. A pre-application meeting with Florida Department of Environmental Protection (FDEP) was held on February 25, 2016. Draft Class V, Group 2 Injection Well permit application was issued by FDEP approximately a year later. The feasibility study memorandum is complete. Staff has presented to the Agricultural\Green Industry, Environmental, Well Drillers and Public Supply Advisory Committees. Also, staff had outreach presentations to the Manatee Chamber Environmental Committee, Myakka River Coordinating Council, and the Florida Groundwater Association Board. Governing Board approved at their April meeting to proceed with the test well project. The successful consultant from the Request for Proposal for the test well project was the Jones Edmunds & Associates (JEA) team. The successful bidder for the drilling RFB was Rowe Drilling. Both the consultant and driller agreements were executed, and kick-off meetings were held on February 22, 2018. Rowe Drilling requested and was approved to drill on a 24-hour, five days a week schedule to bring the drilling back on schedule. Rowe had to drill deeper than originally estimated to fully characterized the Upper Floridan Aquifer. The permit submittal for final recharge well casing depths has been approved by FDEP based on information from the completed Phase 1 tasks. The recharge well and monitor wells are complete. Rowe has demobilized from the site. The drilling is complete. The project received its FDEP Environmental Resource Permit and US Army Corps of Engineers (USACE) Nationwide permit for the diversion infrastructure. The Project Team continues to develop the recharge testing project plan. Staff is developing a "simple" pilot study to determine quantities of sodium bisulfite (an oxygen scavenger to reduce formation of arsenic in the aquifer) for the testing portion. Request for Bid (RFB) for the diversion infrastructure was advertised on January 3, 2020. The mandatory pre-bid meeting and site visit took place on January 15, 2020. Bids were due to District Procurement on February 4, 2020. TLC Diversified, Inc., was awarded the construction contract and staff are currently working with procurement to develop an agreement for the construction of the diversion infrastructure. Staff set transects in nearby Flatford Swamp wetlands to meet USACE permit conditions for diversion infrastructure construction. Notice to Proceed was sent to TLC Diversified (TLC) for construction of diversion infrastructure on May 6, 2020. A pre-construction meeting was completed on June 2, 2020 with the Jones Edmund team, TLC and District staff. The diversion infrastructure construction work is expected to initiate in the coming months with substantial completion expected by April 2021. ***New Activities Since Last Meeting:*** A project status meeting was held on July 6, 2020. TLC anticipates mobilizing

on-site construction activities by mid-late August 2020. *Project Manager: Lisann Morris/Claire Stapley*

Lower Hillsborough River MFLs Recovery Strategy - Implementation

At its August 2007 meeting, the Governing Board established minimum flows and approved a recovery strategy for the lower Hillsborough River (LHR). The recovery strategy was adopted as required by statute, because flows in the LHR were below the established minimum flows. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flows. Projects planned or completed under the recovery strategy, funded through a Joint Funding Agreement with the City of Tampa (COT), include diversions of water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal (TBC), and Morris Bridge Sink. All projects are constructed and are operating except for the Morris Bridge Sink project. In October 2017, the District completed design for the Morris Bridge Pumping facility, but construction has not begun pending the outcome of analysis the COT is performing associated with the Tampa Augmentation Project (TAP). In addition, the COT, with District co-funding, has completed the LHR Dam Control Gate Facilities (N492) project which constructed a new sluice gate in the dam to allow the city to pass the full quantity of water needed to meet minimum flows. In December 2017, the COT began operation of the temporary pump stations at the District's S-161 site and at the Hillsborough River Dam site. The COT has received Water Use Permit (WUP) No. 20020802 from the District for the operation of these pump stations. In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Important components of the recovery strategy are currently in operation, including the use of Sulphur Springs, Blue Sink, LHR Dam Control Gate Facilities, and the TBC as recovery flow sources, and data results from recent years suggest that the desired goal of creating low salinity habitat below the dam can be sustained through minimum flows implementation. The annual LHR recovery strategy update was provided to the Governing Board in August 2019. Agreement executed with Jones Edmunds and Associates to complete the permit required environmental monitoring for Morris Bridge Sink and the required annual report was submitted to FDEP for calendar year 2019. Agreement has been executed to conduct the biological sampling needed for the third five-year assessment and the first sampling event was completed in May 2020. The second five-year assessment was submitted to the Governing Board at the May 2020 meeting. ***New Activities Since Last Meeting:*** Data collection to support the third five-year assessment is ongoing. An interagency meeting was held with the City of Tampa and the Hillsborough County Environmental Protection Commission to coordinate data collection activities necessary for the third five-year assessment. The 2019 annual report was submitted to the Governing Board in August 2020. *Project Manager: Danielle Rogers*

Pasco County - Restoration - Central Pasco Recharge Wetlands Facility Optimization Project

Pasco County, in partnership with the Southwest Florida Water Management District (District), has constructed a system of groundwater recharge wetlands on the 4G Ranch in central Pasco County to receive reclaimed water for groundwater recharge. The facility consists of 175 acres of constructed wetlands divided into fifteen (15) cells planted with native wetland vegetation. Each cell is operated independently through a valve manifold that includes flow control valves and flow meters and operated based on water elevation setpoints. These water level setpoints should change monthly based on recommendations defined in the Operation and Maintenance Manual to achieve a wetland hydroperiod that mimics natural Florida wetlands, with high levels in the summer wet season and lower levels in the winter dry season.

The Central Pasco Recharge Wetlands Facility Optimization project is a follow-up three-year project (N943) that began in 2018. The goal of the project is to compile and review available applicable operational data to evaluate impacts to the local groundwater system, optimize system performance, and estimate future operational trends. The total cost of this project is \$280,000, split equally between the County and the District. As part of this project, an operational groundwater model of the site will be developed using the information from the consultant combined with the data that County staff is currently collecting. This operational groundwater model will be used to estimate potential future system infiltration rates, impacts and benefits to the Upper Floridan aquifer, and future operational conditions. Consultant scientists will perform biannual vegetation surveys of the 15 cells constructed on the 4G Ranch to assess the performance of the wetlands against the setpoints. The surveys will be completed through photo-interpretation of low-altitude, high resolution photography obtained by the County to determine wetland vegetation cover of each cell. A technical memorandum that includes the results of both the hydrogeologic review and the vegetation hydroperiod review will be provided. This technical memorandum will include recommendations for changes to the monthly water elevation setpoints that will both maximize groundwater recharge while maintaining healthy wetland vegetative communities. The County is funding the third and final year of the project at 100 percent. There have been some problems with the well monitoring equipment, which are to be resolved by the County. The County provided a plan to resolve the problems with their well monitoring equipment. Otherwise, the optimization effort (N943) is on schedule and moving forward in its third year. The District has received the first status report for the plan to correct the well monitoring issues, and that effort appears to be progressing in a reasonable manner. The District provided comments to the County on the second annual report for the project. A meeting was held to discuss the report and comments, as well as the ongoing operation of the facility. The County promised to address all of the District's questions in the final version of the second annual report. **New Activities Since Last Meeting:** The District received the most recent status report on the monitoring well issues on June 17, 2020. The County is still evaluating the monitoring well data collection system, while moving forward with the tasks of the third and final year of the project. *Project Manager: Mike Hancock*

South Hillsborough County Aquifer Recharge Program (SHARP)

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the Hillsborough County's Big Bend facility near Apollo Beach in southern Hillsborough County (County). The goal of the project is to improve water levels within the Most Impacted Area of the Southern Water Use Caution Area and possibly slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. The County received a letter from FDEP on July 13, 2015 authorizing recharge operations to begin. **New Activities Since Last Meeting:** The county received the operation permit for the site and continues with recharge at approximately 2.5 mgd. Total recharge volume through June is approximately 3,813 million gallons since the beginning of the project. *Project Manager: Don Ellison*

City of Tampa, Tampa Augmentation Project (TAP)

This project is a study that will explore the cost and feasibility of two options to beneficially use reclaimed water from the Howard F. Curren Advanced Wastewater Treatment Plant (HFCAWTP). The first alternative concept involves transmitting reclaimed water to the Lower Hillsborough Wilderness Preserve Area and delivering water through created wetlands and/or rapid infiltration basins (RIBs) to the Tampa Bypass Canal. This alternative was found infeasible and the project focus went to the second alternative. The second alternative concept evaluates a recharge/recovery system to store and recover reclaimed water (and possibly stormwater) in the aquifer for delivery to the Hillsborough River Reservoir and possibly in the future directly to the David L. Tippen Water Treatment Plant. The City has developed their stakeholder outreach plan, completed their route and regulatory/institutional analysis memorandums. The City is currently testing the recharge/recovery concept at an existing aquifer storage and recovery site. A No Cost Time Extension amendment is being routed to allow for finalization of the more complex memoranda covering modeling and water quality treatment. A draft Florida Department of Environmental Protection Underground Injection Well permit application was prepared. Additional feasibility tasks have been identified as a result of this first phase and the City has submitted a revised Cooperative Funding Application to request funding for Fiscal Year 2019. No Cost Time Extension was executed extending the contract completion date to the end of August 2018. The City withdrew their underground injection control permit for the entire TAP project and will continue discussions with FDEP on permitting aspects of the overall project. In the interim, the City plans to move forward and develop a permit application for the Rome Avenue site for testing with potable water. The City decided to fund 30 percent design activities for some of the TAP infrastructure. The Phase I Feasibility Study is complete and closed. Phase 2 Feasibility Study kick-off meeting was held on January 30, 2019. The Memorandum of Understanding with Tampa Bay Water was tabled until June 2020 when the Phase 2 TAP Feasibility Study is anticipated to have additional answers. Meanwhile, the City initiated recovery at the TAP-1 well collecting water quality samples. The City is working through the Rome Avenue Underground Injection Control permit with Florida Department of Environmental Protection that will use potable water in the test. A kick-off meeting was held on the Rome Avenue test well site on July 17, 2019. Testing will be done with potable water with data inputting into the SEAWAT model to predict disposition of the reclaimed water injection. The contract period is extended from August 3, 2020 to April 30, 2021. Draft for the Revised Pipeline Route Analysis and TAP-1 operations report summarizing the water quality data collected for the 2018/2019 Woodland Terrace recharge and recovery cycles has been received. This report includes geochemical modeling which considers the mobilization of iron and arsenic. The information developed in this report will be added to the operations data from the Rome Avenue ASR system and the groundwater modeling of recharge/recovery with reclaimed water to estimate the operational requirements of a future TAP Indirect Potable Reuse system. ***New Activities Since Last Meeting:*** Collection System Water Quality Monitoring is on-going. TAP-E pipeline construction started in mid-June and is expected to be completed in August. However, Covid-19 is impacting supply chain and a v-notch valve needed for TAP-E construction is not expected to be delivered until the first week of September. This delay could push back contract expiration date from April 2021 to a later date. SEAWAT groundwater modeling is waiting for additional data from TAP-E. *Project Manager: Mohamed Hersi*

Water Incentives Supporting Efficiency (WISE) Program

This is a cost-share program that supports and promotes water conservation with non-agricultural water users. It will provide a streamlined project implementation/application process and reach cooperators that might not otherwise implement smaller conservation projects. The program was presented to the Governing Board on November 13, 2018 and officially launched December 1, 2018. The \$50,000 that was budgeted for FY2019 has been committed to a total of six conservation projects. Total estimated water savings for all the FY2019 projects was approximately 10,400 gpd. Funds are still available for FY2020, and outreach is ongoing. Six

additional projects have been approved for funding with FY2020 funds. Meetings and calls with potential applicants are ongoing. **New Activities Since Last Meeting:** One application with Hernando County Schools has been approved and one is still under review. Project #1 with Ringling College has been completed, inspected, and is preparing for reimbursement. *Project Manager: Josh Madden*

Polk County Regional Water Cooperative Southeast and West Polk Wellfield Projects

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 regional water supply entity, the Polk Regional Water Cooperative (PRWC), to develop future alternative water supplies (AWS). The Southeast Wellfield and West Polk Wellfield projects are two of four PRWC projects that are utilizing funds from District Resolution 15-07 for the feasibility and design of new AWS sources. Both projects consist of the development of a wellfield to supply brackish groundwater from the Lower Floridan aquifer (LFA), reverse osmosis water treatment facilities, and regional transmission systems to serve multiple municipalities in Polk County. The current CFI Agreements with the Polk Regional Water Cooperative (PRWC) include the following tasks: LFA test well studies including exploratory drilling and groundwater modeling for anticipated aquifer yield and water quality, the conceptual designs of the water treatment facilities and regional transmission systems, District-led third-party reviews of the test well studies and conceptual designs, pilot water treatment testing, preliminary (30 percent) designs of the treatment facility and regional transmission systems, second District-led third-party reviews of the preliminary designs, and a preliminary water rate analysis for PRWC member customers. The preliminary designs and water rate analysis will assist the District and PRWC in determining member participation in the final design and construction, as well as developing funding plans and timelines for implementation. The CFI Agreements were executed in 2017 with a total cost of \$11,800,000 for the Southeast Wellfield and \$9,300,000 for the West Polk Wellfield. The District's 50 percent share was provided by a transfer from funds reserved by Governing Board Resolution 15-07. In April 2019, the Governing Board approved reducing the project costs to \$11,117,916 and \$8,940,732 respectively, to utilize savings from the testing programs to transfer funds to the PRWC Peace River/Land Use Transition study. In December 2019, the DEP executed State Grants for both projects that reduced District and PRWC shares equally. The Southeast Wellfield received \$1,424,000 which reduces the District share to \$4,846,958. The West Polk Wellfield received \$1,000,000 which reduces the District share to \$3,970,367. The CFI Agreements were amended in April 2020 to add terms and conditions of the State Grant. Southeast Wellfield: The water treatment facility is planned on a county-owned land parcel approximately 10 miles east of Lake Wales, with the wellfield located south of the facility. The current design has an initial 7.5 mgd production capacity, and six incremental expansions planned up to a total of 30 mgd, based on projected customer needs and practical components for the facility. The regional transmission system may serve up to ten customer service areas. Exploratory drilling at the county parcel was completed in April 2019. The District's third-party review of the groundwater testing and conceptual design was presented to the Governing Board in September 2019. West Polk Wellfield: The water treatment facility site is located in the City of Lakeland near the City's T. B. Williams Water Production Facility and would share chemical and pumping components with the City's facility. The current design has an initial 5 mgd production capacity, with five future incremental expansions to 15 mgd based on customer needs. The regional transmission system would share existing capacity in the City of Lakeland's water system and be interconnected to three additional service areas. The well testing phase at the facility site was completed in January 2020. The District's third-party review of the groundwater testing and conceptual design will be presented to the Governing Board in July 2020. **New Activities Since Last Meeting:** The PRWC continues to work on the preliminary designs of the Southeast

Item 33

wellfield, brackish water treatment facility, and the regional transmission system. The team is communicating with the FDEP for underground injection permitting and is conducting regional groundwater modeling. *Project Manager: John Ferguson and George Schlutermann.*

Staff Recommendation:

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

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

**Governing Board Meeting
August 25, 2020**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE
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Discussion Items

34. Consent Item(s) Moved for Discussion	155
35. Hydrologic Conditions Report.....	156

Submit & File Reports – None

Routine Reports

36. Significant Activities	163
37. Structure Operations.....	165

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

August 25, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Brian S. Starford, P.G., Division Director, Operations, Lands and Resource Monitoring

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 25, 2020

Discussion Item

Hydrologic Conditions Report

See attachment.

Staff Recommendation:

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

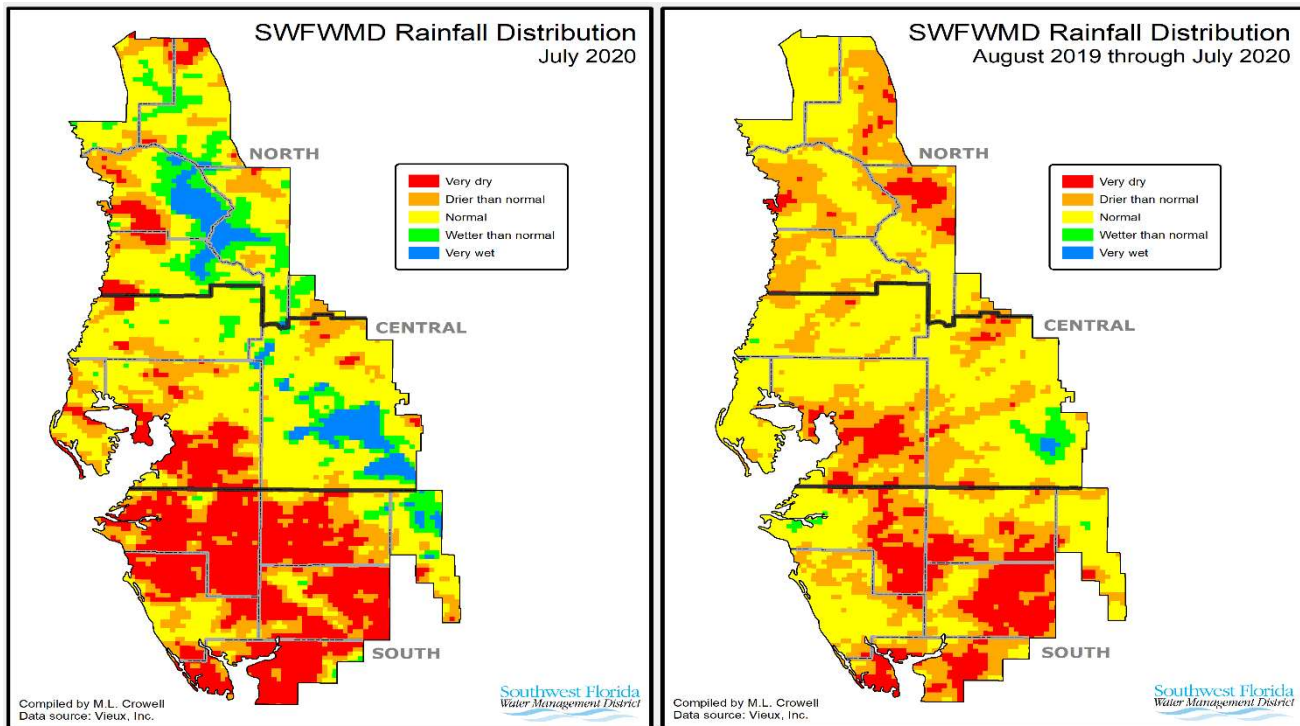
Presenter: Granville Kinsman, Hydrologic Data Manager

Hydrologic Conditions Report

SUMMARY OF CONDITIONS

- July historically marks the second month of the four-month wet season (June through September). Rainfall was scattered, regionally variable and mainly from typical summertime afternoon/evening rain showers.
- Rainfall:** July totals were within the “normal” range in the northern and central counties, while “below-normal” in the southern counties. The District-wide 12-month cumulative rainfall totals declined in July, ending the month at a deficit of 4.77 inches below the long-term historical average. The rainfall deficit remains greatest in the southern counties at 6.68 inches below the mean.
- Streamflow:** Monthly data indicates flow increased at six of twelve monitoring stations, compared to last month. Seven stations ended the month in the “normal” range of historical values, while five were “below-normal”. Regional streamflow, based on three index rivers, was at the lower end of the “normal” range in the northern and southern regions, while it was within the “normal” range in the central region.
- Groundwater:** Regional aquifer levels increased in July, but less than expected in an average year, resulting in statistical declines in health even as water levels rose. All regions ended the month within the “normal” range.
- Lake Levels:** Water level data indicates that regional lake levels increased in all four lake regions of the District, compared to last month. The northern region ended the month with “below-normal” levels, while the Tampa Bay, Polk Uplands and Lake Wales Ridge regions ended the month with levels within the “normal” range.”
- Overall:** Regional groundwater wells and lakes saw rising levels during July, although less than normal. Streamflow also saw mixed results, with lower flows occurring in river basins with low rainfall accumulations.

RAINFALL



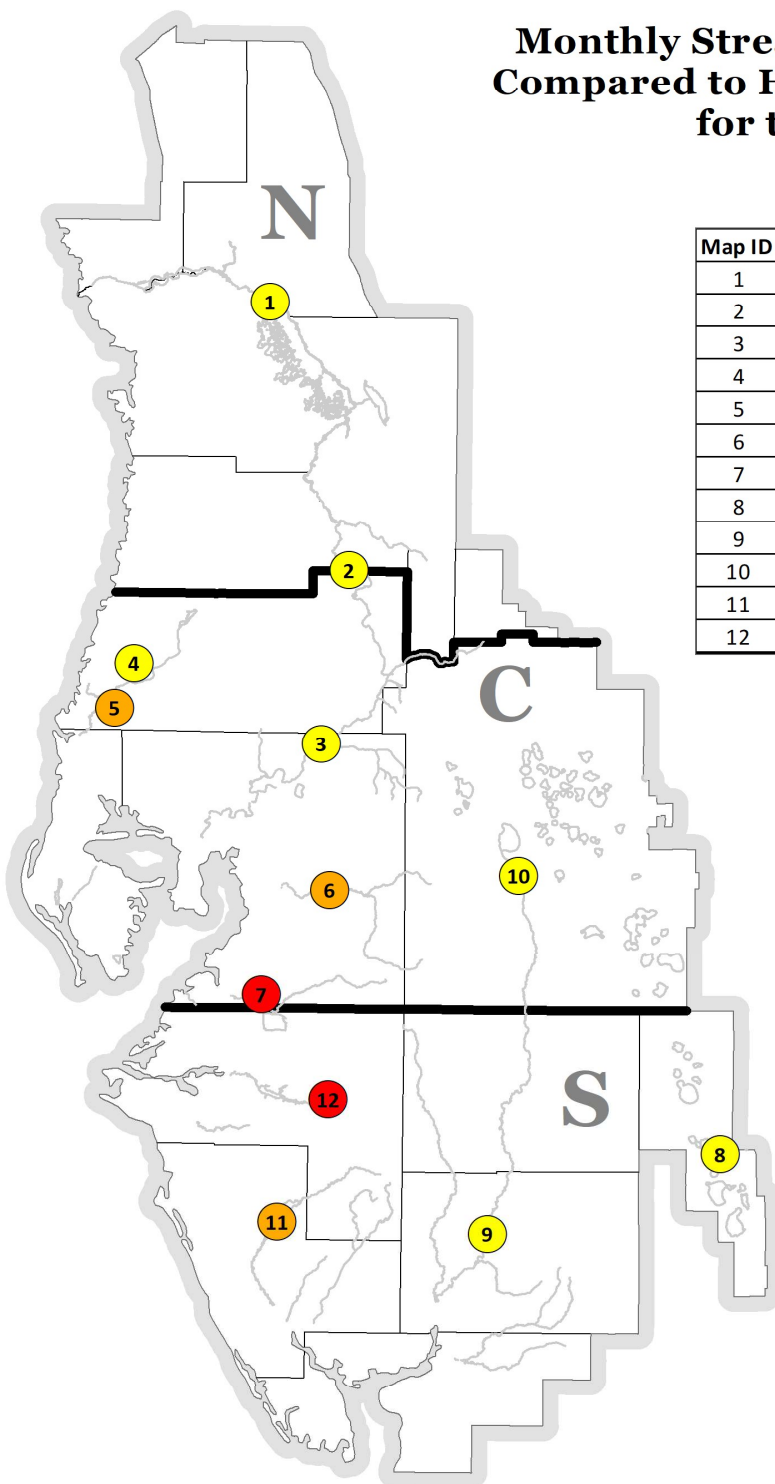
RELATIONSHIP OF JULY 2020 RAINFALL TO HISTORICAL RAINFALL AVERAGE

Regional Summary (in inches):

Region	JUL 2020 Average Rainfall	Historical Average For JUL	Departure From Historical Average	Cumulative 12-month Rainfall AUG 2019 – JUL 2020	Historical 12-month Cumulative Rainfall	Departure From Historical 12-month Cumulative
Northern Counties	8.38	8.29	0.09	49.64	53.61	-3.97
Central Counties	7.60	8.24	-0.64	48.86	52.43	-3.57
Southern Counties	5.89	8.19	-2.30	45.72	52.40	-6.68
District All Counties	7.22	8.24	-1.02	47.97	52.74	-4.77

STREAMFLOW

Monthly Streamflow for July 2020 Compared to Historical Streamflow for the Month of the Year



Map ID	Station Name
1	Withlacoochee River nr Holder
2	Withlacoochee River at Trilby
3	Hillsborough River nr Zephyrhills
4	Pithlachascotee River nr New Port Richey
5	Anclote River nr Elfers
6	Alafia River at Lithia
7	Little Manatee River nr Wimauma
8	Josephine Creek nr DeSoto City
9	Peace River at Arcadia
10	Peace River at Bartow
11	Myakka River nr Sarasota
12	Manatee River nr Myakka Head

Streamflow Category

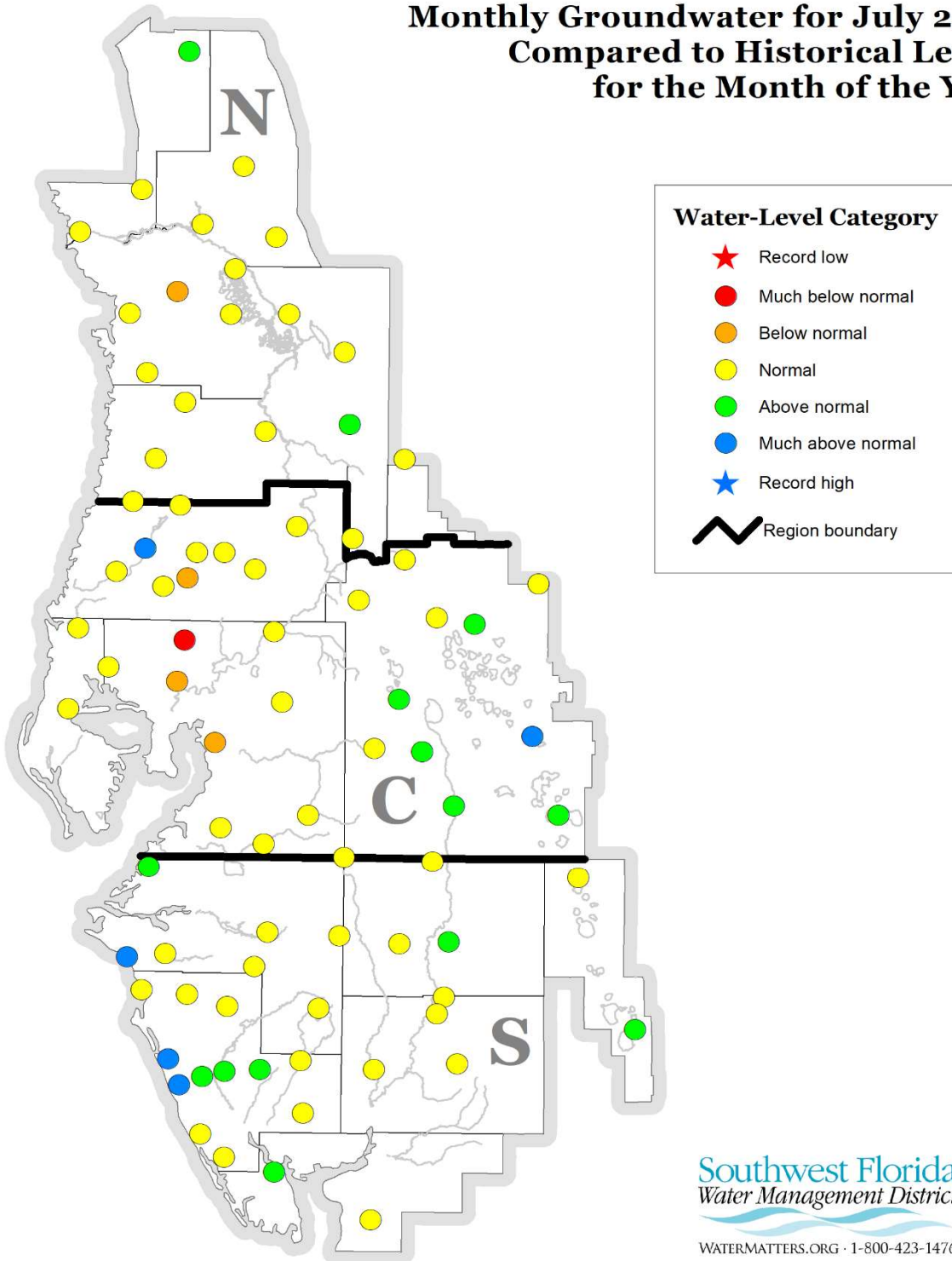
- ★ Record Low
- Much below normal
- Below normal
- Normal
- Above normal
- Much above normal
- ★ Record High
- Region boundary

Southwest Florida
Water Management District

WATERMATTERS.ORG · 1-800-423-1476

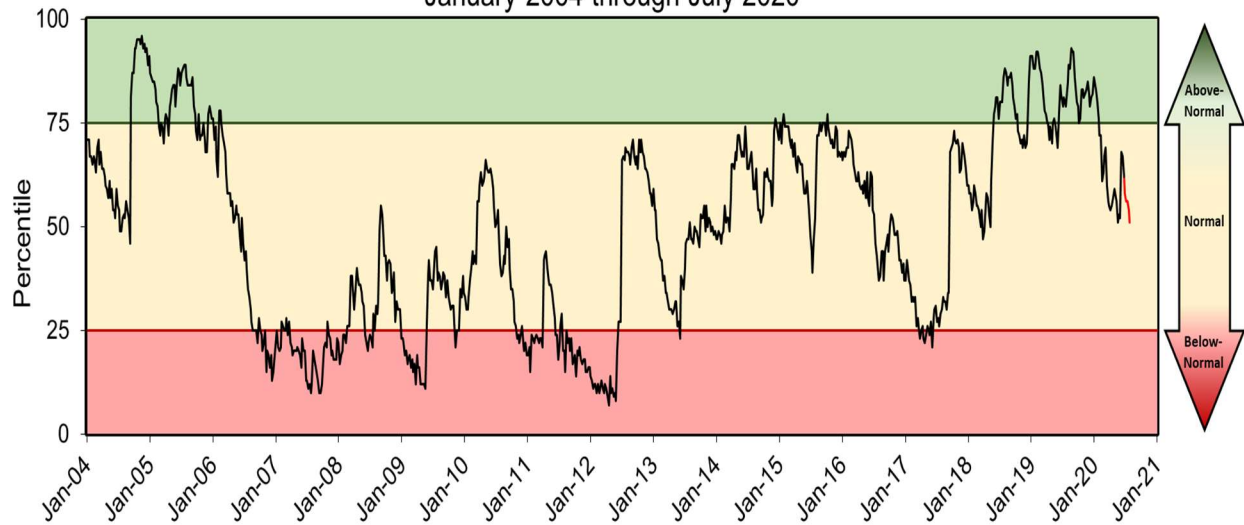
GROUNDWATER

Monthly Groundwater for July 2020 Compared to Historical Levels for the Month of the Year

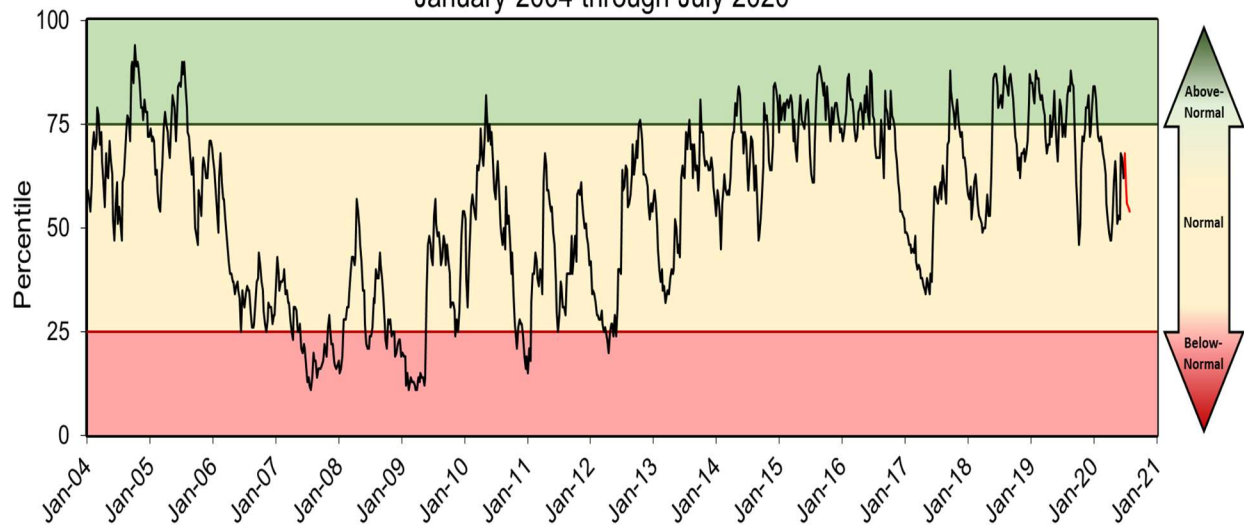


GROUNDWATER (Continued)

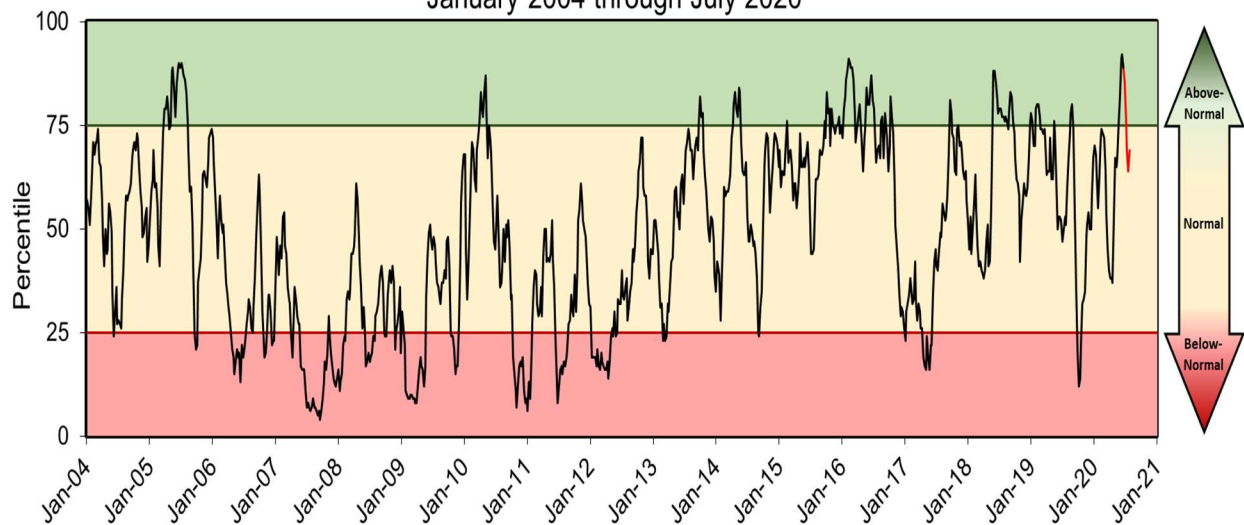
Groundwater Levels: Northern Counties
January 2004 through July 2020



Groundwater Levels: Central Counties
January 2004 through July 2020

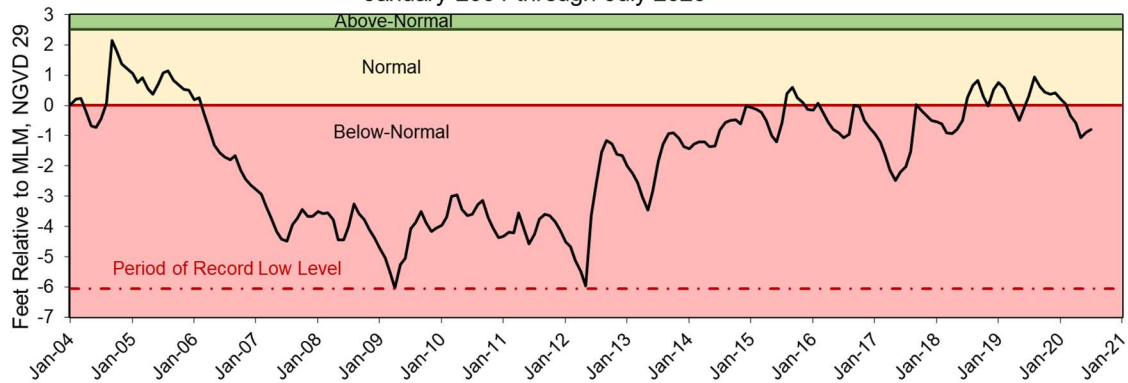


Groundwater Levels: Southern Counties
January 2004 through July 2020

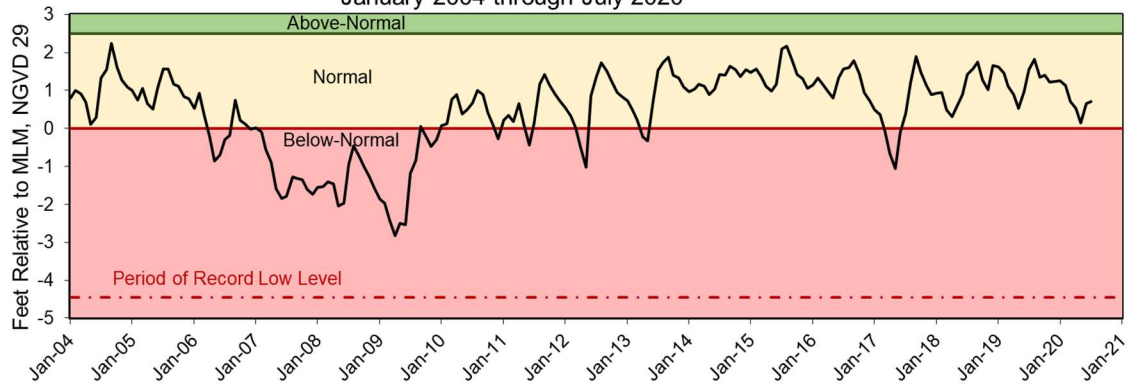


LAKES

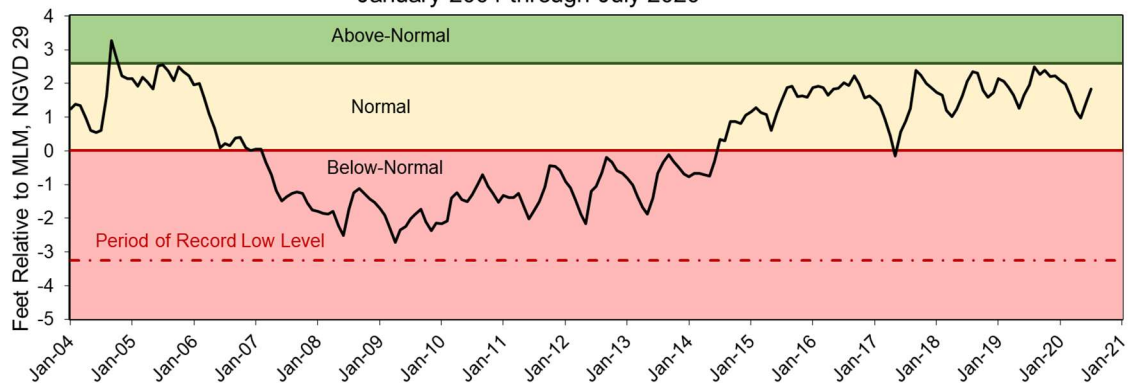
Surface Water Levels: Northern Lakes
January 2004 through July 2020



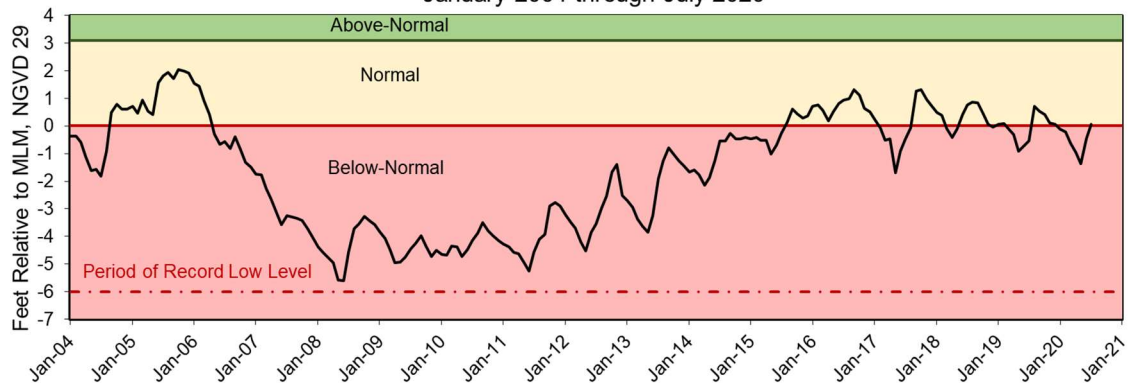
Surface Water Levels: Tampa Bay
January 2004 through July 2020



Surface Water Levels: Polk Uplands
January 2004 through July 2020

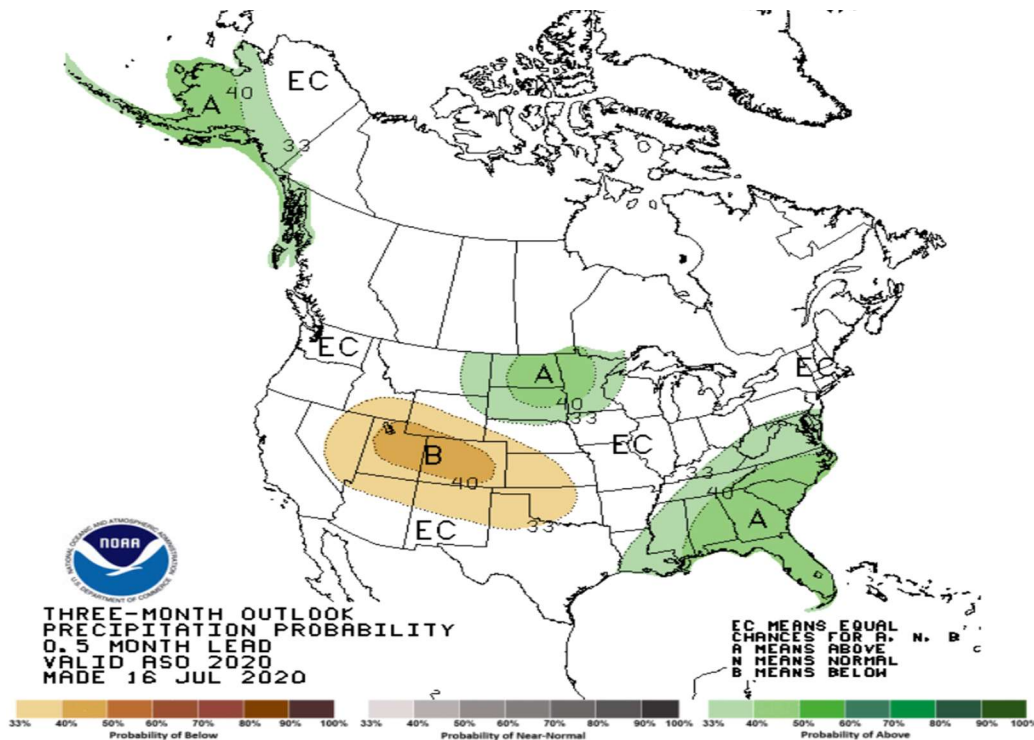


Surface Water Levels: Lake Wales Ridge Lakes
January 2004 through July 2020

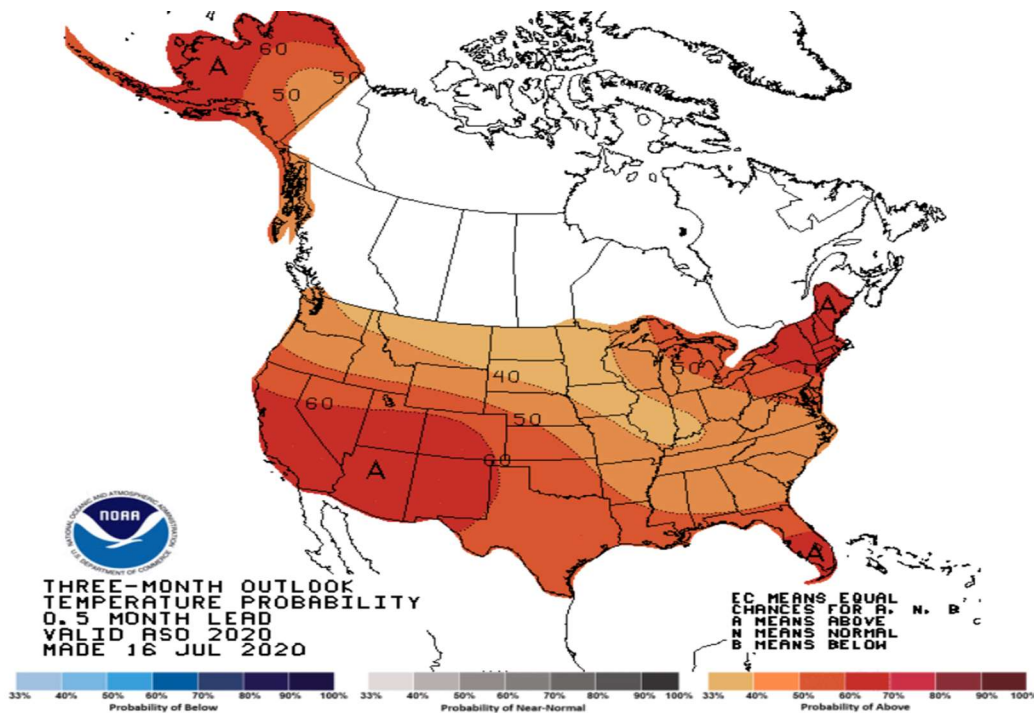


NOAA THREE-MONTH WEATHER FORECAST

Precipitation: Aug-Sep-Oct 2020



Temperatures: Aug-Sep-Oct 2020



NOAA Climate Prediction Center: Precipitation and Temperature Forecast

August through October: The three-month forecast, as of July 16, 2020, predicts above-normal rainfall throughout the District during the composite three-month period of August through October 2020. The temperature forecast for this same time-period indicates above-normal temperatures in all three regions of the District. For more information log on to the CPC's website

<https://www.cpc.ncep.noaa.gov/products/predictions/90day/>.

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 25, 2020

Routine Report

Significant Activities

Staff Recommendation:

Presenter: Ellen Morrison, Operations and Land Management Assistant Bureau Chief

Significant Activities

This report provides significant activities and summary data related to District's land management, ownership, and surplus programs through July 24, 2020 unless otherwise noted.

Land Management Activities	Year to Date
Land resource-based revenue	\$265,677
Volunteer hours provided	5,005
Prescribed fire applied (acres)	19,524
Invasive exotic vegetation treated (acres)	35,157
Feral hogs removed	1,198
Special use authorizations issued (SUAs)	69
Camping opportunities provided (visitors)	19,892

Surplus Activity (6/18/2020 to 7/24/2020)

SWF Parcel No.	Date Closed	Acres	Contract Price	Appraised Value
None	N/A	0	0	0
Total	N/A	0	0	0

Surplus Lands Summary (January 2011 to current)	Acres	Compensation
Sold, exchanged, or transferred	1,756	\$8,698,708
Closing pending	1	\$9,010
Marketed by District (Annutteliga Hammock lots)	37	
Marketed by broker	968	
Not marketed	2,251	
Total	5,013	\$8,707,718

Land Ownership Summary	Acres	Percentage
Conservation land solely owned by the District	297,540	66%
Easements	108,630	24%
Conservation land jointly owned	42,587	9%
Project land solely owned by District	3,532	1%
Total	452,289	100%

Land Management Summary	Acres	Percentage
Conservation lands solely managed by the District	236,625	52%
Easement managed by fee owners	108,326	24%
Lands managed solely by others	77,778	17%
Lands managed in partnership with others	27,131	6%
Project lands maintained by District	2,429	1%
Total	452,289	100%

Staff Recommendation:

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

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 25, 2020

Routine Report

Structure Operations

Summary of gate status and water levels for select water control structures on July 31, 2020. Refer to Exhibit A for District Structure Sites Location Map.

Tampa Bypass Canal

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Hillsborough River	S-155	23.34	38.0	21.0	Open
Upper Pool	S-159	21.88	38.0	21.0	Closed
Middle Pool	S-161	13.69	15.0	12.0	Closed
Lower Pool	S-160	9.65	11.0	9.0	Closed

*Elevations above referenced to NGVD29 datum

Hillsborough River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Thonotosassa	Flint Creek	35.25	36.1	33.6	Open

Lake June-in-Winter

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
June-in-Winter	G-90	73.40	74.4	72.1	Open

North Winter Haven Chain of Lakes

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Smart	P-6	127.45	127.75	123.50	Open
Lake Henry	P-5	125.00	125.50	123.00	Closed
Lake Fannie	P-7	124.05	124.75	122.50	Closed
Lake Hamilton	P-8	119.69	120.50	118.00	Open

Peace River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Hancock	P-11	98.56	102.1	96.6	Open

Alafia River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Medard Reservoir	Medard	57.51	58.2	56.6	Closed

Rocky Creek System

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Pretty	Pretty	42.39	43.50	41.00	Open
Lake Armistead	Armistead	40.23	43.20	39.70	Open

Brooker Creek System

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Tarpon	S-155	2.39	3.10	1.50	Open

Sawgrass Lake

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Sawgrass Lake	Sawgrass	3.10	3.20	3.00	Open

Withlacoochee River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Rousseau	Inglis Main	26.58	27.10	25.60	Closed
Lake Rousseau	Inglis Bypass	26.58	27.10	25.60	Open

Tsala-Apopka Chain of Lakes

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Hernando Pool	S-353	36.89	38.10	36.40	Closed

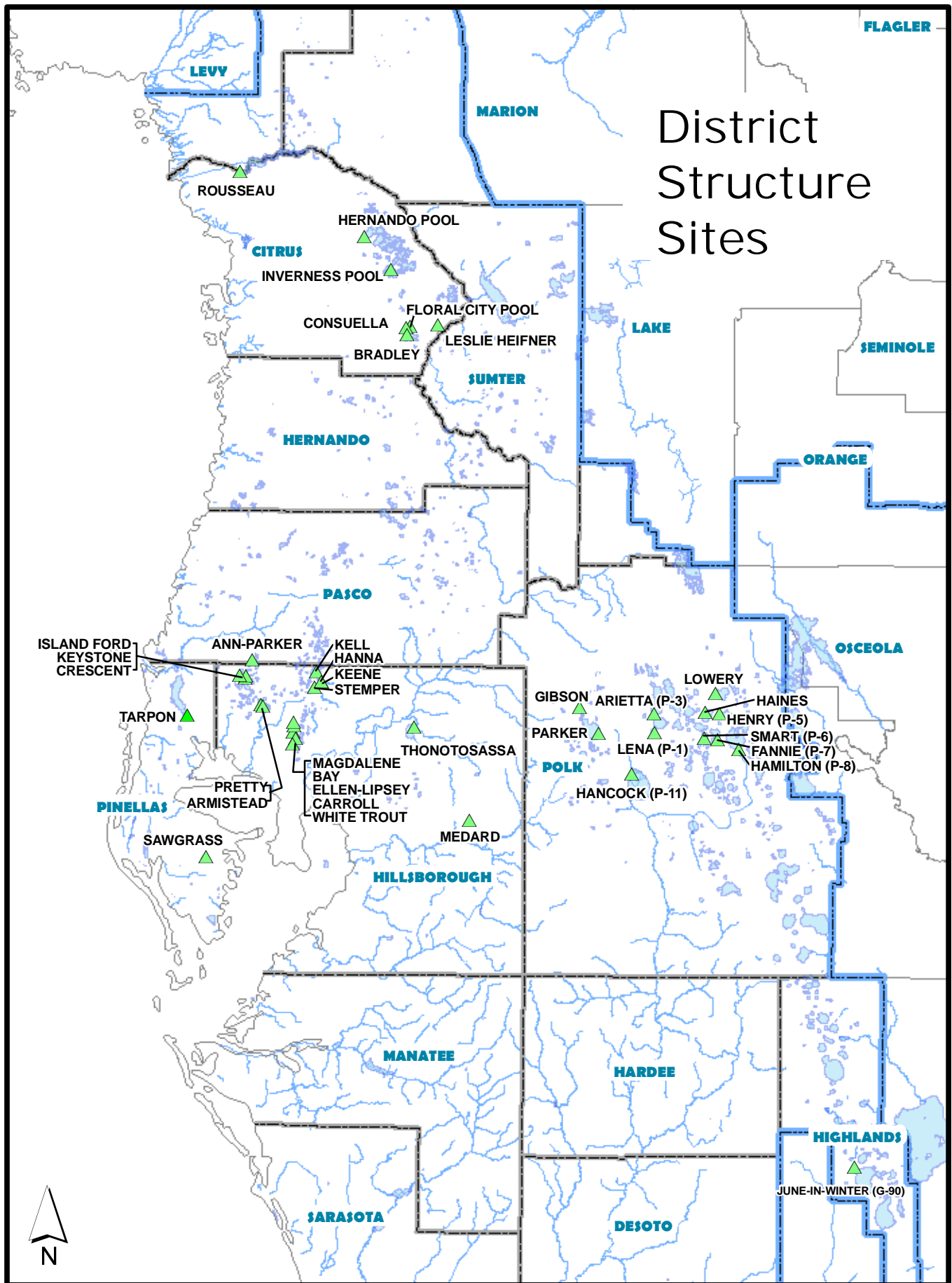
*Elevations above referenced to NAVD88 datum

Staff Recommendation:

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

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Exhibit A



**Governing Board Meeting
August 25, 2020**

REGULATION COMMITTEE

Discussion Items

38. Consent Item(s) Moved for Discussion.....168
39. Denials Referred to the Governing Board.....169

Submit & File Reports – None

Routine Reports

40. Overpumpage Report.....170
41. Individual Permits Issued by District Staff.....173

REGULATION COMMITTEE

August 25, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Michelle Hopkins, P.E., Division Director, Regulation

REGULATION COMMITTEE

August 25, 2020

Discussion Item

Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

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

Staff Recommendation:

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

Presenter: Michelle Hopkins, P.E., Division Director, Regulation

REGULATION COMMITTEE

August 25, 2020

Routine Report

Overpumpage Report

Please see the attached report.

Staff Recommendation:

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

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

Overpumpage Report June 2020

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity (gpd)	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<i>New From Previous Report</i>						
7505.004	Kahn Grove Service Co Inc ¹	Agriculture (Citrus)	133,000	4/1/2020 189,726 gpd 42.65%	06/01/2020 164,784 gpd 23.90%	Bartow

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

Overpumpage Report June 2020

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity (gpd)	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<i>Continuing From Previous Report</i>						
7121.006	Citrus County BOCC (Charle A. Black Water Supply System) ¹	Public Supply	4,597,000	3/1/2020 4,850,715 gpd 5.52%	06/01/2020 4,828,090 gpd 7.20%	Brooksville
9670.006	Ace Crescent Oaks, Inc. (Ace Crescent Oaks Country Club) ¹	Recreation - Lawn/Landscaping and Golf Course	285,800	2/1/2020 310,852 gpd 8.77%	05/01/2020 314,003 gpd* 9.87%	Tampa
1616.009	Lake Region Mobile Home Owners (Lake Region Village) ¹	Public Supply	91,500	2/1/2020 107,699 gpd 17.70%	06/01/2020 116,904 gpd 27.76%	Bartow
7139.004	Buttonwood Bay Utilities ¹	Public Supply – Modular Home Community	203,000	9/1/2019 216,808 gpd 6.80%	06/01/2020 224,557 gpd 10.62%	Bartow
10923.001	Spruce Creek Golf, LLC. ³	Recreation – Golf Course	163,600	4/1/2019 513,085 gpd 213.62%	06/01/2020 458,067 gpd 179.99%	Brooksville
1854.008	Panther Trails CDD ³	Recreation - Lawn/Landscaping	4,600	02/01/2019 11,573 gpd 151.59%	06/01/2020 6,444 gpd 40.09%	Tampa
1156.012	Bay Laurel Center Public Water Supply System ^{2&3}	Public Supply	2,555,000	09/01/2016 2,696,799 gpd 5.55%	06/01/2020 3,565,378 gpd 39.55%	Brooksville

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

*Missing June 2020 flow data; using May 2020 flow data.

Attachment: June 2020 Pumpage for August-2020 Routine GB Reports - Overpumpage Report (5214 :

REGULATION COMMITTEE

August 25, 2020

Routine Report

Individual Permits Issued by District Staff

Please see the attached report.

Staff Recommendation:

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

Presenter: Michelle Hopkins, P.E., Division Director, Regulation

INDIVIDUAL PERMITS ISSUED: ERPS – JULY 2020

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43029267.018	Del Webb at Bayview (Eagle Pointe) & Isles at Bayview (Traditional) Phase 1	Manatee	Construction of 435 single family units and the corresponding stormwater infrastructure.	303.2	74.58	6.72	0.77
43044482.000	SR 50 Widening from SR 35/US 301 to the Hernadno/Sumter County Line (FPID 435859)	Hernando	Widening of SR 50 from US Hwy 301 to the Sumter County line.	122.38	39.58	39.58	0.00
43042998.124	VOSO – 5D Stormwater Earthworks Modification	Sumter	Mass Grading and construction of a stormwater management system for future residential development.	399.84	43.03	1.39	0.00
43013740.039	Bexley North Sunlake Mass Grading	Pasco	Mass Grading and construction of a stormwater management system for future residential development.	151	72.1	11.53	0.00

Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.

INDIVIDUAL PERMITS ISSUED: WUPs – JULY 2020

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
20005516.008	Wabasso Road Dairy	Highlands	Dairy operation using alternative water supplies for irrigation of feed.	Agricultural	1,585,00	744,300	20
20010948.005	Orange Cogeneration Facility	Polk	Renewal of power plant water use permit, no requested change in total quantities.	Industrial and Commercial	660,000	660,000	20
20012659.001	Grassy Lake	Polk	Renewal with modification combining 12 adjacent WUP with increased quantities.	Agricultural	558,229	814,800	20
20005627.008	Lake Letta Barn	Highlands	Renewal with modification and decrease in quantities.	Agricultural	467,900	454,500	20
20004589.008	Hudson Land & Cattle	DeSoto and Charlotte	This is a renewal for a large commercial hay, melon and cattle farm.	Agricultural	684,100	648,100	20
20013370.003	Red Wing Groves	DeSoto	Renewal with modification. Peak monthly quantities remain unchanged, but crop protection has increased.	Agricultural	1,477,900	1,477,900	20

**Governing Board Meeting
August 25, 2020**

GENERAL COUNSEL’S REPORT

Discussion Items

42. Consent Item(s) Moved for Discussion	176
43. Central Florida Water Initiative Rulemaking Update	177

Submit & File Reports – None

Routine Reports

44. August 2020 Litigation Report	178
45. August 2020 Rulemaking Update.....	182

GENERAL COUNSEL'S REPORT

August 25, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

August 25, 2020

Discussion Item

Central Florida Water Initiative Rulemaking Update

On July 1, 2016, the Florida Legislature enacted Section 373.0465, Florida Statutes, to address water supply planning within the Central Florida Water Initiative (CFWI) area. The CFWI area consists of all of Orange, Osceola, Seminole, and Polk counties and southern Lake County, and covers approximately 5,300 square miles. The statute directs continuation of a collaborative process among the state and regional agencies, regional public water supply utilities, and other stakeholders in the water supply planning process.

In addition, the statute requires the Department of Environmental Protection (Department) to adopt uniform rules for water use permitting, minimum flows and water levels (MFLs), and water reservations for application within the CFWI area. Staff from the South Florida, St. Johns River, and Southwest Florida Water Management Districts (Districts) have assisted the Department in conducting numerous rulemaking workshops to develop these uniform rules. The final rulemaking workshop occurred on August 12, 2020, and staff are preparing the uniform rules for adoption in accordance with the rulemaking process established in Chapter 120, Florida Statutes. This informational item will provide an overview of the uniform rules and the rulemaking process.

Staff Recommendation:

This item is provided for the Board's information; no action is required.

Presenter: Christopher A. Tumminia, Deputy General Counsel

GENERAL COUNSEL'S REPORT

August 25, 2020

Routine Report

August 2020 Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT
August 2020

OPEN ENFORCEMENT CASES

58 Cases as of August 3, 2020

Case Style	Court/Case No.	Attorney	Description	Date Opened	Date Closed
Division of Administrative Hearings (DOAH) Enforcement, Permit, and Agency Action Challenges					
Denlinger v. Summit View, LLC, and SWFWMD	N/A	J. Fussell A. Witherup	Administrative Challenge – ERP	8/20/19	9/6/19 – Dismissed (Pending Appeal)
Walden Pointe HOA v. SWFWMD	DOAH 20-000896	J. Fussell A. Dhand	Administrative Challenge – ERP	2/04/20	
County Court Litigation					
None					
Circuit Court Litigation					
Uranowski v. SWFWMD	Hernando County Case No. 16-CA-976	T. Gonzalez (outside counsel)	Employment Discrimination	9/30/16	
Heritage Lake Park CDD v. SWFWMD, et al.	Charlotte County Case No. 18-CA-1191	C. Tumminia	Foreclosure (delinquent ad valorem taxes)	12/21/18	
Cow Hammock, LLC v. Suggs & SWFWMD	Sumter County Case No. 19-CA-142	C. Tumminia	Quiet Title	4/22/19	
SWFWMD v. Jacobs Engineering Group, Inc.	Hernando County Case No. 2019-CA-001105	M. McNeil	Breach of Contract and Professional Malpractice	9/27/19	
SWFWMD v. The Links at River Ridge	Pasco County Case No. 2019-CA-003331	C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies – Unauthorized Water Use	10/8/19	5/19/20 – Settled (Dismissal Pending Compliance)

SWFWMD v. Kelly Family Holdings, LLC	Charlotte County Case No. 19001087CA	C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies – WUP Overpumpage	10/15/19	8/24/20 – Settled (Dismissal Pending Compliance)
Duke Energy Florida, LLC v. SWFWMD, et al.	Pasco County Case No. 2019-CA-003821	J. Fussell	Petition in Eminent Domain	12/05/19	
SWFWMD v. Etcetera, Etc., Inc.	DeSoto County Case No. 2020-CA-000017	C. Tumminia M. Albrecht	Petition for Enforcement and Complaint for Civil Remedies – ERP	1/15/2020	6/23/20 – Settled (Dismissal Pending Compliance)
SWFWMD v. Carl Douglas Jr.	Charlotte County Case No. 20CA0112	E. Fernandez C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies – Well Construction Violations	2/06/2020	
SWFWMD v. Holloway Park Foundation, Inc.	Polk County Case No. 20-CA-000632	A. Vining	Petition for Enforcement and Complaint for Civil Remedies – ERP	2/19/2020	
SWFWMD v. Waylon J. Howard	Hillsborough County Case No. 20CA-00230	E. Fernandez M. Albrecht	Petition for Enforcement and Complaint for Civil Remedies – Well Construction Violations	3/12/2020	
SWFWMD v. MGM of West Florida, LLC	Manatee County Case No. 20CA-001336	E. Fernandez A. Dhand	Petition for Enforcement and Complaint for Civil Remedies – ERP	4/01/2020	
SWFWMD v. Straubel, Bruce	Polk County Case No. 20-CA-001700	M. Albrecht C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies – ERP	05/18/2020	8/6/20 – Final Default Judgment

Federal District Court Litigation					
Gilberti v. DeSantis, SWFWMD, et al.	U.S. Middle Dist. FL. 2:19-282-FtM	E. Fernandez C. Tumminia	R.I.C.O.	5/28/19	5/15/20 – Dismissed (Pending Appeal)
Michael Lapham v. SWFWMD & FWC	US Middle Dist. FL. Case No. 5:19-cv-00579	A. Vining M. Bray	Civil Rights – Americans with Disabilities Act	1/10/2020	
Appeals					
Harry and Janet Denlinger v. SWFWMD	Second District Court of Appeal Case No. 2D19-3835	M. Bray J. Fussell A. Witherup	Appeal of Final Order of Dismissal with Prejudice	10/04/2019	
Gilberti v. DeSantis, SWFWMD, et al.	U.S. Court of Appeals for the Eleventh Circuit - Appeal # 12-12512 (2:19-cv-00282-SPC-MRM)	E. Fernandez C. Tumminia	Appeal of Final Order of Dismissal with Prejudice	7/10/2020	
Delegated Consent Orders					
NONE					

GENERAL COUNSEL'S REPORT

August 25, 2020

Routine Report

August 2020 Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**RULEMAKING UPDATE
AUGUST 2020
PROPOSED RULES & AMENDMENTS**

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
1. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, F.A.C., to Delete a Portion of the Minimum Flow Provisions for the Upper and Lower Pithlachascotee River	March 2020	Effective August 10, 2020	March 2020
2. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, F.A.C., to Delete a Portion of the Minimum Flow Provisions for the Crystal River/Kings Bay System	March 2020	Effective August 10, 2020	March 2020
3. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Lake Marion in Levy County	April 2020	Effective August 10, 2020	April 2020
4. Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to Update the Water Use Permit Applicant's Handbook, Part B	May 2020	Effective Approx. August 2020	May 2020
6. Initiation and Approval of Rulemaking to amend Rule 40D-8.623 to Remove Minimum Wetland Level for Cross Bar Q-25 (Stop #7) in Pasco County	June 2020	Effective Approx. September 2020	June 2020
5. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Linda in Pasco County	August 2020	Initiation and Approval, August 2020 Governing Board meeting	August 2020

Attachment: 8-2020 General Counsel - Rulemaking Update (for August 2020 GB-Meeting) (5208 : August 2020 Rulemaking Update)

EXECUTIVE DIRECTOR'S REPORT

August 25, 2020

Discussion Item

Executive Director's Report

Staff Recommendation:

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

CHAIR'S REPORT

August 25, 2020

Discussion Item

Chair's Report

Staff Recommendation:

Presenter: Mark Taylor, Chair

CHAIR'S REPORT

August 25, 2020

Routine Report

Employee Milestones

Staff Recommendation:

Presenter: Mark Taylor, Chair

Employee Milestones

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	08/10/2015	Robert McDonald	Staff Engineer	Tampa	Natural Systems & Restoration	2020	08/10/2020
5	08/24/2015	Kym Holzwart	Senior Environmental Scientist	Brooksville	Natural Systems & Restoration	2020	08/24/2020
5	08/31/2015	Craig Alonso	Compliance Inspector 3	Sarasota	Regulatory Support	2020	08/31/2020
5	08/31/2015	Peggy Meinhardt	Records Manager	Brooksville	General Services	2020	08/31/2020
10	08/09/2010	Jim Mitcheson	Senior Field Operations Technician	Brooksville	Operations and Land Management	2020	08/09/2020
10	08/30/2010	Joel Durkee	Senior Field Technician	Brooksville	Data Collection	2020	08/30/2020
10	08/30/2010	Patricia Robertshaw	Staff Environmental Scientist	Sarasota	Natural Systems & Restoration	2020	08/30/2020
15	08/15/2005	Jason Lentz	Environmental Scientist 1	Sarasota	Environmental Resource Permit	2020	08/15/2020
15	08/15/2005	Reed Clickener	Accountant 1	Brooksville	Finance	2020	08/15/2020
15	08/22/2005	Carriann Adkins	Visual Communications Supervisor	Brooksville	Communications and Board Services	2020	08/22/2020
20	08/21/2000	Tamera McBride	Resource Evaluation Manager	Brooksville	Water Resources	2020	08/21/2020