

Governing Board Meeting

Agenda and Meeting Information

February 25, 2020

9:00 AM

Brooksville Office

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

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



Southwest Florida Water Management District

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

An Equal
Opportunity
Employer

SWFWMD does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of SWFWMD'S functions, including access to and participation in SWFWMD's programs and activities. SWFWMD designates the Human Resources Office Chief as the Americans with Disabilities Act (ADA) Compliance Coordinator. Anyone requiring reasonable accommodation as provided for in the ADA should contact SWFWMD'S Human Resources Office Chief, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone 352-796-7211, ext. 4701 or 1-800-423-1476 (FL only), ext. 4701; TDD 1-800-231-6103 (FL only); or email to ADACoordinator@WaterMatters.org.

Final Agenda GOVERNING BOARD MEETING

FEBRUARY 25, 2020

9:00 AM

Brooksville Office

2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 896-7211

All meetings are open to the public.

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

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

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

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

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

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

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

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

Sarasota Office
6750 Fruitville Road
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. *Employee Recognition*
4. *Additions/Deletions to Agenda*
5. *Public Input for Issues Not Listed on the Published Agenda*

CONSENT AGENDA (TAB B)***Resource Management Committee***

6. 2020 Florida Department of Transportation Mitigation Program Annual Plan
7. Facilitating Agricultural Resource Management Systems (FARMS) Program Governing Board Policy

Finance/Outreach & Planning Committee

8. Authorization to Dispose of Equipment
9. Florida Department of Highway Safety and Motor Vehicles Audit
10. 2020 Consolidated Annual Report
11. Budget Transfer Report

***Operations, Lands and Resource Monitoring Committee - None
Regulation Committee***

12. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20005013.009 – North Patrick Grove/Alico, Inc. (Polk County)
 - b. WUP No. 20007332.007 – Ft. Green Farm/South Ft. Meade Land Management, Inc. (Hardee County)
 - c. WUP No. 20009808.009 – University Park Country Club/University Park Community Association Inc., University Park Recreation District (Manatee and Sarasota counties)

General Counsel's Report

13. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Consideration of Final Order – Long Bar Pointe, LLLP V. Lake Flores, LLC and Southwest Florida Water Management District – Case No. 17-5609 – Environmental Resource Permit No. 49042599.001 – Manatee County
14. Rulemaking - None

Executive Director's Report

15. Approve Governing Board Minutes – January 28, 2020

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

16. Consent Item(s) Moved for Discussion
17. Withlacoochee Regional Water Supply Authority Update
18. 2020 Central Florida Water Initiative Regional Water Supply Plan
19. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302, Florida Administrative Code, to Adopt a Reservation for Lake Hancock and Lower Saddle Creek

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

20. Minimum Flows and Levels Status Report
21. Significant Water Resource and Development Projects

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

22. Consent Item(s) Moved for Discussion
23. Legislative Update

Submit & File Reports

24. Association of Inspectors General Peer Review of the Office of Inspector General
25. District Performance Measures

Routine Reports

- 26. Monthly Financial Statement
- 27. Treasurer's Report and Payment Register
- 28. Monthly Cash Balances by Fiscal Year
- 29. Comprehensive Plan Amendment and Related Reviews Report

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

- 30. Consent Item(s) Moved for Discussion

Submit & File Reports

- 31. Hydrologic Conditions Report

Routine Reports

- 32. Significant Activities
- 33. Structure Operations
- 34. Surplus Lands Update

REGULATION COMMITTEE (TAB F)**Discussion**

- 35. Consent Item(s) Moved for Discussion
- 36. Denials Referred to the Governing Board

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

- 37. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update
- 38. Overpumpage Report
- 39. Individual Permits Issued by District Staff

GENERAL COUNSEL'S REPORT (TAB G)**Discussion**

- 40. Consent Item(s) Moved for Discussion

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

- 41. February 2020 Litigation Report
- 42. February 2020 Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

- 43. Environmental Advisory Committee
- 44. Industrial Advisory Committee
- 45. Public Supply Advisory Committee

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 46. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 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 12/19/19

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., Sarasota County Operations Center
April 28, 2020 – 10:00 a.m., Lake Eva Banquet Hall, Haines City
May 19, 2020 – 9:00 a.m., Tampa Office
June 23, 2020 – 9:00 a.m., Brooksville Office
July 28, 2020 – 9:00 a.m., Tampa Office
August 25, 2020 – 9:00 a.m., Brooksville Office
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, June 9, September 15

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

2019 – October 8
2020 – January 14, April 14, July 14

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

2019 – November 5
2020 – February 11, May 12, August 11

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

2019 – November 5
2020 – February 11, May 12, August 11

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

2019 – October 9
2020 – January 8, April 8, July 8

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
2020 – April 2 – Southern Region, Sarasota County Commission Chamber
2020 – April 8 – Tampa Bay Region, Tampa Office
2020 – April 9 – Heartland Region, Bartow City Hall

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, May 6, June 3, July 1, August 5, 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, July 22

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

FEBRUARY 25, 2020
9:00 a.m.

CONVENE PUBLIC MEETING (TAB A)

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Employee Recognition
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.

Resource Management Committee

6. **2020 Florida Department of Transportation Mitigation Program Annual Plan**

Request the Governing Board approve the District's Florida Department of Transportation (FDOT) Mitigation Plan for 2020 as required by Florida Statutes (F.S. 373.4137).

Section 373.4137, F.S., requires FDOT and any participating transportation authority to submit to the District a list of projects in its adopted work plan and an inventory of the habitat impacts of those projects. The inventory must also identify the anticipated mitigation needed to offset those impacts. If the District proposes to implement mitigation needed by FDOT or a participating transportation authority, the District must develop a plan that identifies the transportation projects and associated impacts for which FDOT or a participating transportation authority is purchasing mitigation services from the District. The Plan is submitted to the Governing Board for review and approval prior to submittal to the Florida Department of Environmental Protection by March 1.

The 2020 FDOT environmental impact inventory submitted by FDOT, includes projects proposed by the Turnpike Authority, and FDOT Districts 5 and 7. The permits for projects that are currently under review by the United States Army Corps of Engineers include 36.59 acres of projected wetland impacts. Listed in the table below are the permit application numbers and the existing District FDOT Mitigation Sites identified for mitigation of the projected wetland impacts. The District's draft FDOT Mitigation Plan for 2020 includes these four projects.

Permit Number	FM Number	Acres of Impacts	Proposed Mitigation Site
SAJ-2019-01945	4327342	8.18	Conner Preserve
SAJ-2019-02829	4410832	0.51	Bahia Beach Preserve
SAJ-2016-02954	4245012	0.94	Bahia Beach Preserve
SAJ-2019-04439	4358592	26.96	Colt Creek State Park

Staff Recommendation:

Approve the District's 2020 Florida Department of Transportation Mitigation Plan.

7. Facilitating Agricultural Resource Management Systems (FARMS) Program Governing Board Policy

Request approval to repeal the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.) and replace the rule with the FARMS Program Governing Board Policy.

The District's FARMS Program is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. In 2003 the Board approved the creation of the FARMS Program in the Shell, Prairie, and Joshua Creek (SPJC) watersheds and the Upper Myakka River Watershed (UMRW) to address agricultural runoff affecting downstream waterbodies. Shell and Prairie Creeks were listed as impaired by the Florida Department of Environmental Protection (FDEP) for parameters associated with mineralized groundwater used for agricultural irrigation within these watersheds. The City of Punta Gorda's public water supply reservoir is located at the downstream end of the SPJC and was negatively affected by the agricultural runoff. Similar issues were identified within the UMRW where excess runoff entering Flatford Swamp adversely affected natural hydroperiods and led to excessive tree mortality. The reimbursement program operated under a Governing Board approved Procedure 13-9. The procedure defined the purpose of the program, the criteria for project approval and cost-share rates, and the application process.

Due to the initial success of the Program, in 2004 the Board approved the expansion of the FARMS Program to include the entire Southern Water Use Caution Area (SWUCA) to assist in meeting the goals of the SWUCA Recovery Strategy. The program was expanded again in 2005 to cover the entire District. The Governing Board approved Procedure 13-9 updates on both occasions to include the newly expanded areas.

In 2008 the Governing Board approved the FARMS Rule, Chapter 40D-26, F.A.C. after receiving input from the Joint Administrative Procedures Committee of the Florida Legislature recommending the cost-share program operate under rule pursuant to Chapter 120, Florida Statutes (F.S.). The FARMS Rule was revised in 2009 to incorporate the Model Farms Economic Study which establishes reasonable costs associated with the implementation of various BMPs covered by the program.

The FARMS Rule was revised again in 2010 to include the Dover/Plant City Water Use Caution Area (DPCWUCA) to address resource concerns associated with the use of groundwater to protect crops during a freeze event. The FARMS Rule was further revised in 2015 to include the Most Impacted Area (MIA) of the SWUCA as a priority area to address saltwater intrusion occurring in this area. The Rule was revised most recently in 2017 to include the most recent update of the Model Farms Economic Study.

In 2009, Section 373.0363, F.S., regarding the Southern Water Use Caution Area (SWUCA) Recovery Strategy, was created. The FARMS Program was included within the SWUCA Recovery Strategy as an initiative to be implemented by the District. Pursuant to the statute, the FARMS Program is not subject to the rulemaking requirements of Chapter 120, F.S. Though the Program has remained a rule, District staff has determined that replacing the rule with a Governing Board policy will afford the District more flexibility in amending the Program.

From the inception of the FARMS Program in 2003, the total projected groundwater offset for the 203 Board approved projects is 28.5 mgd at an overall average cost-benefit of \$2.33 per thousand gallons offset. Total expenditures for these projects are \$72.2 million, with \$31.6 million (44 percent) coming from the District, \$32.1 million (44 percent) from participating agricultural producers/growers, and \$8.5 million (12 percent) coming from State appropriations and the Florida Department of Agriculture and Consumer Services (FDACS).

Staff have developed a Governing Board Policy (Policy) to replace the FARMS Rule (see exhibit). The Policy will eliminate unnecessary regulation and improve the implementation of the cost-share program. The Policy incorporates the existing FARMS operating procedures identified in the rule and also establishes several new criteria: 1) the Northern District strategic priorities and cost-share rates for those projects, 2) a reduction in the reimbursement rate for projects offsetting greater than 50% of their permitted groundwater from 75% to 50%; 3) requires FDACS BMP enrollment to participate in the FARMS Program. After receiving input from the Governing Board at the November 19, 2019 meeting, the Policy also establishes nutrient reduction BMPs as an eligible expense District-wide.

Staff Recommendation:

- 1) Approve repealing the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.) and replace the rule with the FARMS Program Governing Board Policy
- 2) Authorize the Office of General Counsel to complete the steps necessary to repeal the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.)
- 3) Approve the Governing Board Policy for the Facilitating Agricultural Resource Management Systems (FARMS) Program

Finance/Outreach & Planning Committee

8. Authorization to Dispose of Equipment

The purpose of this item is to request authorization to dispose of surplus tangible personal property (one John Deere loader) pursuant to Board Policy 150-2.

The John Deere loader (unit 2061) was purchased in 2005 for maintaining District conservation lands, specifically moving dirt, rock, shell, and debris from properties within the District.

In 2019, the District replaced the loader with unit 2158. This was a scheduled replacement due to the hours and age on unit 2061. Staff recommends sending the John Deere loader to auction with an estimated sale price of more than \$25,000. In compliance with Board Policy 150-2, tangible personal property with a current market value in excess of \$25,000 requires Board approval.

Staff Recommendation:

Approve the disposition of one John Deere loader (unit 2061) through the auction process.

9. **Florida Department of Highway Safety and Motor Vehicles Audit**

In accordance with the Office of Inspector General (OIG) Charter Governing Board Policy, Section 20.055, Florida Statutes, and the 2020 Audit Plan approved by the Board, the Inspector General shall conduct audits and prepare audit reports. This audit was conducted in accordance with the Generally Accepted Government Auditing Standards (Yellow Book).

On March 6, 2019, the Florida Department of Highway Safety and Motor Vehicles (DHSMV) executed a memo of understanding (MOU) with the District in order to receive a monthly file of District employee driver's license records from DHSMV. The MOU requires an audit of the District's internal controls protecting the unauthorized access, distribution, use, modification, or disclosure of DHSMV data. The period for this audit was March 6, 2019 to January 6, 2020.

The objectives of this audit were to:

- Evaluate management's performance in establishing and maintaining internal controls in accordance with applicable statutes, laws, rules, regulations, contracts, grant agreements, and other guidelines.
- Examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance to protect the unauthorized access, distribution, use, modification, or disclosure of DHSMV data, economic and efficient operations, reliability of records and reports, and the safeguarding of assets, and identify weaknesses in those controls.

Staff Recommendation:

Approve the Florida Department of Highway Safety and Motor Vehicle Audit.

10. **2020 Consolidated Annual Report**

To seek Board approval for the District's 2020 Consolidated Annual Report (CAR).

Section 373.036, Florida Statutes (F.S.), requires the water management districts to prepare a "Consolidated Water Management District Annual Report." The report must include the following:

1. The Water Management District Performance Measures Annual Report
2. The Minimum Flows and Levels Priority List and Schedule
3. The Minimum Flows and Levels/Water Quality Grade for Projects Report
4. The Annual Five-Year Capital Improvements Plan
5. The Alternative Water Supplies Annual Report
6. The Five-Year Water Resource Development Work Program
7. The Polk Regional Water Cooperative Status Report
8. The Florida Forever Work Plan
9. The Mitigation Donation Annual Report
10. The Strategic Plan 2020-2024 (updated February 2020) and Annual Work Plan

The legislation requires the report be submitted by March 1 of each year to the Governor, President of the Senate, Speaker of the House of Representatives and the Department of Environmental Protection (DEP). In addition, "copies must be provided to the chairs of all legislative committees having substantive or fiscal jurisdiction over the districts and the governing board of each county in the district having jurisdiction or deriving any funds for operations of the district. Copies of the consolidated annual report must be made available to the public, either in printed or electronic format."

Both the CAR and Strategic Plan were presented and discussed at the Board's January Board.

Staff Recommendation:Approve the 2020 Consolidated Annual Report and its transmittal.**11. Budget Transfer Report**

Request approval of the Budget Transfer Report covering all budget transfers made during the month of January 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 January 2020.**Operations, Lands and Resource Monitoring Committee – None****Regulation Committee****12. Individual Water Use Permits Referred to the Governing Board****a. WUP No. 20005013.009 – North Patrick Grove/Alico, Inc. (Polk County)**

This is a renewal of an existing water use permit for agricultural use. The use type has not changed. The permit authorizes an annual average quantity increase from 565,100 gallons per day (gpd) to 633,000 gpd, a drought annual average quantity increase from 728,700 gpd to 815,700 gpd, and a peak month quantity increase from 2,910,500 gpd to 3,308,300 gpd. The crop protection quantity remains 13,580,600 gpd. The authorized increase in quantities are distributed 15% to surface water and 85% to groundwater. The quantities are based on information provided by the Permittee and the District's irrigation allotment program, AGMOD. The increase in quantities is based on a change in crop plan from citrus to high density citrus. The Permittee is currently not connected to reclaimed water lines because the nearest lines are too far to be economically feasible. The proposed water used is located within the area of the Central Florida Water Initiative (CFWI) of the Southern Water Use Caution Area (SWUCA) and has been conditioned accordingly.

This application satisfies existing conditions for permit issuance because reasonable assurances have been provided that demonstrate that water resources, existing legal users, offsite land uses, and surface water and groundwater quality will not be adversely impacted. Additionally, documentation has been provided that demonstrates the request is necessary to fulfill a reasonable demand, conservation measures will be incorporated, and an evaluation of alternative water has been provided. The recommended permit duration is commensurate with the applicant's ability to satisfy conditions of permit issuance.

The CFWI is a collaborative regional water supply endeavor to protect, conserve, and restore water resources in the area by working to accomplish the goals presented in the Central Florida Water Initiative Guidance Document. These goals include crafting long-term water supply solutions for the Central Florida region. The CFWI effort may also result

in specific regulatory requirements. While the scope and content of these regulatory requirements are unknown at this time, it is possible they may include requirements that are related to the Permittee's relative contribution to the water resource impact being addressed, the timing of permit issuance compared to other existing legal users, and/or include other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Therefore, this permit includes Special Conditions that provide specific notification that the permit may be modified during the term of the permit to address unanticipated harm or impacts to existing legal users that is occurring or is projected to occur from the Permittee's authorized withdrawal over the permit duration. Since this application is located within the CFWI area, it is necessary for the applicant to consider implementing the heightened water conservation requirements defined in the Special Conditions. The applicant is advised to carefully consider its infrastructure investments in light of the on-going Central Florida Water Initiative.

Other special conditions include those that require the Permittee to continue to record and report monthly meter readings from specified withdrawal points; submit annual crop reports, periodically have all meters calibrated, and investigate the use of alternative water supply when notified by the District.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

b. **WUP No. 20007332.007 – Ft. Green Farm/South Ft. Meade Land Management, Inc. (Hardee County)**

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 122,500 gallons per day (gpd) to 549,800 gpd, the drought annual average has increased from 179,800 gpd to 549,800 gpd, the peak month quantity has increased from 921,800 gpd to 1,290,700 gpd, and the maximum day (crop protection) quantity has decreased from 4,464,000 gpd to 0 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 120 acres of squash/zucchini. The change in quantities is due to a change in crop plan. The prior crop plan was for 145 acres of citrus and the new crop plan is for 120 acres of spring and fall squash/zucchini. This permit is located within the Southern Water Use Caution Area (SWUCA). Sources of alternative water supply (AWS) are not available to the Permittee at this time.

Special Conditions include those that require the Permittee to report monthly meter readings, perform meter accuracy checks every five years, submit seasonal 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, modify the permit upon incorporation of an AWS, 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.

c. **WUP No. 20009808.009 – University Park Country Club/University Park Community Association Inc., University Park Recreation District (Manatee and Sarasota counties)**

This is a modification of an existing water use permit for landscape/recreational use. The authorized quantities have changed from the previous permit. This permit authorizes an increase in the annual average quantity from 483,500 gallons per day (gpd) to 920,400 gpd, an increase in the authorized drought annual average quantity from 498,100 gpd to 998,100 gpd, and an increase in the authorized peak month quantity from 1,157,300 gpd to 2,468,900 gpd. There is no change in use type from the previous revision. Increases in quantities are due to a increase in irrigated acreage of lawn and landscape, from 54.2 acres to 252.44 acres. The additional acreage has been historically irrigated and is now being combined under this permit. Quantities are based on the District's irrigation allotment calculation program, AGMOD. This water use permit is located within the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA) in Manatee and Sarasota Counties. The Permittee is utilizing surface water to meet one hundred percent of the total demand, however groundwater quantities of 617,000 gpd annual average, 728,900 gpd drought annual average, and 1,795,500 gpd peak month have been authorized in the event that augmentation for irrigation is necessary. There are no new Upper Floridan aquifer quantities.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, perform meter accuracy tests every five years and submit meter accuracy tests reports, record and report irrigation reports, ensure that the total withdrawal from groundwater withdrawals does not exceed the total withdrawal from re-pump surface withdrawals, maximize surface water usage prior to augmenting the ponds, implement water conservation and best management practices, 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

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

a. **Consideration of Final Order – Long Bar Pointe, LLLP V. Lake Flores, LLC and Southwest Florida Water Management District – Case No. 17-5609 – Environmental Resource Permit No. 49042599.001 – Manatee County**

On December 8, 2016, Lake Flores, LLC, applied to the District for an Environmental Resource Permit requesting conceptual approval for the construction of a surface water management system designed to serve a 1,274-acre mixed-use project in Manatee County. The District issued a Notice of Intended Agency Action on July 28, 2017, to approve the Application and issue the Permit. The Notice of Intended Agency Action provides any substantially affected party with the right to file a petition for administrative hearing to challenge the proposed issuance of the Permit.

The owner of the property adjacent to the Project, Long Bar Pointe, LLLP, timely filed a petition for administrative hearing with the District on September 29, 2017. District staff referred the Petition to the Division of Administrative Hearings to conduct all necessary

and formal administrative proceedings relating to the Permit challenge. However, the parties entered into settlement negotiations prior to the final administrative hearing and agreed to return the file to the District to be held in abeyance pending modification of the Application prior to issuance.

The modifications to the Application include changes to the surface water management system design, revised construction plans, updated drainage modeling, and a request to authorize construction of Phase I of the Project. District staff reviewed the proposed changes and supporting information and determined that the modified Application meets the criteria for issuance of an Environmental Resource Permit established in Chapter 373, Part IV, Florida Statutes and Chapter 62-330, Florida Administrative Code.

In order to resolve the issues raised in the Petition, the District issues a Final Order that contains findings of fact and conclusions of law regarding the issues raised in this administrative proceeding. District staff recommend approval of the Final Order and the modified Application, which authorize conceptual approval of the Project and construction of the surface water management system designed to serve Phase I of the Project (collectively, the Permits). The Governing Board's entry of the Final Order will also dismiss Long Bar Pointe's Petition and conclude this administrative proceeding.

Staff Recommendation:

Approve and enter Final Order SWF 20-005 to issue Environmental Resource Permit Nos. 49042599.001-002 and dismiss Long Bar Pointe, LLLP's Petition for Administrative Hearing.

14. Rulemaking – None

Executive Director's Report

15. Approve Governing Board Minutes – January 28, 2020

Staff Recommendation:

Approve the minutes as presented.

RESOURCE MANAGEMENT COMMITTEE (TAB C)
--

Discussion

16. Consent Item(s) Moved for Discussion

17. Withlacoochee Regional Water Supply Authority Update

The purpose of this item is to provide the Board with an overview of regional water supply activities of the Withlacoochee Regional Water Supply Authority (Authority).

Suzannah Folsom, Executive Director of the Authority, will update the Board regarding the status of the Authority's water supplies, ongoing regional water conservation projects and vision for the future. The Authority recently updated their Regional Water Supply Plan (RWSP) to include an assessment of the region's existing and potential water sources, a review of water supply project options, and identification of conservation and water reuse opportunities that can assist in prolonging the availability of current water resources. In cooperation with the District, the Authority plans and provides for a cost-effective and environmentally sustainable water supply for the four-county region of Citrus, Hernando, Marion, and Sumter counties.

Staff Recommendation:

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

18. 2020 Central Florida Water Initiative Regional Water Supply Plan

The purpose of this item is to provide the Board with a review and status of the draft 2020 Central Florida Water Initiative (CFWI) Regional Water Supply Plan (RWSP) that is proposed for public release.

The CFWI is a collaborative water supply planning effort among the state's three largest water management districts, the Florida Department of Environmental Protection (FDEP), the Florida Department of Agriculture and Consumer Services (FDACS), regional utilities, business organizations, environmental groups, agricultural interests and other stakeholders. The CFWI Planning Area includes all of Orange, Osceola, Polk and Seminole counties and southern Lake County. The St. Johns River, South Florida and Southwest Florida water management districts share common boundaries within the Planning Area.

The CFWI mission is to help protect, develop, conserve and restore central Florida's water resources by collaborating to develop a unified process to address central Florida's current and long-term water supply needs. To assist in this effort, several guiding principles were established for the CFWI that provide direction on the process. The CFWI is led by a Steering Committee that includes a public water supply utility representative, a Governing Board member from each water management district, and representatives from FDEP and FDACS. The Steering Committee oversees the CFWI process and provides guidance to the technical teams and technical oversight/management committees. The Steering Committee has guided the technical and planning teams on development of the draft 2020 CFWI RWSP public release, which ensures the protection of water resources and related natural systems and identifies sustainable water supplies for all water uses within the CFWI Planning Area through 2040.

The draft 2020 CFWI RWSP is being presented to the CFWI Steering Committee and each Governing Board of the three water management districts prior to releasing the Plan for public review and comment. It is anticipated that the final version of the 2020 CFWI RWSP will be submitted to the Governing Boards of the respective water management districts for approval in late 2020.

Staff Recommendation:

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

19. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302, Florida Administrative Code, to Adopt a Reservation for Lake Hancock and Lower Saddle Creek

To request the Board initiate and approve rulemaking to amend Rule 40D-2.302, Florida Administrative Code (F.A.C.), to adopt a reservation for Lake Hancock and Lower Saddle Creek, and accept the report entitled: "Water Budget Evaluation for a Proposed Reservation for Lake Hancock and Lower Saddle Creek in Polk County, Florida, February 2020 Final Draft."

Section 373.223(4) of the Florida Statutes and Rules 62-40.410(3) and 62-40.474, F.A.C., provide a legal framework for establishing and implementing reservations. A reservation sets aside a defined quantity of water from consumptive use, i.e., from being included in a permitted withdrawal. The water management district governing boards or the Department of Environmental Protection are specifically authorized to reserve water from use by permit

applicants that in its judgment may be required for the protection of fish and wildlife or public health and safety. However, all presently existing legal uses of water shall be protected so long as such use is not contrary to the public interest.

Rule 40D-2.302(2), F.A.C., provides that the Governing Board anticipates reserving from use water necessary to recover and protect the minimum flows and levels established for the Southern Water Use Caution Area (SWUCA). These reservations will be adopted on a case-by-case basis to address water that is developed through water resource development projects designed to achieve and maintain minimum flows and levels.

The Lake Hancock Lake Level Modification Project, completed in 2013, is one such water resource development project. The project involved replacing the P-11 water control structure near the outlet of Lake Hancock in Lower Saddle Creek and increasing the control elevation of the structure by 1.5 feet to store additional water in the lake during the wet season for release to Lower Saddle Creek and delivery to the Upper Peace River during the dry season to support recovery of minimum flows in the Upper Peace River.

Adoption of a rule reserving the water stored in Lake Hancock and released to Lower Saddle Creek for minimum flow recovery in the Upper Peace River is scheduled for 2020 on the District's Minimum Flows and Levels Priority List and Schedule.

District staff developed and used a water budget model to evaluate potential effects of the operation of the P-11 structure in accordance with the proposed reservation for water stored in Lake Hancock for subsequent release to Lower Saddle Creek. Based on projections associated with historical hydrologic data for a 38-year period, model results indicated the long-term average outflow from the lake is not affected by operations associated with the reservation, but as expected, the timing of outflows is influenced by wet-season storage of water in the lake and its release during the dry season. This storage and release in accordance with the proposed reservation resulted in substantial improvements in the number of days and the number of years minimum flows in the Upper Peace River were met during the model simulation period.

Model results also provided information concerning storage and release needs associated with compensating for previously documented sink losses from the Peace River that occur between Bartow and Fort Meade. In addition, simulations indicated that the increased water levels associated with storage of reserved water in Lake Hancock would support achievement of minimum levels established for the lake. Structure operations associated with the reservation and supporting minimum flow recovery in the Upper Peace River were also shown to: 1) not adversely affect the status of minimum flows established for the Middle and Lower Peace River, 2) protect withdrawals from the Lower Peace River by the Peace River Manasota Regional Water Supply Authority, and 3) not adversely affect flows to the Charlotte Harbor estuary.

District staff submitted a draft report on analyses supporting the recommended reservation to the Governing Board in November 2019. The draft report was subsequently subjected to an independent, scientific peer review by a two-member panel in November and December 2019. The voluntarily-conducted review included a field trip and meeting, teleconferences and a publicly accessible, internet-based forum set up by the District for panel communications, all of which were advertised in the Florida Administrative Register and facilitated in accordance with Florida's Government-in-the-Sunshine Law.

The peer review was completed in two phases. The first phase included the panel's development of an initial peer review report that included recommendations for changes to the documentation and analyses described in the District's draft reservation report. For the second phase of the review, District staff documented staff responses to the initial peer review report, completed additional technical analyses, updated the draft reservation report, and prepared a memorandum addressing outstanding peer review panel concerns. None of these actions required changes to the District's planned reservation rule language. Based on consideration of this information, the panel completed the second phase of their review through development of a final peer review report. In their final peer review report, the panel indicated that all their concerns have been addressed by the District.

In addition to the publicly-accessible, independent scientific peer review, the District facilitated stakeholder review by hosting a public workshop concerning the proposed reservation on January 8, 2020, in Lakeland. District staff have also met and corresponded with representatives of the Polk Regional Water Cooperative, Peace River Manasota Regional Water Supply Authority, Polk County, and individual stakeholders over the last several months. All comments and questions from the public workshop and other stakeholder input have been considered by staff.

The final peer review report and all stakeholder input have been included as appendices to an updated, final draft reservation report that describes the data, methods and models used to support the proposed reservation. This updated, final draft reservation report has been provided to the Governing Board under a separate cover. If received, additional stakeholder input provided since the final draft reservation report was completed will be submitted to the Board at the Governing Board meeting on February 25, 2020.

The proposed reservation addresses water stored in Lake Hancock and released to Lower Saddle Creek. Specifically, water stored within the lake below an elevation of 100.0 feet above the National Geodetic Vertical Datum of 1929 is reserved from use by permit applicants. In addition, water released from Lake Hancock to Lower Saddle Creek is reserved when any of the following thresholds in the Upper Peace River are not met at three U.S. Geological Survey streamflow gages: 17 cubic feet per second (cfs) at Bartow, 27 cfs at Fort Meade and 45 cfs at Zolfo Springs. The proposed reservation is consistent with all requirements identified for reservations in the Florida Statutes and Rules 62-40.410(3) and 62-40.474, F.A.C.

Proposed rule language for the reservation is included as an Exhibit. The Florida Statutes and Rules 62-40.410(3) and 62-40.474, F.A.C., dictate that reservations are subject to periodic review and revision with respect to changed conditions, with Rule 62-40.474, F.A.C., specifying that reservations are subject to review at least every five years. Upon adoption of the proposed reservation rule, the District will identify the reservation for review at five-year intervals on its next annual update of the Minimum Flows and Levels Priority List and Schedule.

The proposed reservation was developed to ensure that water stored in Lake Hancock and released to Lower Saddle Creek for the protection of fish and wildlife through recovery of minimum flows in the Upper Peace River is reserved from use by permit applicants. Adoption of the reservation rule will support the SWUCA Recovery Strategy and District water supply planning, water use permitting, and environmental resource permitting programs.

A statement of Estimated Regulatory Costs is not required as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory

costs in excess of \$200,000 within one year of implementation.

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

Staff Recommendation:

- 1) Accept the report entitled "Water Budget Evaluation for a Proposed Reservation for Lake Hancock and Lower Saddle Creek in Polk County, Florida, February 2020 Final Draft."
- 2) Authorize the initiation of rulemaking and approve the proposed rule language for the adoption of an amendment to Rule 40D-2.302, F.A.C., to establish a reservation for Lake Hancock and Lower Saddle Creek.
- 3) Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.

Submit & File Reports – None

Routine Reports

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

20. Minimum Flows and Levels Status Report
21. Significant Water Resource and Development Projects

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)
--

Discussion

22. Consent Item(s) Moved for Discussion

23. Legislative Update

District staff are tracking activities during the current Legislative session, especially focusing on proposed legislation that could impact the water resources or District activities. Because of the rapidly changing nature of activities during session, any information available at the time of publishing this document could be out of date by the time of the Governing Board meeting.

To ensure that Governing Board members have the most recent information, Government and Community Affairs Office Chief Cara Martin provides a written weekly update each Monday. Staff are available to answer any additional questions.

Staff Recommendation:

This item is submitted for the Board's information; no action is required.

Submit & File Reports

24. Association of Inspectors General Peer Review of the Office of Inspector General
25. District Performance Measures

Routine Reports

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

- 26. **Monthly Financial Statement**
- 27. **Treasurer's Report and Payment Register**
- 28. **Monthly Cash Balances by Fiscal Year**
- 29. **Comprehensive Plan Amendment and Related Reviews Report**

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

- 30. **Consent Item(s) Moved for Discussion**

Submit & File Reports

- 31. **Hydrologic Conditions Report**

Routine Reports

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

- 32. **Significant Activities**
- 33. **Structure Operations**
- 34. **Surplus Lands Update**

REGULATION COMMITTEE (TAB F)**Discussion**

- 35. **Consent Item(s) Moved for Discussion**

- 36. **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.

- 37. **Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update**
- 38. **Overpumpage Report**
- 39. **Individual Permits Issued by District Staff**

GENERAL COUNSEL'S REPORT (TAB G)**Discussion**40. Consent Item(s) Moved for Discussion

Submit & File Reports – None

Routine Reports

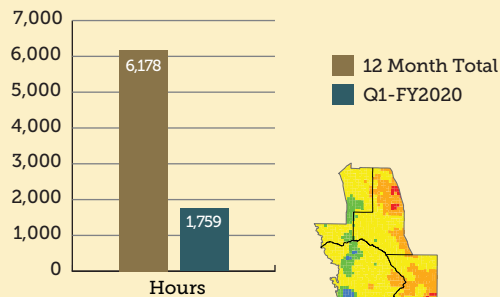
The following items are provided for the Committee's information, and no action is required.

41. February 2020 Litigation Report42. February 2020 Rulemaking Update**COMMITTEE/LIAISON REPORTS (TAB H)**43. Environmental Advisory Committee44. Industrial Advisory Committee45. Public Supply Advisory Committee**EXECUTIVE DIRECTOR'S REPORT (TAB I)**46. Executive Director's Report**CHAIR'S REPORT (TAB J)**47. Chair's Report48. Employee Milestones**ADJOURN PUBLIC MEETING**

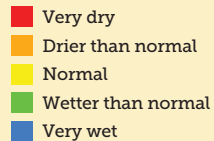
ADJOURNMENT

OPERATIONS, LANDS AND RESOURCE MONITORING

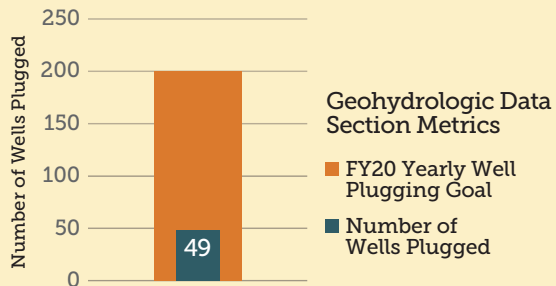
Volunteer Hours



RAINFALL DISTRIBUTION Feb 2019 – Jan 2020



QWIP Wells Plugged For Fiscal Year 2020



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Monthly Dashboard January 2020

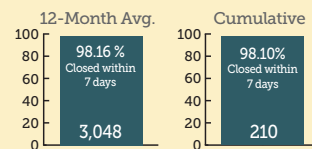


\$365.1 million
(current budget)

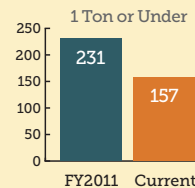
Days Without an At-Fault Accident: 60
Days Without a Lost-Time Injury: 87

MANAGEMENT SERVICES

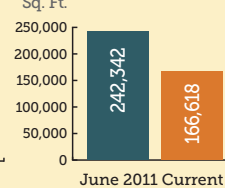
Public Records Requests



Fleet

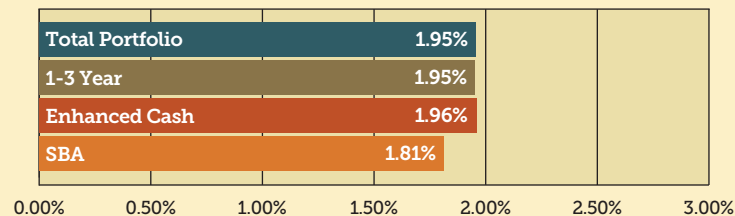


Office Space



FINANCE

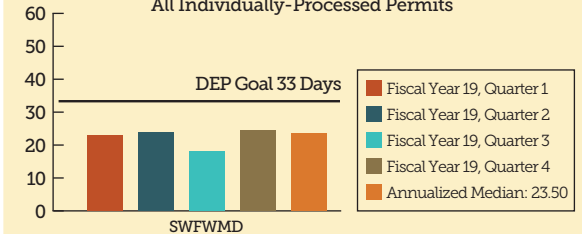
Total Return on Investments - (Yield to Maturity at Cost)



REGULATION

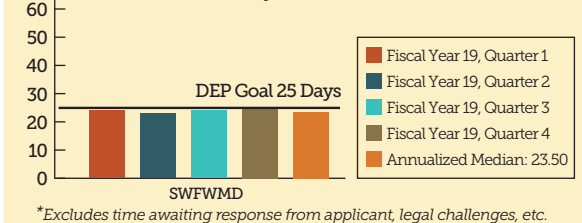
Consumptive Use Permitting

*Active Staff Processing Time,
All Individually-Processed Permits



Environmental Resource Permitting

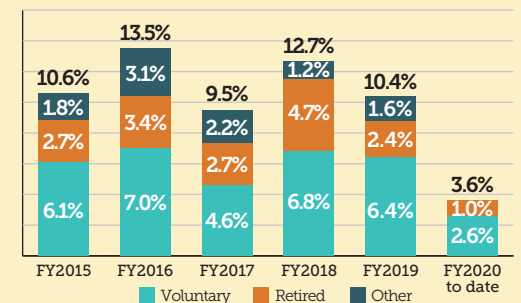
*Active Staff Processing Time,
All Individually-Processed Permits



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

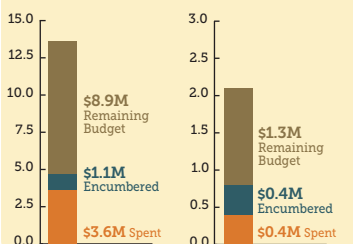
EMPLOYEE & EXTERNAL RELATIONS

Annual Percent Turnover

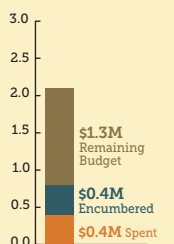


FINANCIAL SUMMARY

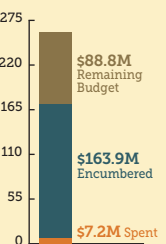
Regulation Budget \$13.6M



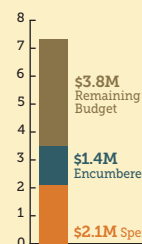
General Counsel Budget \$2.1M



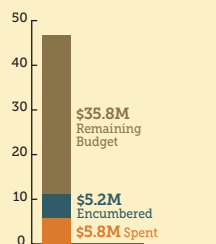
Resource Management Budget \$259.9M



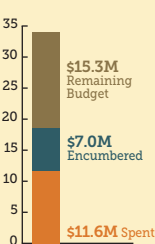
Emp. & Ext. Relations Budget \$7.3M



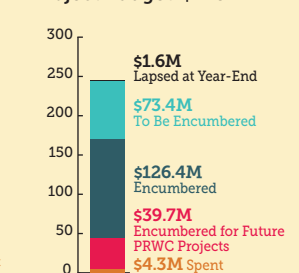
Operations, Lands & Resource Monitoring Budget \$46.8M



Management Services Budget \$33.9M

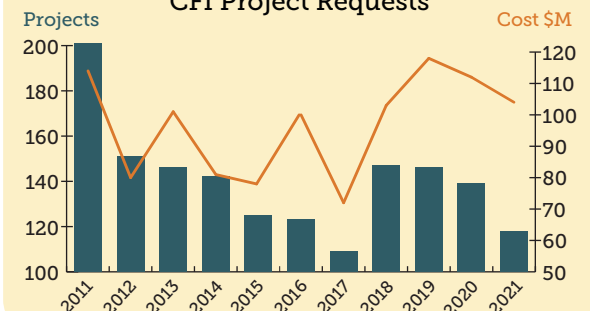


Total Number of Projects: 339 Resource Management Project Budget: \$245.4M



RESOURCE MANAGEMENT

CFI Project Requests



Governing Board Meeting

February 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. **Employee Recognition**

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

- 20 years – Jamison Janke, Senior Professional Engineer
- 25 years – Joseph Quinn, Water Supply Project Manager
- 30 years – Karen Frazier, Accounts Payable Lead

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

February 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.

Resource Management Committee

- 6. 2020 Florida Department of Transportation Mitigation Program Annual Plan6
- 7. Facilitating Agricultural Resource Management Systems (FARMS) Program Governing Board Policy.....25

Finance/Outreach & Planning Committee

- 8. Authorization to Dispose of Equipment35
- 9. Florida Department of Highway Safety and Motor Vehicles Audit36
- 10. 2020 Consolidated Annual Report47
- 11. Budget Transfer Report48

Operations, Lands and Resource Monitoring Committee - None

Regulation Committee

- 12. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20005013.009 – North Patrick Grove / Alico, Inc. (Polk County)50
 - b. WUP No. 20007332.007 – Ft. Green Farm / South Ft. Meade Land Management, Inc. (Hardee County).....64
 - c. WUP No. 20009808.009 – University Park Country Club / University Park Community Association Inc., University Park Recreation District (Manatee and Sarasota counties) .76

General Counsel's Report

- 13. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Consideration of Final Order – Long Bar Pointe, LLLP V. Lake Flores, LLC and Southwest Florida Water Management District – Case No. 17-5609 – Environmental Resource Permit No. 49042599.001 – Manatee County91
- 14. Rulemaking – None

Executive Director's Report

- 15. Approve Governing Board Minutes – January 28, 2020136

RESOURCE MANAGEMENT COMMITTEE**February 25, 2020*****Consent Agenda*****2020 Florida Department of Transportation Mitigation Program Annual Plan*****Purpose***

To request the Governing Board approve the District's Florida Department of Transportation (FDOT) Mitigation Plan for 2020 as required by Florida Statutes (F.S. 373.4137).

Background

Section 373.4137, F.S., requires FDOT and any participating transportation authority to submit to the District a list of projects in its adopted work plan and an inventory of the habitat impacts of those projects. The inventory must also identify the anticipated mitigation needed to offset those impacts. If the District proposes to implement mitigation needed by FDOT or a participating transportation authority, the District must develop a plan that identifies the transportation projects and associated impacts for which FDOT or a participating transportation authority is purchasing mitigation services from the District. The Plan is submitted to the Governing Board for review and approval prior to submittal to the Florida Department of Environmental Protection by March 1.

The 2020 FDOT environmental impact inventory submitted by FDOT, includes projects proposed by the Turnpike Authority, and FDOT Districts 5 and 7. The permits for projects that are currently under review by the United States Army Corps of Engineers include 36.59 acres of projected wetland impacts. Listed in the table below are the permit application numbers and the existing District FDOT Mitigation Sites identified for mitigation of the projected wetland impacts. The District's draft FDOT Mitigation Plan for 2020 includes these four projects.

Permit Number	FM Number	Acres of Impacts	Proposed Mitigation Site
SAJ-2019-01945	4327342	8.18	Conner Preserve
SAJ-2019-02829	4410832	0.51	Bahia Beach Preserve
SAJ-2016-02954	4245012	0.94	Bahia Beach Preserve
SAJ-2019-04439	4358592	26.96	Colt Creek State Park

Staff Recommendation:

Approve the District's 2020 Florida Department of Transportation Mitigation Plan.

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

DRAFT 2020 FDOT Mitigation Plan

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



Conner Preserve, Pasco County

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Table 1: FDOT Roadway Improvement Project Permit Applications	Page 4
FDOT Mitigation Site Details	Page 5
SW78 Bahia Beach Preserve	Page 8
SW77 Conner Preserve	Page 11
SW84 Colt Creek State Park	Page 14
Appendix 1: Florida Statute 373.4137 Mitigation Requirements for Specified Transportation Projects.	Page 15

Contact Information

Any questions regarding the FDOT Mitigation Program, may be directed to:

Philip Rhinesmith BKV-4-NSR
Southwest Florida Water Management District
Brooksville Headquarters
2379 Broad Street Brooksville, FL 34604-6899
1-800-423-1476 (Florida only) or (352) 796-7211 ext. 4266

INTRODUCTION

The 2020 FDOT Mitigation Plan format has been modified from previous versions to provide a concise summary of mitigation site information and FDOT roadway construction permits currently under review by the United States Army Corps of Engineers. For information that details project history at each of the Southwest Florida Water Management District's 32 mitigation sites, please refer to the 2019 or earlier versions of the annual plan. Each mitigation site description includes tables with current impact permits and mitigation information. Details on pre and post construction conditions at these sites can be reviewed in annual plans from 2002 through 2019.

New compensatory mitigation associated with FDOT roadway impact permits in 2020 are proposed at the following District mitigation sites: SW-78 Bahia Beach, SW-84 Colt Creek, and SW-77 Conner Preserve. Table 1 includes information on the four (4) permits under review by the United States Army Corps of Engineers and Southwest Florida Water Management District mitigation sites where the wetland impact compensation is assigned.

Table 1: FDOT Roadway Project Permit Applications Currently Under Review by the United States Army Corps of Engineers

Permit Number	FM Number	Proposed Impacts Acres	Proposed Mitigation Site
SAJ-2019-02829	4410832	0.51	Bahia Beach Preserve
SAJ-2016-02954	4245012	0.94	Bahia Beach Preserve
SAJ-2019-01945	4327342	8.18	Conner Preserve
SAJ-2019-04439	4358592	26.96	Colt Creek State Park

FDOT MITIGATION SITE DETAILS

SW-78 BAHIA BEACH

Project Name	Bahia Beach Nature Preserve	Project Number	SW-78/D034
Project Type	Wetland Creation, Enhancement and Upland Enhancement		
Landowner	Hillsborough County	Management Entity	Hillsborough County/ Southwest Florida Water Management District
County	Hillsborough	Watershed	Tampa Bay Drainage
Water bodies	Tampa Bay	Water body Designations	SWIM Water Body
Project implementation status:		Monitoring and Perpetual Management	
Current Permit Applications Under Review-USACE/SFWWMD: 2			
S/T/R:		1/32S/18E	

IMPACT INFORMATION:

Basin	FM #	Project Name	Total Impacts Acres	ERP Permit	ACOE Permit
Tampa Bay	4410832	I-75/SR 93A	0.51	43004405.004	SAJ-2019-02829
Tampa Bay	4245012	I-275/SR 93	0.94	43042548.002	SAJ-2016-02954

MITIGATION INFORMATION:

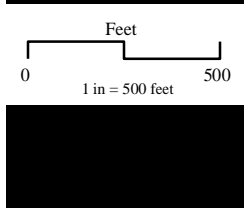
Habitat	Mitigation Type	Watershed	Acreage
Freshwater wetlands	Creation	Tampa Bay	36.33
Oligohaline wetlands	Creation	Tampa Bay	12.70
Mixed forested wetland	Creation	Tampa Bay	6.63
Forested Wetland	Enhancement	Tampa Bay	35.62

Saltmarsh	Enhancement	Tampa Bay	16.13
Mangrove	Enhancement	Tampa Bay	31.00
		Total:	138.41

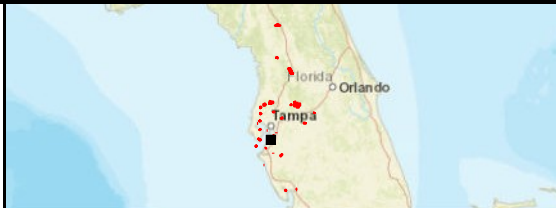
- A. Brief explanation of how this work serves to offset the impacts of the specified DOT project(s):** The Bahia Beach Nature Preserve mitigation site included several habitat improvements including freshwater and oligohaline wetland creation within an upland fallow field, enhancement of freshwater forested wetland hammock, and enhancement of salt marsh and mangroves. The site is currently under perpetual management and maintenance. These creation and enhancement activities provided functional gain for the above-mentioned habitat types within the Tampa Bay Basin. Two FDOT projects are currently being permitted with the proposed wetland impacts being offset at Bahia Beach. The I-75/SR 93A southbound rest area from the beginning to the end of the southbound ramp (FM 4410832) project will impact 0.51-acre of freshwater forested wetlands within the Little Manatee Basin. The I-275/SR 93 from south of Gandy Boulevard to north of 4th Street North (FM 4245012) project will impact 0.94-acre of saltwater forested wetlands within the Tampa Bay Basin.
- B. Brief explanation of why a mitigation bank was/was not chosen, in whole or in part, including a discussion of cost:** During the mitigation planning for FDOT projects, mitigation bank availability and cost are assessed by FDOT to determine the best method for offsetting impacts. In addition to determining whether appropriate mitigation bank credits are available (basin location, habitat type, etc.), a cost analysis is conducted.
- Impacts associated with the I-75/SR 93A Southbound Rest Area from the beginning to the end of the southbound ramp (FM 4410832) project are being offset at Bahia Beach due to the lack of appropriate mitigation bank credit type availability within the impact drainage basin. Impacts associated with the I-275 (SR 93) from south of Gandy Boulevard to north of 4th Street North (FM 4245012) project are being partially offset by Bahia Beach for saltwater forested impacts, while the saltwater herbaceous impacts are being offset at a mitigation bank.
- C. Brief explanation of why a SWIM project was/was not chosen as mitigation, in whole or in part, including a discussion of cost, if the anticipated impacts are located within a SWIM water body:** The Bahia Beach project is a SWIM-sponsored project adjacent to a SWIM water body (Tampa Bay), constructed on lands owned and managed by Hillsborough County.

PROJECT IMPLEMENTATION	
• Design and Permitting:	2003-2010
• Construction:	2012-2013
• Monitoring:	2014 (time zero), 2015-2019
• Maintenance:	2014-Present
• Perpetual Management:	2018
Entity responsible for construction: SWFWMD	
Entity responsible for monitoring and maintenance: SWFWMD	

Entity responsible for perpetual management: Hillsborough County Parks & Conservation Land Management is responsible for county lands and/or private contractor selected by SWFWMD for FDOT site.
Cost for 2019 monitoring: \$43,152.00
Cost for 2019 maintenance: \$73,140.00
Total Cost for FDOT Mitigation Including 2019 M&M: \$1,918,476.97



BAHIA BEACH PRESERVE (SW-78)
SWFWMD
HILLSBOROUGH COUNTY, FLORIDA



LOCATION MAP

SW-77 CONNER PRESERVE

Project Name	Conner Preserve	Project Number	SW-77/D033
Project Type	Wetland and Upland Enhancement		
Landowner	Southwest Florida Water Management District	Management Entity	Southwest Florida Water Management District
County	Pasco	Watershed	Upper Coastal Drainage and Hillsborough River
Water bodies	Five Mile Creek	Water body Designations	None
Project implementation status:		Monitoring and Perpetual Management	
Current Permit Applications Under Review-USACE/SWFWMD: 1			
S/T/R:		11,12,13,14,23,24/25S/18E;7,8,17,18,19/25S/19E	

IMPACT INFORMATION:

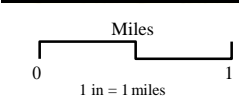
Basin	FM #	Project Name	Total Impacts Acres	ERP Permit	ACOE Permit #
Upper Coastal	4327342	Overpass Road Interchange	8.18	43040738.011	SAJ-2019- 01945

MITIGATION INFORMATION:

Habitat	Mitigation Type	Watershed	Acreage
Basin swamp, dome swamp	Enhancement	Upper Coastal	482.82
Basin marsh, depression marsh	Enhancement	Upper Coastal	249.88
Basin swamp, dome swamp	Enhancement	Hillsborough River	207.28
Basin marsh, depression marsh, wet prairie	Enhancement	Hillsborough River	224.45
Total:			1164.43

- A. Brief explanation of how this work serves to offset the impacts of the specified DOT project(s):** Habitat enhancement consisted of land management activities including prescribed burns and nuisance and exotic species control. The site is currently under perpetual management and maintenance. These habitat enhancement activities provided functional gain for freshwater forested and freshwater herbaceous wetlands within the Hillsborough River and Upper Coastal Basins. One FDOT project is currently being permitted with the impacts being offset at Conner Preserve. FDOT's Overpass Road interchange from Old Pasco Road to Boyette Road (FM 4327342) will impact 8.30-acres of freshwater forested wetlands and 0.11-acre of freshwater herbaceous wetlands within the Hillsborough River Basin.
- B. Brief explanation of why a mitigation bank was/was not chosen, in whole or in part, including a discussion of cost:** During the mitigation planning for FDOT projects, mitigation bank availability and cost are assessed by FDOT to determine the best method for offsetting impacts. In addition to determining whether appropriate mitigation bank credits are available (basin location, habitat type, etc.), a cost analysis is conducted.
- Impacts to wetlands associated with FDOT's Overpass Road interchange from Old Pasco Road to Boyette Road (FM 4327342) are proposed to be fully offset by Conner Preserve due to mitigation bank credit availability and the cost analysis.
- C. Brief explanation of why a SWIM project was/was not chosen as mitigation, in whole or in part, including a discussion of cost, if the anticipated impacts are located within a SWIM water body:** At the time of selection, there were no SWIM sponsored projects proposed in the Upper Coastal or Hillsborough Basins that were appropriate for mitigation credit.

PROJECT IMPLEMENTATION	
• Land acquisition:	2003
• Design:	2004
• Construction/restoration:	2005-2010
• Monitoring:	2007-2008, 2012, 2014-2018
• Maintenance:	2011-2015
• USACE release letter submitted:	June 28, 2017
• Perpetual Management:	2016
Entity responsible for construction: SWFWMD	
Entity responsible for monitoring and maintenance: SWFWMD is responsible for FDOT site; however, quantitative monitoring will no longer be performed, and site will go into perpetual maintenance.	
Entity responsible for perpetual management: SWFWMD	
Cost for 2019 monitoring: \$0.00	
Cost for 2019 maintenance: \$5,291.00	
Total Cost for FDOT Mitigation Including 2019 M&M: \$791,190.63	



CONNOR PRESERVE (SW-77)
SWFWMD

PASCO COUNTY, FLORIDA



LOCATION MAP

SW-84 COLT CREEK STATE PARK

Project Name	Colt Creek State Park	Project Number	SW-84/D050
Project Type	Wetland preservation, creation, restoration and enhancement		
Landowner	Southwest Florida Water Management District and Trustees of the Internal Improvement Trust Fund	Management Entity	Florida Department of Environmental Protection/Southwest Florida Water Management District
County	Polk	Watershed	Withlacoochee and Hillsborough Rivers
Water bodies	Withlacoochee River, Gator Creek, Colt Creek	Water body Designations	Outstanding Florida Water (OFW)
Project implementation status:		Monitoring and Perpetual Management	
Current Permit Applications Under Review-USACE/SWFWMD: 1			
S/T/R:		5,6,8/26S/23E;17,18,19,20,29,30,31,32/25S/23E	

IMPACT INFORMATION:

Basin	FM #	Project Name	Total Impacts Acres	ERP Permit	ACOE Permit
Withlacoochee River	4358592	SR 50/SR 35	26.96	Application 795649	SAJ-2019-04439

MITIGATION INFORMATION:

Habitat	Mitigation Type	Watershed	Acreage
Phase II and Phase III	Restoration and Enhancement	Hillsborough River	581.96
Phase II and Phase III	Restoration and Enhancement	Withlacoochee River	2,053.23
		Total:	2,635.19

- A. Brief explanation of how this work serves to offset the impacts of the specified DOT project(s):** Existing onsite wetlands were enhanced through planting of desirable vegetation and creation of wetlands with planting and vegetation management. In addition, hydrologic enhancement activities involving strategically placed culverts, berm modifications, and ditch blocks were conducted. An Interconnected Pond Routing (ICPR) flow model was utilized to predict recovery within onsite wetlands with regards to hydrologic functions such as storage and conveyance. This hydrologic enhancement provided functional gain for freshwater forested and freshwater herbaceous wetlands

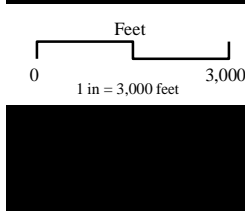
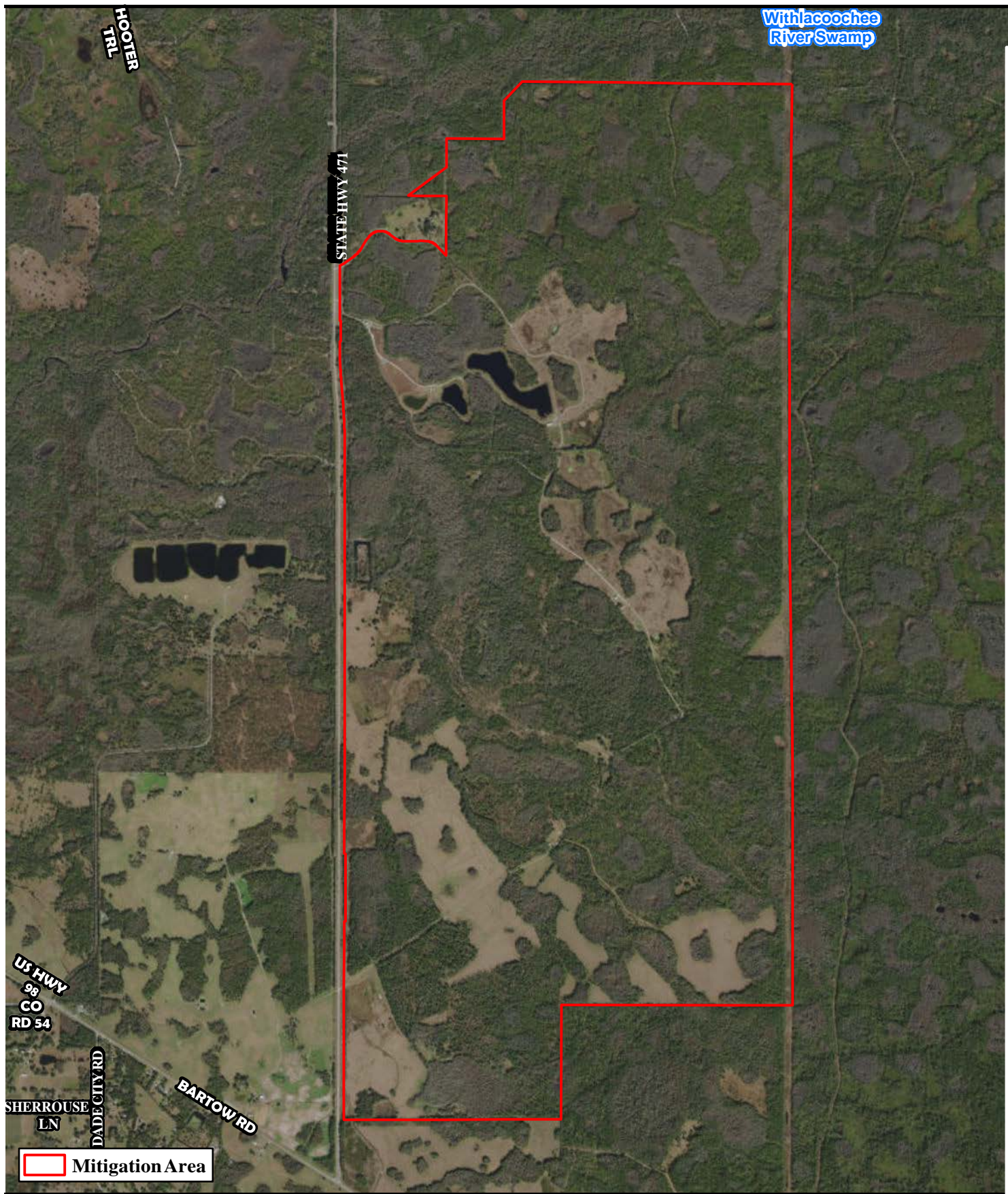
within the Hillsborough River and Withlacoochee River Basins. This site is currently under perpetual management and maintenance. FDOT's State Road 50 from State Road 35 (US 301) to the Hernando/Sumter County Line (FM 4358592) will impact 26.09-acres of freshwater forested wetlands and 0.12-acre of freshwater herbaceous wetlands within the Withlacoochee River Basin.

- B. Brief explanation of why a mitigation bank was/was not chosen, in whole or in part, including discussion of the cost:** During the mitigation planning for FDOT projects, mitigation bank availability and cost are assessed by FDOT to determine the best method for offsetting impacts. In addition to determining whether appropriate mitigation bank credits are available (basin location, habitat type, etc.), a cost analysis is conducted.

Wetland impacts associated with FDOT's State Road 50 from State Road 35 (US 301) to the Hernando/Sumter County Line (FM 4358592) are proposed to be offset at Colt Creek due to mitigation bank credit availability and the cost analysis.

- C. Brief explanation of why a SWIM project was/was not chosen as mitigation, in whole or in part, including a discussion of cost, if the anticipated impacts are located within a SWIM water body:** During the mitigation selection period, there were no new SWIM-associated projects proposed in the Hillsborough or Withlacoochee basins.

PROJECT IMPLEMENTATION	
Phase I-Wetland Preservation	
• Land Acquisition:	June 2006
Phase II -Wetland Creation and Restoration	
• Construction and Planting:	2010-2015
• Monitoring:	2014-2017
• Maintenance:	2015-2017
• Perpetual Management:	Ongoing
Phase III - Wetland Enhancement	
• Design & Permitting:	2013-2014
• Construction:	2015-2016
• Monitoring:	2014-2019
• Maintenance:	2015-2017
• Perpetual Management:	Ongoing
Entity responsible for construction: SWFWMD	
Entity responsible for monitoring and maintenance: SWFWMD	
Entity responsible for perpetual management: FDEP and private contractors selected by SWFWMD for FDOT site.	
Cost for 2019 monitoring: \$41,885.13	
Cost for 2019 maintenance: \$21,632.52	
Total Cost for FDOT Mitigation Including Land Acquisition and 2019 M&M: \$8,960,354.99	



COLT CREEK STATE PARK (SW-84)
SWFWMD

POLK COUNTY, FLORIDA



LOCATION MAP

Appendix 1. Florida Statute 373.4137 Mitigation Requirements for Specified Transportation Projects.

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the use of mitigation banks and any other mitigation options that satisfy state and federal requirements in a manner that promotes efficiency, timeliness in project delivery, and cost-effectiveness.

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 shall be developed as follows:

(a) By July 1 of each year, the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349 which chooses to participate in the program, shall submit to the water management districts a list of its projects in the adopted work program and an environmental impact inventory of habitat impacts and the anticipated mitigation needed to offset impacts as described in paragraph (b). The environmental impact inventory must be based on the rules adopted pursuant to this part, s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and the Department of Transportation's plan of construction for transportation projects in the next 3 years of the tentative work program. The Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 may also include in its environmental impact inventory the habitat impacts and the anticipated amount of mitigation needed for any future transportation project. The Department of Transportation and each transportation authority established pursuant to chapter 348 or chapter 349 may fund any mitigation activities for future projects using current year funds.

(b) The environmental impact inventory must include a description of habitat impacts, including location, acreage, and type; the anticipated mitigation needed based on the functional loss as determined through the uniform mitigation assessment method adopted by the Department of Environmental Protection by rule pursuant to s. 373.414(18); identification of the proposed mitigation option; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a list of threatened species, endangered species, and species of special concern affected by the proposed project.

(c) Before projects are identified for inclusion in a water management district mitigation plan as described in subsection (4), the Department of Transportation must consider using credits from a permitted mitigation bank. The Department of Transportation must consider the availability of suitable and sufficient mitigation bank credits within the transportation project's area, the ability to satisfy commitments to regulatory and resource agencies, the availability of suitable and sufficient mitigation purchased or developed under this section, the ability to complete suitable existing water management district or Department of Environmental Protection mitigation sites initiated with Department of Transportation mitigation funds, and the ability to satisfy state and federal requirements, including long-term maintenance and liability.

(3)(a) To implement the mitigation option identified in the environmental impact inventory described in subsection (2), the Department of Transportation may purchase credits for current and future use directly from a mitigation bank, purchase mitigation services through the water management districts or the Department of Environmental Protection, conduct its own mitigation, or use other mitigation options that meet state and federal requirements. Funding for the identified mitigation option as described in the environmental impact inventory must be included in the Department of Transportation's work program developed pursuant to s. 339.135. The amount

programmed each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 must correspond to an estimated cost to mitigate for the functional loss identified in the environmental impact inventory described in subsection (2).

(b) Each transportation authority established pursuant to chapter 348 or chapter 349 which chooses to participate in this program shall create an escrow account within its financial structure and deposit funds in the account to pay for the environmental mitigation phase of projects budgeted for the current fiscal year. The escrow account shall be maintained by the authority for the benefit of the water management districts. Any interest earnings from the escrow account must remain with the authority.

(c) For mitigation implemented by the water management district or the Department of Environmental Protection, as appropriate, the amount paid each year must be based on mitigation services provided by the water management districts or the Department of Environmental Protection pursuant to an approved water management district mitigation plan, as described in subsection (4). The water management districts or the Department of Environmental Protection, as appropriate, may request payment no sooner than 30 days before the date the funds are needed to pay for activities associated with development or implementation of permitted mitigation that meets the requirements of this part, 33 U.S.C. s. 1344, and 33 C.F.R. part 332, in the approved water management district mitigation plan described in subsection (4) for the current fiscal year. The projected amount of mitigation shall be reconciled each quarter with the actual amount of mitigation needed for projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's programming of funds shall be adjusted to reflect the mitigation as permitted. If the water management district excludes a project from an approved water management district mitigation plan, if the water management district cannot timely permit a mitigation site to offset the impacts of a Department of Transportation project identified in the environmental impact inventory, or if the proposed mitigation does not meet state and federal requirements, the Department of Transportation may use the associated funds for the purchase of mitigation bank credits or any other mitigation option that satisfies state and federal requirements. Upon final payment for mitigation of a transportation project as permitted, the obligation of the Department of Transportation or the participating transportation authority is satisfied, and the water management district or the Department of Environmental Protection, as appropriate, has continuing responsibility for the mitigation project.

(d) Beginning with the March 2015 water management district mitigation plans, each water management district or the Department of Environmental Protection, as appropriate, shall invoice the Department of Transportation for mitigation services to offset only the impacts of a Department of Transportation project identified in the environmental impact inventory, including planning, design, construction, maintenance and monitoring, and other costs necessary to meet the requirements of this section, 33 U.S.C. s. 1344, and 33 C.F.R. part 332. If the water management district identifies the use of mitigation bank credits to offset a Department of Transportation impact, the water management district shall exclude that purchase from the mitigation plan, and the Department of Transportation shall purchase the bank credits.

(e) For mitigation activities occurring on existing water management district or Department of Environmental Protection mitigation sites initiated with Department of Transportation mitigation funds before July 1, 2013, the water management district or the Department of Environmental Protection, as appropriate, shall invoice the Department of Transportation or a participating transportation authority at a cost per acre of \$75,000 multiplied by the projected acres of impact as identified in the environmental impact inventory. The cost per acre must be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. When implementing the mitigation activities necessary to offset the permitted impacts as provided

in the approved mitigation plan, the water management district shall maintain records of the costs incurred in implementing the mitigation. The records must include, but are not limited to, costs for planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332.

(4) Before March 1 of each year, each water management district shall develop a mitigation plan to offset only the impacts of transportation projects in the environmental impact inventory for which a water management district is implementing mitigation that meets the requirements of this section, 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management district mitigation plan must be developed in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, participating transportation authorities established pursuant to chapter 348 or chapter 349, other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks. In developing such plans, the water management districts shall use sound ecosystem management practices to address significant water resource needs and consider activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) projects and lands identified for potential acquisition for preservation, restoration, or enhancement, and the control of invasive and exotic plants in wetlands and other surface waters, to the extent that the activities comply with the mitigation requirements adopted under this part, 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management district mitigation plan must identify each site where the water management district will mitigate for a transportation project. For each mitigation site, the water management district shall provide the scope of the mitigation services; provide the functional gain as determined through the uniform mitigation assessment method adopted by the Department of Environmental Protection by rule pursuant to s. 373.414 (18); describe how the mitigation offsets the impacts of each transportation project as permitted; and provide a schedule for the mitigation services. The water management districts shall maintain records of costs incurred and payments received for providing these services. Records must include, but are not limited to, planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the extent moneys paid to a water management district by the Department of Transportation or a participating transportation authority are greater than the amount spent by the water management districts in providing the mitigation services to offset the permitted transportation project impacts, these moneys must be refunded to the Department of Transportation or participating transportation authority. The mitigation plan shall be submitted to the water management district governing board or its designee for review and approval. At least 14 days before approval by the governing board, the water management district shall provide a copy of the draft mitigation plan to the Department of Environmental Protection and any person who has requested a copy. Subsequent to the governing board approval, the mitigation plan shall be submitted to the Department of Environmental Protection for approval. The plan may not be implemented until it is submitted to, and approved in part or in its entirety by, the Department of Environmental Protection.

(a) Specific projects may be excluded from the mitigation plan, in whole or in part, and are not subject to this section upon the election of the Department of Transportation, a transportation authority if applicable, or the appropriate water management district. The Department of Transportation or a participating transportation authority may not exclude a transportation project from the mitigation plan if mitigation is scheduled for implementation by the water management district in the current fiscal year unless the transportation project is removed from the Department of Transportation's work program or transportation authority funding plan, the mitigation cannot be timely permitted to offset the impacts of a Department of Transportation project identified in the environmental impact inventory, or the proposed mitigation does not meet state and federal

requirements. If a project is removed from the work program or the mitigation plan, costs spent by the water management district before removal are eligible for reimbursement by the Department of Transportation or participating transportation authority.

(b) When determining which projects to include in or exclude from the mitigation plan, the Department of Transportation shall investigate using credits from a permitted mitigation bank before those projects are submitted for inclusion in a water management district mitigation plan. The Department of Transportation shall exclude a project from the mitigation plan if the investigation undertaken pursuant to this paragraph results in the conclusion that the use of credits from a permitted mitigation bank promotes efficiency, timeliness in project delivery, cost-effectiveness, and transfer of liability for success and long-term maintenance.

(5) The water management district shall ensure that mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33 C.F.R. part 332 are met for the impacts identified in the environmental impact inventory for which the water management district will implement mitigation described in subsection (2), by implementation of the approved mitigation plan described in subsection (4) to the extent funding is provided by the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349, if applicable. In developing and implementing the mitigation plan, the water management district shall comply with federal permitting requirements pursuant to 33 U.S.C. s. 1344 and 33 C.F.R. part 332. During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements upon notice and coordination with the Department of Transportation or participating transportation authority.

(6) The water management district mitigation plans shall be updated annually to reflect the most current Department of Transportation work program and project list of a transportation authority established pursuant to chapter 348 or chapter 349, if applicable, and may be amended throughout the year to anticipate schedule changes or additional projects that may arise. Before amending the mitigation plan to include new projects, the Department of Transportation must consider mitigation banks and other available mitigation options that meet state and federal requirements. Each update and amendment of the mitigation plan shall be submitted to the governing board of the water management district or its designee for approval. However, such approval shall not apply to a deviation as described in subsection (5).

(7) Upon approval by the governing board of the water management district and the Department of Environmental Protection, the mitigation plan shall satisfy the mitigation requirements under this part for impacts specifically identified in the environmental impact inventory described in subsection (2) and any other mitigation requirements imposed by local, regional, and state agencies for these same impacts. The approval of the governing board of the water management district and the Department of Environmental Protection authorizes the activities proposed in the mitigation plan, and no other state, regional, or local permit or approval is necessary.

(8) This section does not eliminate the need for the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 to comply with the requirement to implement practicable design modifications, including realignment of transportation projects, to reduce or eliminate the impacts of its transportation projects on wetlands and other surface waters as required by rules adopted pursuant to this part, or to diminish the authority under this part to regulate other impacts, including water quantity or water quality impacts, or impacts regulated under this part which are not identified in the environmental impact inventory described in subsection (2).

History.—s. 1, ch. 96-238; s. 36, ch. 99-385; s. 1, ch. 2000-261; s. 93, ch. 2002-20; s. 39, ch. 2004-269; s. 30, ch. 2005-71; s. 12, ch. 2005-281; s. 1, ch. 2009-11; s. 3, ch. 2012-174; s. 22, ch. 2014-223; s. 5, ch. 2016-11.

RESOURCE MANAGEMENT COMMITTEE

February 25, 2020

Consent Agenda

Facilitating Agricultural Resource Management Systems (FARMS) Program Governing Board Policy

Purpose

To request approval to repeal the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.) and replace the rule with the FARMS Program Governing Board Policy.

Background/History

The District's FARMS Program is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. In 2003 the Board approved the creation of the FARMS Program in the Shell, Prairie, and Joshua Creek (SPJC) watersheds and the Upper Myakka River Watershed (UMRW) to address agricultural runoff affecting downstream waterbodies. Shell and Prairie Creeks were listed as impaired by the Florida Department of Environmental Protection (FDEP) for parameters associated with mineralized groundwater used for agricultural irrigation within these watersheds. The City of Punta Gorda's public water supply reservoir is located at the downstream end of the SPJC and was negatively affected by the agricultural runoff. Similar issues were identified within the UMRW where excess runoff entering Flatford Swamp adversely affected natural hydroperiods and led to excessive tree mortality. The reimbursement program operated under a Governing Board approved Procedure 13-9. The procedure defined the purpose of the program, the criteria for project approval and cost-share rates, and the application process.

Due to the initial success of the Program, in 2004 the Board approved the expansion of the FARMS Program to include the entire Southern Water Use Caution Area (SWUCA) to assist in meeting the goals of the SWUCA Recovery Strategy. The program was expanded again in 2005 to cover the entire District. The Governing Board approved Procedure 13-9 updates on both occasions to include the newly expanded areas.

In 2008 the Governing Board approved the FARMS Rule, Chapter 40D-26, F.A.C. after receiving input from the Joint Administrative Procedures Committee of the Florida Legislature recommending the cost-share program operate under rule pursuant to Chapter 120, Florida Statutes (F.S.). The FARMS Rule was revised in 2009 to incorporate the Model Farms Economic Study which establishes reasonable costs associated with the implementation of various BMPs covered by the program.

The FARMS Rule was revised again in 2010 to include the Dover/Plant City Water Use Caution Area (DPCWUCA) to address resource concerns associated with the use of groundwater to protect crops during a freeze event. The FARMS Rule was further revised in 2015 to include the Most Impacted Area (MIA) of the SWUCA as a priority area to address saltwater intrusion occurring in this area. The Rule was revised most recently in 2017 to include the most recent update of the Model Farms Economic Study.

In 2009, Section 373.0363, F.S., regarding the Southern Water Use Caution Area (SWUCA) Recovery Strategy, was created. The FARMS Program was included within the SWUCA

Recovery Strategy as an initiative to be implemented by the District. Pursuant to the statute, the FARMS Program is not subject to the rulemaking requirements of Chapter 120, F.S. Though the Program has remained a rule, District staff has determined that replacing the rule with a Governing Board policy will afford the District more flexibility in amending the Program.

Benefits/Costs

From the inception of the FARMS Program in 2003, the total projected groundwater offset for the 203 Board approved projects is 28.5 mgd at an overall average cost-benefit of \$2.33 per thousand gallons offset. Total expenditures for these projects are \$72.2 million, with \$31.6 million (44 percent) coming from the District, \$32.1 million (44 percent) from participating agricultural producers/growers, and \$8.5 million (12 percent) coming from State appropriations and the Florida Department of Agriculture and Consumer Services (FDACS).

Staff have developed a Governing Board Policy (Policy) to replace the FARMS Rule (see exhibit). The Policy will eliminate unnecessary regulation and improve the implementation of the cost-share program. The Policy incorporates the existing FARMS operating procedures identified in the rule and also establishes several new criteria: 1) the Northern District strategic priorities and cost-share rates for those projects, 2) a reduction in the reimbursement rate for projects offsetting greater than 50% of their permitted groundwater from 75% to 50%; 3) requires FDACS BMP enrollment to participate in the FARMS Program. After receiving input from the Governing Board at the November 19, 2019 meeting, the Policy also establishes nutrient reduction BMPs as an eligible expense District-wide.

Staff Recommendation:

- 1) Approve repealing the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.) and replace the rule with the FARMS Program Governing Board Policy;
- 2) Authorize the Office of General Counsel to complete the steps necessary to repeal the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.).
- 3) Approve the Governing Board Policy for the Facilitating Agricultural Resource Management Systems (FARMS) Program

Presenter: Chris Zajac, FARMS Manager, Natural Systems and Restoration

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Facilitating Agricultural Resource Management Systems (FARMS) Program

Document Owner: Randy Smith, PMP, Natural Systems and
Restoration Bureau Chief

Approved By: Mark Taylor, Chair

Effective Date: 02/25/2020

Supersedes: New

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PURPOSE

This policy establishes procedures for implementing the Facilitating Agricultural Resource Management Systems (FARMS) Program and the requirements for obtaining funding assistance.

The FARMS Program is a public/private cost-share reimbursement program. The Program expedites water resource development and alternative water supply projects on agricultural properties by providing funding assistance to implement production-scale Best Management Practices (BMPs). The resource benefits anticipated include reduced Upper Floridan aquifer (UFA) withdrawals, water quality improvements in ground and surface water, conservation, restoration, and augmentation of the area's water resources and natural systems. The District's mission to protect water resources is reflected in the Program's five goals:

1. Improve surface water quality which has been impacted by groundwater withdrawals, with priority given to projects located in the Shell, Prairie, and Joshua Creek (SPJC) or Horse Creek watersheds;

GOVERNING DOCUMENT

Title: FARMS Program

Effective Date: 02/25/2020

Page 2 of 8

2. Conserve, restore or augment the water resources and natural systems in the Upper Myakka River Watershed (UMRW);
3. Reduce groundwater use in the Southern Water Use Caution Area (SWUCA);
4. Reduce groundwater use for Frost/Freeze Protection within the Dover/Plant City Water Use Caution Area (DPCWUCA);
5. Reduce Upper Floridan aquifer groundwater use and nutrient loading in the Northern District.

SCOPE

This policy applies to FARMS Program cost-share projects that are presented to the Governing Board for approval.

AUTHORITY

The FARMS Program is authorized by Section 373.705(3), Florida Statutes (F.S.), which states the District “shall fund and implement water resource development as defined in Section 373.019, F.S.”

Water resource development, in pertinent part, is “the formulation and implementation of regional water resource management strategies, including structural and nonstructural programs to protect and manage water resources, [and] the development of regional water resource implementation programs.” Section 373.019(24), F.S.

Additionally, the Governing Board is authorized to contract with private organizations and other entities pursuant to Section 373.083(1), F.S.

The FARMS Program is consistent with the District’s Regional Water Supply Plan as approved by the Governing Board pursuant to Section 373.036(1), F.S. Furthermore, the FARMS Program is a key management action in a number of other Governing Board-approved documents including: 1) *Shell, Prairie, and Joshua Creek Watershed Management Plan - Reasonable Assurance Documentation*; 2) *Dover/Plant City Water Use Caution Area Recovery Strategy*; and 3) *Southern Water Use Caution Area Recovery Strategy*.

DEFINITIONS

(1) “Agriculture” means the science and art of production of plants and animals and includes aquaculture, horticulture, floriculture, viticulture, forestry, nurseries, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(2) “Best Management Practice” means a practice or combination of practices based on research, field-testing, and expert review, to be the most practicable on-location means, including economic and technological considerations, for improving water conservation and quality in agricultural discharges. BMPs for agricultural discharges shall reflect a balance between water resource improvements and agricultural productivity.

(3) “District” means the Southwest Florida Water Management District.

(4) “Eligible Costs” means the costs for equipment procured in accordance with the terms of the contractual agreement between the applicant and the District which are eligible for reimbursement.

(5) “Equipment” means the tangible items and components of a project including software and internet services for the first year of a project’s operation.

(6) “Model Farms Costs” means those estimated costs developed to identify reasonable costs

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associated with implementing various BMPs by a variety of agricultural operations as set forth in the Facilitating Agricultural Resource Management Systems (FARMS) Program Model Farms Economic Study – Final Report, March 2016.

(7) “Program” means the Facilitating Agricultural Resource Management Systems Program.

(8) “Project Area” means the land upon which the components of the BMPs are located and includes the land to be served by a project.

POLICY

The following guidelines apply to all FARMS projects.

FARMS PROJECT ELIGIBILITY CRITERIA

1. BMPs commonly implemented in eligible projects include, but are not limited to, internal surface water control, tailwater recovery, alternative source utilization, improved irrigation management decision support tools, frost-freeze protection alternatives, and precision nutrient application technology/management decision support tools. FARMS Program funding is available to agricultural operations that:
 - a. Are located within the jurisdictional boundaries of the District;
 - b. Are in compliance with all applicable federal, state, and local laws, rules, and regulations and all District-issued permits. A project shall not be eligible for funding if the project components are required by permit;
 - c. Have a District-issued water use permit;
 - d. Are consistent with the FARMS Program goals, as applicable, as listed above and further defined as follows:
 - i. Improve surface water quality which has been impacted by groundwater withdrawals, with priority given to projects located in the Shell, Prairie, Joshua, or Horse Creek watersheds. These projects must result in specific conductance water quality improvements for those agricultural operations currently using mineralized groundwater (defined as having a specific conductance in excess of 1000 uS/cm).
 - ii. Conserve, restore, or augment the water resources and natural systems in the UMRW. These projects must be located within the UMRW and propose improvements to natural systems and wetland functions with impacts from groundwater withdrawals.
 - iii. Reduce groundwater use in the SWUCA by implementing BMPs that result in a reduction in annual average daily UFA groundwater withdrawals within the District. No more than 5% of frost/freezing protection quantities authorized by a District Water Use Permit shall be used in calculating the amount of water no longer withdrawn from the UFA outside the DPCWUCA.
 - iv. Implement BMPs that result in a reduction in frost-freezing protection and/or annual average daily UFA groundwater withdrawals within the DPCWUCA.
 - v. Reduce Upper Floridan aquifer (UFA) groundwater use and nutrient loading in the District by implementing nutrient water quality

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improvements. Proposed nutrient reduction BMPs must be supported by accepted research-based water quality improvement investigations associated with each BMP measure.

- e. Result in a quantifiable, measurable water resource benefit that will be determined cooperatively between the applicant and District.
 - f. Implement BMPs that have a cost-benefit that equals or is less than currently accepted Model Farms Costs. The Model Farms Costs are designed to identify reasonable costs associated with implementing BMPs by a typical agricultural operation.
 - g. Have had funding assistance deferred by the United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS), Environmental Quality Incentives Program (EQIP) or similar program, if implementing irrigation system retrofits, conversions, or system upgrades. Only those water savings resulting from a decrease in inch-application rates for these types of projects will be used in the cost-benefit analysis. Irrigation retrofits will only be considered for the same crop type.
 - h. Applicant agrees to provide a minimum 25 percent funding contribution of total project costs for District funded FARMS projects. Thereby, a project that received or will receive funding assistance from other funding sources, including but not limited to the USDA-NRCS, EQIP or the Florida Department of Agriculture and Consumer Services (FDACS), must not exceed more than 75 percent of the total project cost reimbursed by all combined funding sources.
 - i. Utilize the Mobile Irrigation lab (MIL) services for FARMS projects that propose improved irrigation management decision support tools and for those projects proposing irrigation system retrofitting, conversions, or system upgrades. In the alternative, documentation must be provided to the District to demonstrate efficient irrigation water delivery in the existing system prior to the FARMS application being deemed complete. Although not required on all projects, participants are encouraged to receive an MIL evaluation prior to a FARMS application submittal in order to ascertain current operating conditions.
 - j. Enroll in the FDACS adopted agricultural BMPs program, through a Notice of Intent (NOI).
2. A project shall not be eligible for funding if the applicant previously received FARMS Program funds and construction of the funded project has not commenced.

COST SHARE FUNDING RATES

- 1. Program funding will be authorized by the Governing Board on a yearly basis, with no guarantee of funding availability. Consultant services, earthwork activities associated with drainage improvements or pond excavation, labor, other non-hardware costs, and other costs as determined by the District are not eligible for reimbursement; however, these costs may be used as an applicant's match in total project costs.

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2. Those projects that meet all required criteria and have been determined to provide the highest water resource benefits will be recommended for Board approval, on a first-come, first-served basis until funding is exhausted. When funding levels are such that projects must be prioritized, District staff will consider the following:
 - a. Whether the project is located within a Water Use Caution Area or other area that has been identified as a priority by the District.
 - b. The effectiveness of the project in terms of total reductions in groundwater withdrawals (including the UFA), water quality benefits as a result of reductions in groundwater withdrawals where the use of mineralized water or Springs Coast nutrient loads are being reduced, or improvements in natural system function in the UMRW.
 - c. Cost-benefit analysis.
3. The amount of funding to be provided for approved projects will be determined as follows:
 - d. Fifty percent (50%) maximum reimbursement of total project costs, not to exceed 100% of FARMS Eligible Costs when a project proposes:
 - i. Reducing groundwater withdrawals from the UFA;
 - ii. An existing irrigation system upgrade or retrofit that reduces groundwater withdrawals;
 - iii. An improvement to ground or surface water quality impacted by mineralized groundwater withdrawals from any aquifer system;
 - iv. An improvement to natural system functions in the UMRW;
 - v. A reduction in nutrient loading in ground and/or surface water;
 - vi. A reduction in UFA groundwater withdrawals over the project area through the use of reclaimed water;
 - vii. Reducing withdrawals from any combination of ground, surface, or reclaimed water resources.
 - e. Seventy five percent (75%) maximum reimbursement of total project costs, not to exceed 100% of FARMS Eligible Costs when a project proposes:
 - i. A reduction in groundwater withdrawals from the UFA and the improvement of water quality in surface water impacted by mineralized ground water;
 - ii. A reduction in groundwater withdrawals and the improvement of natural systems in the UMRW;
 - iii. A reduction in UFA frost/freeze protection withdrawals authorized by a District Water Use Permit from the UFA within the DPCWUCA;
 - iv. A reduction in groundwater withdrawals from the UFA and a reduction in nutrient loading.

APPLICATION PROCEDURE

1. The District will provide a FARMS Funding Application to all interested persons and entities within the District.

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2. As a part of the application process, the District Project Manager and other appropriate representatives will conduct a site visit to discuss project feasibility with the applicant.
3. Applicants will submit a complete FARMS Funding Application signed by the property owner or authorized agent to the FARMS Program Manager. Applications for leased property shall be a joint application signed by the lessee and property owner (or authorized agents). If there are multiple owners, all owners (or authorized agents) shall sign the application or sign an affidavit indicating that they join in the application. In the case of a lessee applicant, a copy of a signed and executed lease agreement between the lessee and the property owner shall be submitted with the application that shows a lease term longer than the combined construction and operational time frames expected under the FARMS "Cooperative Funding Agreement".
4. Applications will be accepted any time during the fiscal year; however, funding is limited and complete applications for projects will be recommended only as long as funding is available and is subject pursuant to "Cost Share Funding and Rates", conditions above.
5. The assigned District Project Manager will evaluate each application and recommendations may be provided to an applicant to enhance a project's effectiveness. Applications which cannot be directly implemented by the applicant generating the request or their agent, or proposals which do not significantly, or cost effectively benefit water resource goals (as defined above) will not be approved.
6. The final decision regarding the funding of specific FARMS projects is the exclusive authority of the Governing Board. All requests for FARMS cost-share funding will be reviewed by the Governing Board.
7. Following Governing Board approval, applicants will be required to sign a cooperative funding agreement with the District, approved by the District's Office of General Counsel, which sets forth, at a minimum, the scope of work, contract duration, performance measures, Water Use Permit implications, operational and maintenance responsibilities, indemnification, and funding amount. The cooperative funding agreement will be executed by all property owners and, if applicable, all lessees.

CONTRACTUAL REQUIREMENTS

1. A current template of the FARMS "Cooperative Funding Agreement" will be provided to the applicant during the application process.
2. All approved applicants will be required to enter into a FARMS "Cooperative Funding Agreement" with the District. A draft of the project specific FARMS "Cooperative Funding Agreement" will be provided to the applicant at such time as the application is deemed complete for approval.
3. The FARMS Program applicant will be required to modify their Water Use Permit to reflect the project as provided for in the contract.
4. The applicant is required to fulfill the obligations under the terms and conditions agreed to in an executed "Cooperative Funding Agreement" between the District and applicant.

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EXCEPTIONS TO PROCEDURE

Exceptions to this procedure may be reviewed by the Executive Director and presented to the Governing Board for approval on a project specific basis. The Governing Board has sole authority to approve an exception to this procedure.

DISTRIBUTION

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

REFERENCES

FARMS Program Funding Application – District Form LEG-R.022.02 (8/10)

Cooperative Funding Agreement Template

Model Farms Economic Study – Final Report, March 2016

REVIEW PERIOD

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

GOVERNING DOCUMENT**Title: FARMS Program****Effective Date: 02/25/2020****Page 8 of 8****DOCUMENT DETAILS**

Document Name	Facilitating Agricultural Resource Management Systems (FARMS) Program
Formerly Known As	Chapter 40D-26 Facilitating Agricultural Resource Management Systems Program
Document Type	Policy
Author(s)	Chris Zajac
Reviewing Stakeholder(s)	
Document Owner Name	Randy Smith, PMP
Document Owner Title	Natural Systems and Restoration Bureau Chief
Review Period (in days)	730
Span of Control	Governing Board
Supersedes Date	New
Effective Date	

APPROVAL

Mark Taylor
Chairman

Date

FINANCE/OUTREACH & PLANNING COMMITTEE

February 25, 2020

Consent Agenda

Authorization to Dispose of Equipment

Purpose

The purpose of this item is to request authorization to dispose of surplus tangible personal property (one John Deere loader) pursuant to Board Policy 150-2.

Background/History

The John Deere loader (unit 2061) was purchased in 2005 for maintaining District conservation lands, specifically moving dirt, rock, shell, and debris from properties within the District.

Benefits/Costs

In 2019, the District replaced the loader with unit 2158. This was a scheduled replacement due to the hours and age on unit 2061. Staff recommends sending the John Deere loader to auction with an estimated sale price of more than \$25,000. In compliance with Board Policy 150-2, tangible personal property with a current market value in excess of \$25,000 requires Board approval.

Staff Recommendation:

Staff recommends the Governing Board approve the disposition of one John Deere loader (unit 2061) through the auction process.

Presenters: Michelle Maxey, General Services Bureau Chief, and
Sean Fitzgerald, Fleet Services Manager

EXECUTIVE DIRECTOR'S REPORT

February 25, 2020

Consent Agenda

Florida Department of Highway Safety and Motor Vehicles Audit

Background and Purpose:

In accordance with the Office of Inspector General (OIG) Charter Governing Board Policy, Section 20.055, Florida Statutes, and the 2020 Audit Plan approved by the Board, the Inspector General shall conduct audits and prepare audit reports. This audit was conducted in accordance with the *Generally Accepted Government Auditing Standards* (Yellow Book).

On March 6, 2019, the Florida Department of Highway Safety and Motor Vehicles (DHSMV) executed a memo of understanding (MOU) with the District in order to receive a monthly file of District employee driver's license records from DHSMV. The MOU requires an audit of the District's internal controls protecting the unauthorized access, distribution, use, modification, or disclosure of DHSMV data. The period for this audit was March 6, 2019 to January 6, 2020.

The objectives of this audit were to:

- Evaluate management's performance in establishing and maintaining internal controls in accordance with applicable statutes, laws, rules, regulations, contracts, grant agreements, and other guidelines.
- Examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance to protect the unauthorized access, distribution, use, modification, or disclosure of DHSMV data, economic and efficient operations, reliability of records and reports, and the safeguarding of assets, and identify weaknesses in those controls.

Staff Recommendation:

Approve the Florida Department of Highway Safety and Motor Vehicle Audit

Presenter: Brian Werthmiller, Inspector General

OFFICE OF
INSPECTOR
GENERAL

Florida Department of Highway Safety and Motor Vehicles Audit

March 6, 2019 to January 6, 2020



Governing Board
February 25, 2020

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Seth Weigtmann
Pasco
Brian J. Armstrong, P.E.
Executive Director

February 25, 2020

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

Dear Mr. Taylor:

The Florida Highway Safety and Motor Vehicle Audit was performed pursuant to the Office of Inspector General's authority set forth in F.S. 20.055, the Office of Inspector General (OIG) Charter Governing Board Policy, and the Calendar Year 2020 Audit Plan approved by the Governing Board. The audit period was March 6, 2019 to January 6, 2020.

The OIG would like to thank the Directors for Management Services and Employee and External Relations and their staff for their cooperation and assistance throughout the audit. I respectfully submit to you, the final audit report which presents the results of this operational audit and was conducted in accordance with *Generally Accepted Government Auditing Standards* (Yellow Book). The District has already taken corrective action or is in the process of enacting measures for corrective action related to the recommendations in this report. The OIG will perform and submit a follow-up audit after all District corrective action has been completed.

Sincerely,

Brian Werthmiller, CPA, CIG
Inspector General

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

Attachment: Final Audit Report - DHSMV (4906 : Florida Department of Highway Safety and Motor Vehicles Audit)

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Florida Highway Safety and Motor Vehicles Audit

SUMMARY

This operational audit of the Southwest Florida Water Management District (District) focused on selected District processes and administrative activities over Florida Highway Safety and Motor Vehicles (DHSMV) information. The Office of Inspector General's (OIG) operational audit disclosed the following:

Finding 1: Controls over employee access privileges to DHSMV information need enhancement to ensure that assigned access privileges appropriately restrict employees to only those functions necessary for their assigned job responsibilities.

Finding 2: District records did not always evidence signed acknowledgements were maintained.

BACKGROUND

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

On March 6, 2019, DHSMV executed a MOU with the District in order to receive a monthly file of District employee driver's license records from DHSMV. The MOU requires an audit of the District's internal controls protecting the unauthorized access, distribution, use, modification, or disclosure of DHSMV information.

FINDINGS AND RECOMMENDATIONS

Finding 1: Access to DHSMV information

¹ Chapter 373, Florida Statutes.

Access controls are intended to protect data and information technology (IT) resources from unauthorized access, distribution, use, modification, or disclosure. Effective access controls provide employees access to IT resources based on a demonstrated need to view, change, add, or delete data. Further, effective access controls provide employees access privileges that restrict employees from performing incompatible functions or functions outside of their area of responsibility. Periodically reviewing the appropriateness of employee access privileges promotes good internal control and is necessary to ensure that employees cannot access IT resources that are incompatible with their assigned job responsibilities.

During the audit period, the District had 33 employees and 5 service accounts that had access to DHSMV information. The OIG's examination of District records supporting access to DHSMV information disclosed the following:

- 6 employees, including 5 employees from the Finance Department, had unnecessary access to DHSMV information. After audit inquiry, the District removed access to these 6 employees in January 2020.
- The District uses service accounts which can be accessed by multiple users. The Finance Department had a service account with unnecessary access to DHSMV information. After audit inquiry, the District removed the Finance Department's service account access to DHSMV information in January 2020. In addition, while the District indicated that the 4 remaining service accounts were necessary and accessible only by users with DHSMV information access, monitoring procedures were not used as a compensating control.

Documented periodic reviews of access to DHSMV information were not performed which can result in the existence of unnecessary access privileges and increased risk that unauthorized access, distribution, use, modification, or disclosure of DHSMV information could occur.

Recommendation: The District should enhance procedures to ensure that assigned access privileges to DHSMV information is restricted to employees with only those functions necessary for their assigned job responsibilities. To help monitor assigned access privileges to DHSMV information, the District should establish procedures to periodically review the appropriateness of such privileges to ensure that employees do not have access incompatible with their assigned job responsibilities. In addition, the District should monitor access to the DHSMV information on an ongoing basis.

Finding 2: Acknowledgements

The MOU with DHSMV provides that all personnel with access to DHSMV information maintain acknowledgements regarding the individual's understanding of the confidential nature of the

information and the civil and criminal sanctions specified in state and Federal law for unauthorized use.

During the audit period, the District had 33 employees that had access to DHSMV information. The OIG found that the District:

- Did not initially obtain acknowledgements for 29 employees, but subsequent to audit inquiry in January 2020, obtained the signed acknowledgements.
- Was not able to obtain signed acknowledgements for 4 employees due to these employees no longer being employed by the District.

Due to oversight, the District was not able to obtain all acknowledgements. The District should timely obtain acknowledgements to ensure those with access to DHSMV information understand the specific requirements per the MOU.

Recommendation: The District should enhance procedures to ensure that signed acknowledgements are maintained for all individuals with access to DHSMV information and those acknowledgements are obtained timely.

PRIOR AUDIT FOLLOW-UP

There are no prior findings to follow-up on.

OBJECTIVES, SCOPE, AND METHODOLOGY

The OIG conducted this operational audit for the period of March 6, 2019 to January 6, 2020 in accordance with *Generally Accepted Government Auditing Standards* (GAGAS). Those standards require that the OIG plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. The OIG believes that the evidence obtained provides a reasonable basis for findings and conclusions based on the audit objectives. In addition, the IG is independent per the GAGAS requirements for internal auditors.

The objectives of this operational audit were to:

- Evaluate management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, rules, regulations, contracts, grant agreements, and other guidelines.

- Examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance to protect the unauthorized access, distribution, use, modification, or disclosure of DHSMV information, economic and efficient operations, reliability of records and reports, and the safeguarding of assets, and identify weaknesses in those controls.

An audit by its nature does not include a review of all records and actions of entity management, staff, and vendors, and as a consequence, cannot be relied upon to identify all instances of noncompliance, fraud, waste, abuse, or inefficiency.

Professional judgment has been used in determining significance and audit risk and in selecting the particular transactions, legal compliance matters, records, and controls considered.

In conducting the audit for the period of March 6, 2019 to January 6, 2020, the OIG:

- Reviewed applicable statutes, policies, procedures and interviewed District staff to gain an understanding of the District's operations and internal controls over DHSMV information.
- Gained an understanding of the information systems involving DHSMV information.
- Evaluated the effectiveness of District policies and procedures relating to DHSMV information, to determine whether internal controls were designed properly and operating effectively.
- Determined whether the District had procedures in place for personnel to follow on DHSMV information.
- Determined whether the District had an approved data security procedure in place by a Risk Management IT Security Professional or above.
- From the population of 38 user accounts with access to DHSMV information for the period March 6, 2019 to January 6, 2020, examined District records for 15 user accounts to determine whether access was necessary, acknowledgements were obtained, reassigned employees were removed within 5 business days, and terminated employees were removed immediately if applicable.
- Communicated on an interim basis with applicable officials.
- Performed various other auditing procedures as necessary to accomplish the objectives of the audit.

Brian Werthmiller, CPA, CIG
Inspector General

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Brian J. Armstrong, P.E.
Executive Director

February 12, 2020

Mr. Brian Werthmiller, CPA, CIG
Inspector General
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604

Subject: Inspector General Audit Report - Florida Department of Highway Safety and
Motor Vehicles Audit

Mr. Werthmiller:

Thank you for taking the time to complete the Florida Department of Highway Safety and
Motor Vehicles Audit. We are in receipt of the results of the audit, which focuses on internal
controls over access to the Driver and Vehicle Information Database of the
Department of Highway Safety and Motor Vehicles (DHSMV).

We have finalized our review of the findings and recommendations. Please find our
responses listed below:

Finding #1 – Controls over employee access privileges to DHSMV information need
enhancement to ensure that assigned access privileges appropriately restrict employees to
only those functions necessary for their assigned job responsibilities.

- We agree with this finding. The OIG's examination of District records supporting access
to DHSMV information disclosed that 6 employees had unnecessary access to DHSMV
information. After audit inquiry, the District removed access to these 6 employees in
January 2020. The audit also disclosed a service account with unnecessary access to
DHSMV information. After audit inquiry, the District removed that service account's
access to DHSMV information in January 2020. We accept the recommendations in the
report, and we agree to conduct an annual review to ensure that assigned access
privileges to DHSMV information is restricted to employees who require that information
to function in their assigned job responsibilities.

Finding #2 – District records did not always evidence signed acknowledgements were
maintained.

- We agree with this finding. The MOU with DHSMV provides that all personnel with
access to DHSMV information maintain acknowledgements regarding the individual's
understanding of the confidential nature of the information and the civil and criminal
sanctions specified in state and federal law for unauthorized use. The audit report
disclosed that the 33 employees identified with access to DHSMV data had not
submitted acknowledgements to the District. After audit enquiry, the District obtained
acknowledgements from 29 employees. The remaining four identified with access were

Mr. Brian Werthmiller, Inspector General
Subject: Inspector General Report - DHSMV
Page 2
February 12, 2020

no longer employed by the District. We accept the recommendations in the report and will institute procedures to ensure that any individual that requires access to the data will sign an acknowledgement prior to those access privileges being granted.

Thank you for your services and recommendations.

Sincerely,



Brian J. Armstrong, P.G.
Executive Director

cc: John Campbell
Michael Molligan

FINANCE/OUTREACH & PLANNING COMMITTEE

February 25, 2020

Consent Agenda

2020 Consolidated Annual Report

Purpose

To seek Board approval for the District's 2020 Consolidated Annual Report (CAR).

Background/History

Section 373.036, Florida Statutes (F.S.), requires the water management districts to prepare a "Consolidated Water Management District Annual Report." The report must include the following:

1. The Water Management District Performance Measures Annual Report
2. The Minimum Flows and Levels Priority List and Schedule
3. The Minimum Flows and Levels/Water Quality Grade for Projects Report
4. The Annual Five-Year Capital Improvements Plan
5. The Alternative Water Supplies Annual Report
6. The Five-Year Water Resource Development Work Program
7. The Polk Regional Water Cooperative Status Report
8. The Florida Forever Work Plan
9. The Mitigation Donation Annual Report
10. The Strategic Plan 2020-2024 (updated February 2020) and Annual Work Plan

The legislation requires the report be submitted by March 1 of each year to the Governor, President of the Senate, Speaker of the House of Representatives and the Department of Environmental Protection (DEP). In addition, "copies must be provided to the chairs of all legislative committees having substantive or fiscal jurisdiction over the districts and the governing board of each county in the district having jurisdiction or deriving any funds for operations of the district. Copies of the consolidated annual report must be made available to the public, either in printed or electronic format."

Both the CAR and Strategic Plan were presented and discussed at the Board's January meeting.

Staff Recommendation:

Approve the 2020 Consolidated Annual Report and its transmittal.

Presenter: Trisha Neasman, Planning Lead

FINANCE/OUTREACH & PLANNING COMMITTEE

February 25, 2020

Consent Agenda

Budget Transfer Report

Purpose

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
January 2020

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Transfer Amount
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category	Reason For Transfer	
<u>Change from Original Budget Intent</u>				
1	Natural Systems & Restoration Consultant Services	Natural Systems & Restoration Equipment - Outside	Transfer of funds originally budgeted for contracted services for the collection of data in support of the third five-year assessment of the minimum flows recovery strategy established for the Lower Hillsborough River (LHR). The funds are being transferred to purchase water quality equipment for the data collection required for the LHR five-year assessment. Staff have determined it is more cost-effective for the District to purchase the equipment directly and collect the data in-house than through the contracted consultant.	19,566.00
2	Operations & Land Management Safety Supplies	Operations & Land Management Equipment - Outside	Transfer of funds originally budgeted for structure operations and maintenance safety supplies. Expenditures are projected to be less than anticipated. The funds are being transferred to purchase a confined space tri-pod used for inspection and repairs.	\$ 1,405.60
3	Regulatory Support Parts and Supplies	Regulatory Support Telephone and Communications	Transfer of funds originally budgeted for as-needed parts and supplies for Regulatory Support Bureau activities. Expenditures are projected to be less than anticipated. The funds are being transferred for a cell phone stipend, which was not previously budgeted, for a recently promoted manager of the Regulation Business Support section.	\$ 480.00
Total Change from Original Budget Intent				\$ 21,451.60
<u>Consistent with Original Budget Intent</u>				
1	Information Technology Other Contractual Services Software	Information Technology Other Contractual Services Software	Funds are needed for the original purpose budgeted for software implementation for the processing of biological data for the Resource Evaluation section. The funds are being transferred to the appropriate project code for better tracking of costs within the financial system.	\$ 40,165.00
2	Communications and Board Services Outreach Services	General Services Postage and Courier Services	Funds are needed for the original purpose budgeted for the Conservation Education Program. The funds are being transferred to the Document Services section to cover the cost of postage in support of the program for a mail-out effort for Citrus County and Bay Laurel utilities.	\$ 6,500.00
Total Consistent with Original Budget Intent				\$ 46,665.00
Total Transfers for Governing Board Ratification				\$ 68,116.60

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.

Attachment: 02-20 FOP-FIN Exhibit-BT Rpt JAN2020 (4884 : Budget Transfer Report)

REGULATION COMMITTEE

February 25, 2020

Consent Agenda

WUP No. 20005013.009 – North Patrick Grove/Alico, Inc. (Polk County)

This is a renewal of an existing water use permit for agricultural use. The use type has not changed. The permit authorizes an annual average quantity increase from 565,100 gallons per day (gpd) to 633,000 gpd, a drought annual average quantity increase from 728,700 gpd to 815,700 gpd, and a peak month quantity increase from 2,910,500 gpd to 3,308,300 gpd. The crop protection quantity remains 13,580,600 gpd. The authorized increase in quantities are distributed 15% to surface water and 85% to groundwater. The quantities are based on information provided by the Permittee and the District's irrigation allotment program, AGMOD. The increase in quantities is based on a change in crop plan from citrus to high density citrus. The Permittee is currently not connected to reclaimed water lines because the nearest lines are too far to be economically feasible. The proposed water used is located within the area of the Central Florida Water Initiative (CFWI) of the Southern Water Use Caution Area (SWUCA) and has been conditioned accordingly.

This application satisfies existing conditions for permit issuance because reasonable assurances have been provided that demonstrate that water resources, existing legal users, offsite land uses, and surface water and groundwater quality will not be adversely impacted. Additionally, documentation has been provided that demonstrates the request is necessary to fulfill a reasonable demand, conservation measures will be incorporated, and an evaluation of alternative water has been provided. The recommended permit duration is commensurate with the applicant's ability to satisfy conditions of permit issuance.

The CFWI is a collaborative regional water supply endeavor to protect, conserve, and restore water resources in the area by working to accomplish the goals presented in the Central Florida Water Initiative Guidance Document. These goals include crafting long-term water supply solutions for the Central Florida region. The CFWI effort may also result in specific regulatory requirements. While the scope and content of these regulatory requirements are unknown at this time, it is possible they may include requirements that are related to the Permittee's relative contribution to the water resource impact being addressed, the timing of permit issuance compared to other existing legal users, and/or include other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Therefore, this permit includes Special Conditions that provide specific notification that the permit may be modified during the term of the permit to address unanticipated harm or impacts to existing legal users that is occurring or is projected to occur from the Permittee's authorized withdrawal over the permit duration. Since this application is located within the CFWI area, it is necessary for the applicant to consider implementing the heightened water conservation requirements defined in the Special Conditions. The applicant is advised to carefully consider its infrastructure investments in light of the on-going Central Florida Water Initiative.

Other special conditions include those that require the Permittee to continue to record and report monthly meter readings from specified withdrawal points; submit annual crop reports, periodically have all meters calibrated, and investigate the use of alternative water supply when notified by the District.

Item 12a

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 005013.009**

PERMIT ISSUE DATE: February 25, 2020

EXPIRATION DATE: February 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: Alico, Inc.
10070 Daniels Interstate Court
Ft. Myers, FL 33913

PROJECT NAME: North Patrick Grove
WATER USE CAUTION AREA(S): SOUTHERN WATER USE CAUTION AREA
COUNTY: Polk

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

ANNUAL AVERAGE	633,000 gpd
PEAK MONTH ¹	3,308,300 gpd
DROUGHT ANNUAL AVERAGE ²	815,700 gpd
CROP PROTECTION/MAXIMUM ³	13,580,600 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.
3. Crop Protection/Maximum: Maximum use allowed any 24-hour period/Frost and Freeze protection of crops.

ABSTRACT:

This is a renewal of an existing water use permit for agricultural use. The use type has not changed. The permit authorizes an annual average quantity increase from 565,100 gallons per day (gpd) to 633,000 gpd, a drought annual average quantity increase from 728,700 gpd to 815,700 gpd, and a peak month quantity increase from 2,910,500 gpd to 3,308,300 gpd. The crop protection quantity remains 13,580,600 gpd. The authorized increase in quantities are distributed 15% to surface water and 85% to groundwater. The quantities are based on information provided by the Permittee and the District's irrigation allotment program, AGMOD. The increase in quantities is based on a change in crop plan from citrus to high density citrus. The Permittee is currently not connected to reclaimed water lines because the nearest lines are too far to be economically feasible. The proposed water use is located within the area of the Central Florida Water Initiative (CFWI) of the Southern Water Use Caution Area (SWUCA) and has been conditioned accordingly.

This application satisfies existing conditions for permit issuance because reasonable assurances have been provided that demonstrate that water resources, existing legal users, offsite land uses, and surface water and groundwater quality will not be adversely impacted. Additionally, documentation has been provided that demonstrates the request is necessary to fulfill a reasonable demand, conservation measures will be incorporated, and an evaluation of alternative water has been provided. The recommended permit duration is commensurate with the applicant's ability to satisfy conditions of permit issuance.

The CFWI is a collaborative regional water supply endeavor to protect, conserve, and restore water resources in the area by working to accomplish the goals presented in the Central Florida Water Initiative Guidance Document. These goals include crafting long-term water supply solutions for the Central Florida region. The CFWI effort may also result in specific regulatory requirements. While the scope and content of these regulatory requirements are unknown at this time, it is possible they may include requirements that are related to the Permittee's relative contribution to the water resource impact being addressed, the timing of permit issuance compared to other existing legal users, and/or include other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Therefore, this permit includes Special Conditions that provide specific notification that the permit may be modified during the term of the permit to address unanticipated harm or impacts to existing legal users that is occurring or is projected to occur from the Permittee's authorized withdrawal over the permit duration. Since this application is located within the CFWI area, it is necessary for the applicant to consider implementing the heightened water conservation requirements defined in the Special Conditions. The applicant is advised to carefully consider its infrastructure investments in light of the on-going Central Florida Water Initiative.

Other special conditions include those that require the Permittee to continue to record and report monthly meter readings from specified withdrawal points, submit annual crop reports, periodically have all meters calibrated, and investigate the use of alternative water supply when notified by the District.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>	<u>CROP PROTECTION /MAXIMUM</u>
Agricultural	633,000	3,308,300	815,700	13,580,600

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>
Citrus	468.00	Low Volume Spray	18.16"/yr.	26.21"/yr.

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>	<u>CROP PROTECTION (gpd)</u>
E20 / 1	16	1,250 / 300	Irrigation	179,900	940,200	4,148,600
W20 / 8	16	1,302 / 193	Irrigation	179,900	940,200	3,672,000
21 / 9	16	1,500 / 334	Irrigation	178,500	933,100	3,168,000
S1 / 10	10	N/A / N/A	Irrigation	94,700	494,800	2,592,000

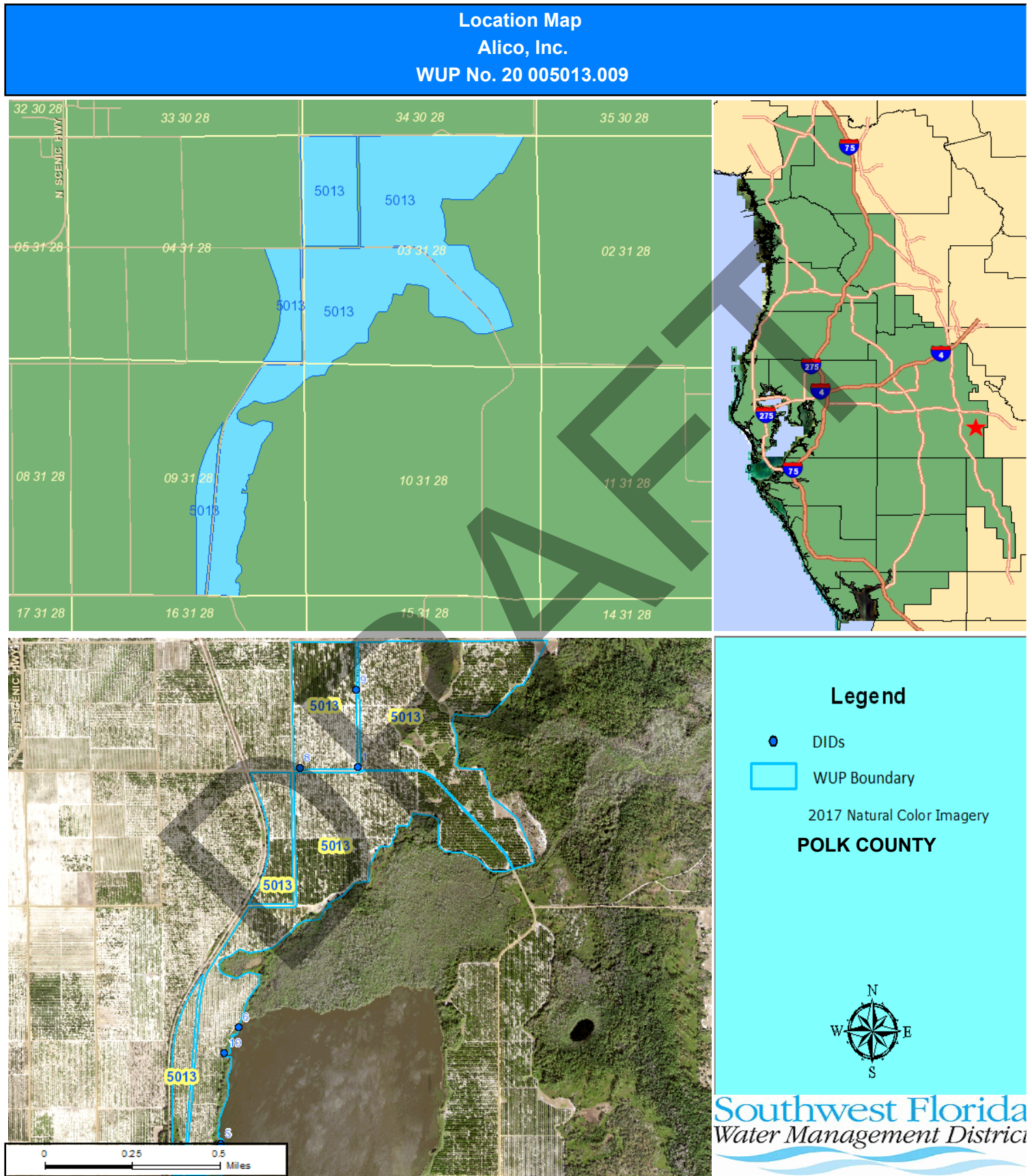
WITHDRAWAL POINT QUANTITY TABLE

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

<u>I.D. NO.</u> <u>PERMITTEE/</u> <u>DISTRICT</u>	<u>DIAM</u> <u>(in.)</u>	<u>DEPTH</u> <u>TTL./CSD.FT.</u> <u>(feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE</u> <u>(gpd)</u>	<u>PEAK</u> <u>MONTH</u> <u>(gpd)</u>	<u>CROP</u> <u>PROTECTION</u> <u>(gpd)</u>
E20 / 1	16	1,250 / 300	Irrigation	179,900	940,200	4,148,600
W20 / 8	16	1,302 / 193	Irrigation	179,900	940,200	3,672,000
21 / 9	16	1,500 / 334	Irrigation	178,500	933,100	3,168,000
S1 / 10	10	N/A / N/A	Irrigation	94,700	494,800	2,592,000

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 48' 51.35"/81° 30' 38.11"
8	27° 48' 51.31"/81° 30' 50.80"
9	27° 49' 06.44"/81° 30' 38.35"
10	27° 47' 55.96"/81° 31' 07.67"



Attachment: Feb20 WUP 20005013_009 Recap Permit (4871 : WUP No. 20005013.009)

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 document and report on District forms, the beginning and ending hours and dates of operation of each withdrawal point used for the protection of crops from frost, freeze or heat damage. The report shall include the gallons per day pumped from each withdrawal point based on irrigation system capacity, or if available, totalizing flow meter readings. This report shall be submitted by the 10th day of the month following irrigation for crop protection. The crop protection daily quantities specified in this permit are solely for the purpose of crop protection, and do not apply to routine irrigation practices. Irrigation for crop protection shall not exceed the crop protection daily quantity listed on the permit and shall not cause water to go to waste.
(1)
3. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)
4. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
5. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
6. 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)
7. 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)

8. 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)

9. The Permittee shall immediately implement the District-approved water conservation plan dated December 23, 2019, 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 February 1, 2030.(449)
10. 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)
11. 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 Nos. 1, 8, 9 and 10, Permittee ID Nos. E20, W20, 21 and S1.
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)
12. 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)
13. 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)

14. 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)
15. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 1, 8, 9 and 10, Permittee ID Nos. E20, W20, 21 and S1. 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)
16. This project is located in the Central Florida Water Initiative (CFWI) area, an area with on-going impacts to water resources which are being addressed by the CFWI. If the District determines that adverse impacts to water resources or existing legal users are occurring or are projected to occur because of the Permittee's authorized withdrawals over the permit duration, the District, upon reasonable notice to the Permittee and including a statement of facts upon which the District based its determination, may modify quantities permitted or other conditions of the permit, as appropriate, to address the impact, but only after an opportunity for the Permittee to resolve or mitigate the impact or to request a hearing. Such modification, if any, will consider such factors as the Permittee's relative contribution to the water resource impact being addressed due to groundwater withdrawals, the timing of this permit issuance compared to presently existing legal use of water, and other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Modifications may include mitigation of impacts and / or reconsideration of allocations or requirements to timely implement required actions that are consistent with the long-term, regional water supply solutions as implemented by rules. Such actions may include the development of alternative water supplies, the implementation of water resource and / or water supply development projects, the application of impact offsets or substitution credits, operating plans, heightened water conservation or other appropriate actions. Nothing in this condition is intended to abrogate the rights of the Governing Board or of any other person under Section 373.233, Florida Statute.(1025)
17. The Central Florida Water Initiative documented existing water resource environmental impacts within its boundaries. This Initiative remains underway and is, in part, crafting long-term water supply solutions for the region. As a component of immediate, interim measures the Permittee is encouraged to participate in the District's on-going, heightened water conservation public education program. Given the Permittee's use class, opportunities may include such activities as participation in water conservation public service announcements, demonstrations of irrigation efficiency at community gardens, posting water conservation information or links on the Permittee's website. Please contact the Water Use Permit Bureau Chief at 813 985-7481, to discuss opportunities for participation in this important District effort.(1026)
18. The permittee is eligible for water conserving credits on (DATE TEN YEARS AFTER ISSUE DATE) through the submittal of a Letter Modification Application." The Permittee must be in compliance with all permit conditions and have submitted all appropriate seasonal and annual crop reporting forms to be eligible for the additional water conserving credits. The available water conserving credit quantity will be equal to twice the difference between the 5-in-10 and 2-in-10 irrigation requirements as determined by AGMOD.(1027)

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.

Attachment: Feb20 WUP 20005013_009 Recap Permit (4871 : WUP No. 20005013.009)

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: Feb20 WUP 20005013_009 Recap Permit (4871 : WUP No. 20005013.009)

REGULATION COMMITTEE

February 25, 2020

Consent Agenda

WUP No. 20007332.007 – Ft. Green Farm/South Ft. Meade Land Management, Inc. (Hardee County)

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 122,500 gallons per day (gpd) to 549,800 gpd, the drought annual average has increased from 179,800 gpd to 549,800 gpd, the peak month quantity has increased from 921,800 gpd to 1,290,700 gpd, and the maximum day (crop protection) quantity has decreased from 4,464,000 gpd to 0 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 120 acres of squash/zucchini. The change in quantities is due to a change in crop plan. The prior crop plan was for 145 acres of citrus and the new crop plan is for 120 acres of spring and fall squash/zucchini. This permit is located within the Southern Water Use Caution Area (SWUCA). Sources of alternative water supply (AWS) are not available to the Permittee at this time.

Special Conditions include those that require the Permittee to report monthly meter readings, perform meter accuracy checks every five years, submit seasonal 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, modify the permit upon incorporation of an AWS, 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 007332.007**

PERMIT ISSUE DATE: February 25, 2020

EXPIRATION DATE: February 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: South Ft. Meade Land Management, Inc.
414 West Main Street
Wauchula, FL 33873

Mosaic Fertilizer, LLC
13830 Circa Crossing Drive
Lithia, FL 33547

PROJECT NAME: Ft. Green Farm

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

COUNTY: Hardee

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

ANNUAL AVERAGE	549,800 gpd
PEAK MONTH ¹	1,290,700 gpd
DROUGHT ANNUAL AVERAGE ²	549,800 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 122,500 gallons per day (gpd) to 549,800 gpd, the drought annual average has increased from 179,800 gpd to 549,800 gpd, the peak month quantity has increased from 921,800 gpd to 1,290,700 gpd, and the maximum day (crop protection) quantity has decreased from 4,464,000 gpd to 0 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 120 acres of squash/zucchini. The change in quantities is due to a change in crop plan. The prior crop plan was for 145 acres of citrus and the new crop plan is for 120 acres of spring and fall squash/zucchini. This permit is located within the Southern Water Use Caution Area (SWUCA). Sources of alternative water supply (AWS) are not available to the Permittee at this time.

Special conditions include those that require the Permittee to report monthly meter readings, perform meter accuracy checks every five years, submit seasonal 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, modify the permit upon incorporation of an AWS, comply with the permitted quantities, provide an overpumpage report upon request, and comply with the SWUCA recovery strategy.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>
Agricultural	549,800	1,290,700	549,800

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Squash, Zucchini - (Non Cover Crop)	86.70	Drip With Plastic	35.40"/yr.	35.41"/yr.
Squash, Zucchini - (Non Cover Crop)	33.70	Drip With Plastic	22.60"/yr.	22.62"/yr.
Squash, Zucchini - (Non Cover Crop)	86.70	Drip With Plastic	25.10"/yr.	25.10"/yr.
Squash, Zucchini - (Non Cover Crop)	33.70	Drip With Plastic	41.00"/yr.	41.01"/yr.

WITHDRAWAL POINT QUANTITY TABLE

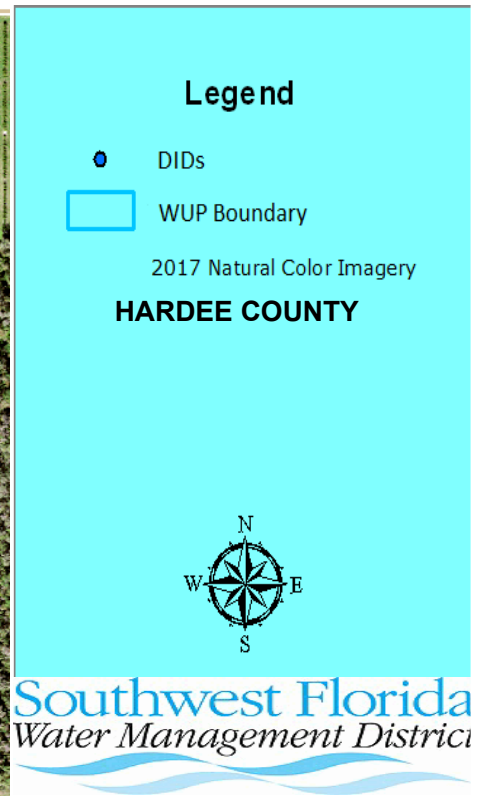
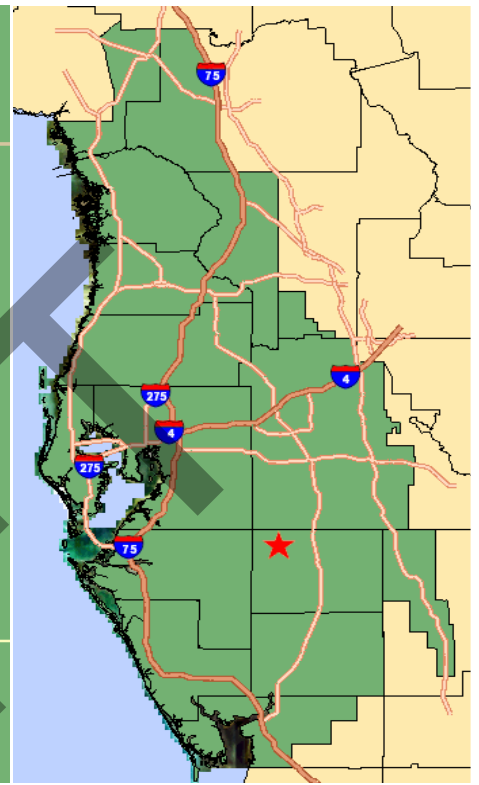
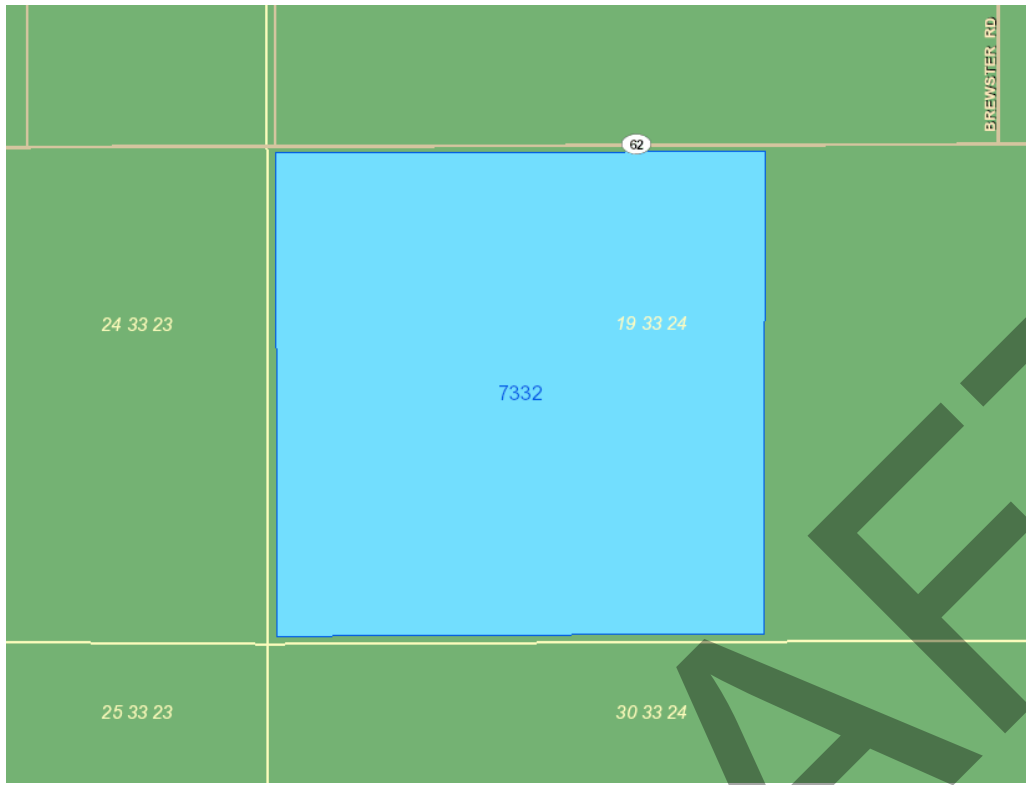
Water use from these withdrawal points are restricted to the quantities given below :

<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>
A-1 / 1	8	810 / 50	Irrigation	159,500	361,300
A-2 / 2	12	983 / 161	Irrigation	390,300	929,400

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 35' 38.81"/81° 57' 07.67"
2	27° 35' 29.04"/81° 57' 11.76"

Location Map
South Ft. Meade Land Management, Inc.
WUP No. 20 007332.007



Attachment: Feb20 WUP 20007332_007 Recap Permit (4870 : WUP No. 20007332.007)

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 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)
3. 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)
4. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
5. 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)
6. 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)
7. 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

Attachment: Feb20 WUP 20007332_007 Recap Permit (4870 : WUP No. 20007332.007)

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)

8. The Permittee shall immediately implement the District-approved water conservation plan dated June 6, 2019 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 January 1, 2030.(449)
9. 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)
10. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for seasonal crops for each permitted irrigation withdrawal point, District ID. No(s). 1 and 2, Permittee ID No(s). A-1 and A-2:
 1. Crop type
 2. Irrigated acres per crop for the appropriate season,
 3. Dominant soil type or acres by dominant soil type,
 4. Irrigation method (NTBWUCA only),
 5. Use or non-use of plastic mulch,
 6. Planting dates, and
 7. Season length.

This information shall be submitted by February 1 of each year documenting irrigation for the previous summer/fall seasonal crops, and by September 1 of each year documenting irrigation for the previous winter/spring crops. Strawberry irrigation information shall be submitted as a winter/spring crop.(476)
11. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
12. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)
13. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water

resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)

14. The following 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). 1 and 2, Permittee ID No(s). A-1 and A-2. 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)
15. The permittee is eligible for water conserving credits on January 1, 2030 through the submittal of a Letter Modification Application.” The Permittee must be in compliance with all permit conditions and have submitted all appropriate seasonal and annual crop reporting forms to be eligible for the additional water conserving credits. The available water conserving credit quantity will be equal to twice the difference between the 5-in-10 and 2-in-10 irrigation requirements as determined by AGMOD. (1027)

DRAFT

Attachment: Feb20 WUP 20007332_007 Recap Permit (4870 : WUP No. 20007332.007)

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.

Attachment: Feb20 WUP 20007332_007 Recap Permit (4870 : WUP No. 20007332.007)

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

Attachment: Feb20 WUP 20007332_007 Recap Permit (4870 : WUP No. 20007332.007)

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: Feb20 WUP 20007332_007 Recap Permit (4870 : WUP No. 20007332.007)

REGULATION COMMITTEE

February 25, 2020

Consent Agenda

WUP No. 20009808.009 – University Park Country Club/University Park Community Association Inc., University Park Recreation District (Manatee and Sarasota counties)

This is a modification of an existing water use permit for landscape/ recreational use. The authorized quantities have changed from the previous permit. This permit authorizes an increase in the annual average quantity from 483,500 gallons per day (gpd) to 920,400 gpd, an increase in the authorized drought annual average quantity from 498,100 gpd to 998,100 gpd, and an increase in the authorized peak month quantity from 1,157,300 gpd to 2,468,900 gpd. There is no change in use type from the previous revision. Increases in quantities are due to a increase in irrigated acreage of lawn and landscape, from 54.2 acres to 252.44 acres. The additional acreage has been historically irrigated and is now being combined under this permit. Quantities are based on the District's irrigation allotment calculation program, AGMOD. This water use permit is located within the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA) in Manatee and Sarasota Counties. The Permittee is utilizing surface water to meet one hundred percent of the total demand, however groundwater quantities of 617,000 gpd annual average, 728,900 gpd drought annual average, and 1,795,500 gpd peak month have been authorized in the event that augmentation for irrigation is necessary. There are no new Upper Floridan aquifer quantities.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, perform meter accuracy tests every five years and submit meter accuracy tests reports, record and report irrigation reports, ensure that the total withdrawal from groundwater withdrawals does not exceed the total withdrawal from re-pump surface withdrawals, maximize surface water usage prior to augmenting the ponds, implement water conservation and best management practices, 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 009808.009**

PERMIT ISSUE DATE: February 25, 2020

EXPIRATION DATE: December 08, 2031

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

TYPE OF APPLICATION: Modification

GRANTED TO: University Park Community Association, Inc.
8301 The Park Blvd
University Park, FL 34201

University Park Recreation District
8301 The Park Blvd
University Park, FL 34201

PROJECT NAME: University Park Country Club

WATER USE CAUTION AREA(S): Most Impacted Area, SOUTHERN WATER USE CAUTION AREA

COUNTY: Manatee, Sarasota

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

ANNUAL AVERAGE	920,400 gpd
PEAK MONTH ¹	2,468,900 gpd
DROUGHT ANNUAL AVERAGE ²	998,100 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 modification of an existing water use permit for landscape/ recreational use. The authorized quantities have changed from the previous permit. This permit authorizes an increase in the annual average quantity from 483,500 gallons per day (gpd) to 920,400 gpd, an increase in the authorized drought annual average quantity from 498,100 gpd to 998,100 gpd, and an increase in the authorized peak month quantity from 1,157,300 gpd to 2,468,900 gpd. There is no change in use type from the previous revision. Increases in quantities are due to a increase in irrigated acreage of lawn and landscape, from 54.2 acres to 252.44 acres. The additional acreage has been historically irrigated and is now being combined under this permit. Quantities are based on the District's irrigation allotment calculation program, AGMOD. This water use permit is located within the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA) in Manatee and Sarasota Counties. The Permittee is utilizing surface water to meet one hundred percent of the total demand, however groundwater quantities of 617,000 gpd annual average, 728,900 gpd drought annual average, and 1,795,500 gpd peak month have been authorized in the event that augmentation for irrigation is necessary. There are no new Upper Floridan aquifer quantities.

Attachment: Feb20 WUP 20009808_009 Recap Permit (4869 : WUP No. 20009808.009)

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, perform meter accuracy tests every five years and submit meter accuracy tests reports, record and report irrigation reports, ensure that the total withdrawal from groundwater withdrawals does not exceed the total withdrawal from re-pump surface withdrawals, maximize surface water usage prior to augmenting the ponds, implement water conservation and best management practices, and comply with the SWUCA recovery strategy.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>
Landscape/Recreation	920,400	2,468,900	998,100

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>
Golf Course	176.70	Sprinkler Over Plant	32.60"/yr.	32.58"/yr.
Lawn & Landscape	252.44	Sprinkler Over Plant	26.20"/yr.	30.34"/yr.

WITHDRAWAL POINT QUANTITY TABLE

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

<u>I.D. NO.</u> <u>PERMITTEE/</u> <u>DISTRICT</u>	<u>DIAM</u> <u>(in.)</u>	<u>DEPTH</u> <u>TTL./CSD.FT.</u> <u>(feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE</u> <u>(gpd)</u>	<u>PEAK</u> <u>MONTH</u> <u>(gpd)</u>
G-1 / 1	8	1,135 / 541	Augmentation	365,500	731,200
S-1 / 2	8	N/A / N/A	Re-Pump	428,300	856,800
G-2 / 3	5	360 / 115	Augmentation	33,400	109,700
G-3 / 4	5	360 / 120	To Be Plugged	N/A	N/A
G-4 / 5	5	240 / 100	Augmentation	8,900	48,500
S-2 / 6	4	N/A / N/A	Re-Pump	31,800	104,300
S-3 / 7	4	N/A / N/A	Re-Pump	44,300	145,100
S-4 / 15	4	N/A / N/A	Re-Pump	33,000	108,000
G-5 / 51	5	360 / 120	Augmentation	12,700	62,200
G-6 / 52	5	260 / 140	Augmentation	26,600	115,200
G-7 / 53	5	360 / 140	Augmentation	8,900	43,100
G-8 / 54	5	230 / 130	Augmentation	13,400	65,700
G-9 / 55	5	360 / 120	Augmentation	17,900	87,600
G-10 / 56	6	360 / 120	Augmentation	33,400	109,700
G-11 / 57	6	360 / 120	Augmentation	33,400	109,700
G-12 / 58	6	360 / 120	Augmentation	8,900	48,500
G-13 / 59	6	360 / 120	Augmentation	15,900	77,800
G-14 / 60	6	360 / 120	Augmentation	15,900	77,800
G-15 / 61	6	360 / 120	Augmentation	8,800	43,100
G-16 / 62	6	360 / 120	Augmentation	13,400	65,700
S-5 / 63	4	N/A / N/A	Irrigation	36,600	119,800
S-6 / 64	4	N/A / N/A	Irrigation	27,100	88,900
S-7 / 65	4	N/A / N/A	Irrigation	23,300	76,200
S-8 / 66	4	N/A / N/A	Irrigation	34,300	112,500
S-9 / 67	4	N/A / N/A	Irrigation	16,700	54,700
S-10 / 68	4	N/A / N/A	Irrigation	30,900	101,100
S-11 / 69	4	N/A / N/A	Irrigation	14,800	48,400
S-12 / 70	4	N/A / N/A	Re-Pump	66,500	217,800
S-13 / 71	4	N/A / N/A	Re-Pump	39,700	130,100
S-14 / 72	4	N/A / N/A	Re-Pump	26,300	86,200
S-15 / 73	4	N/A / N/A	Re-Pump	40,100	131,400
S-16 / 74	4	N/A / N/A	Re-Pump	26,700	87,600

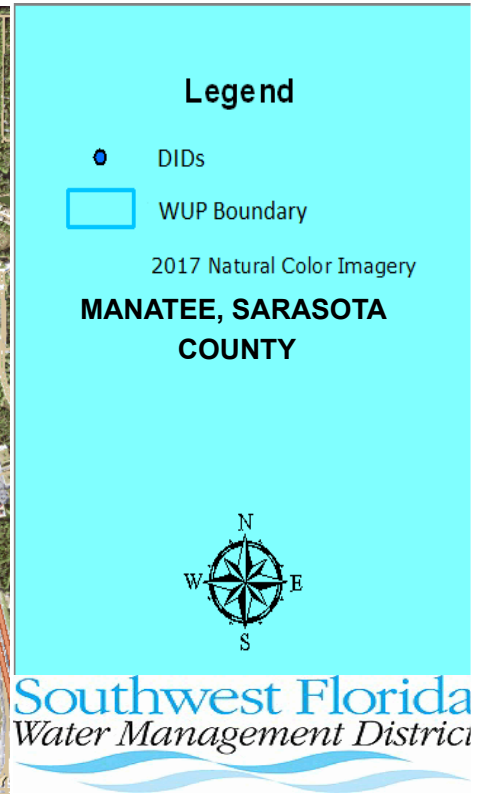
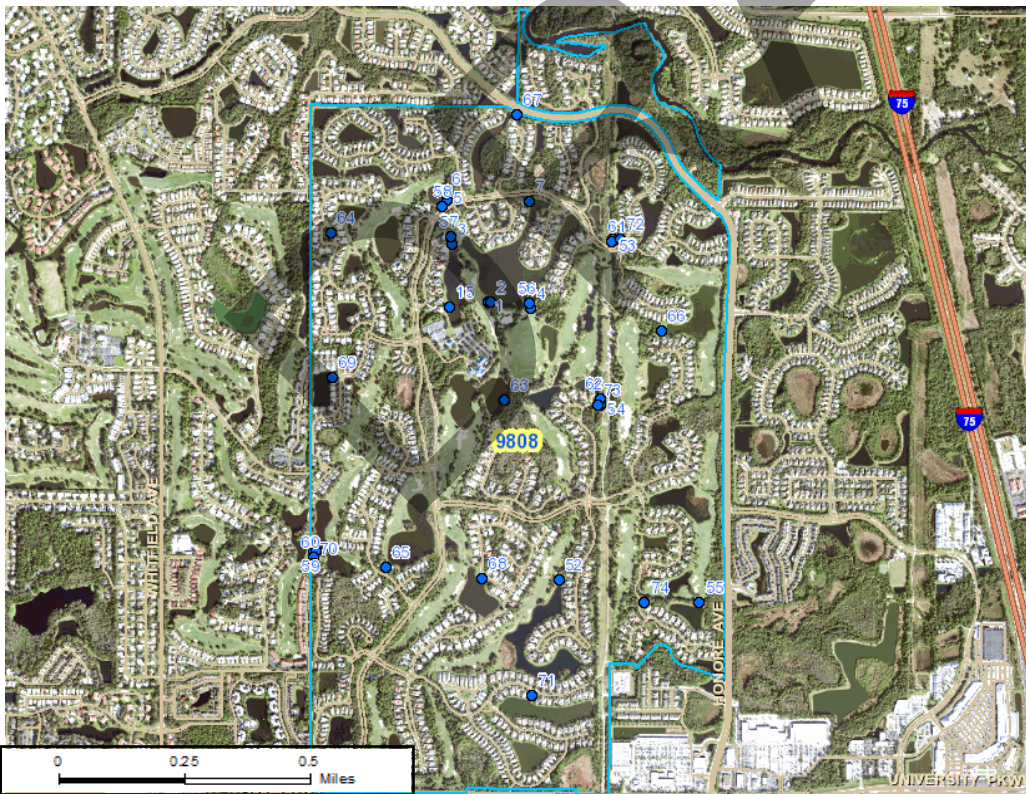
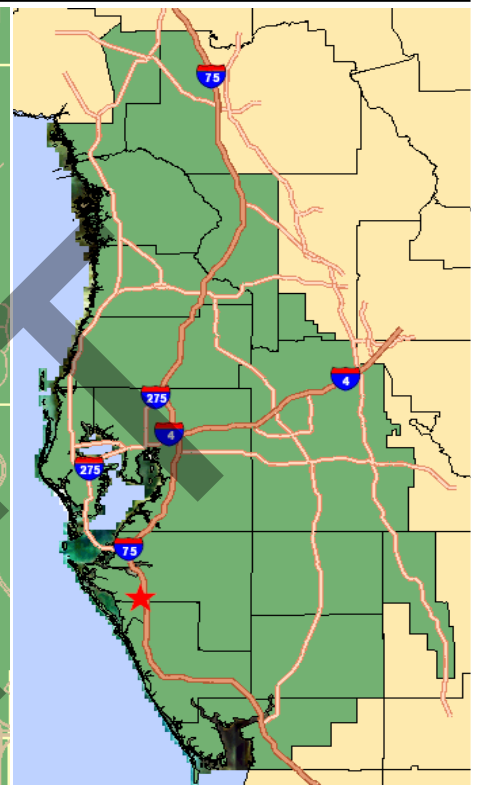
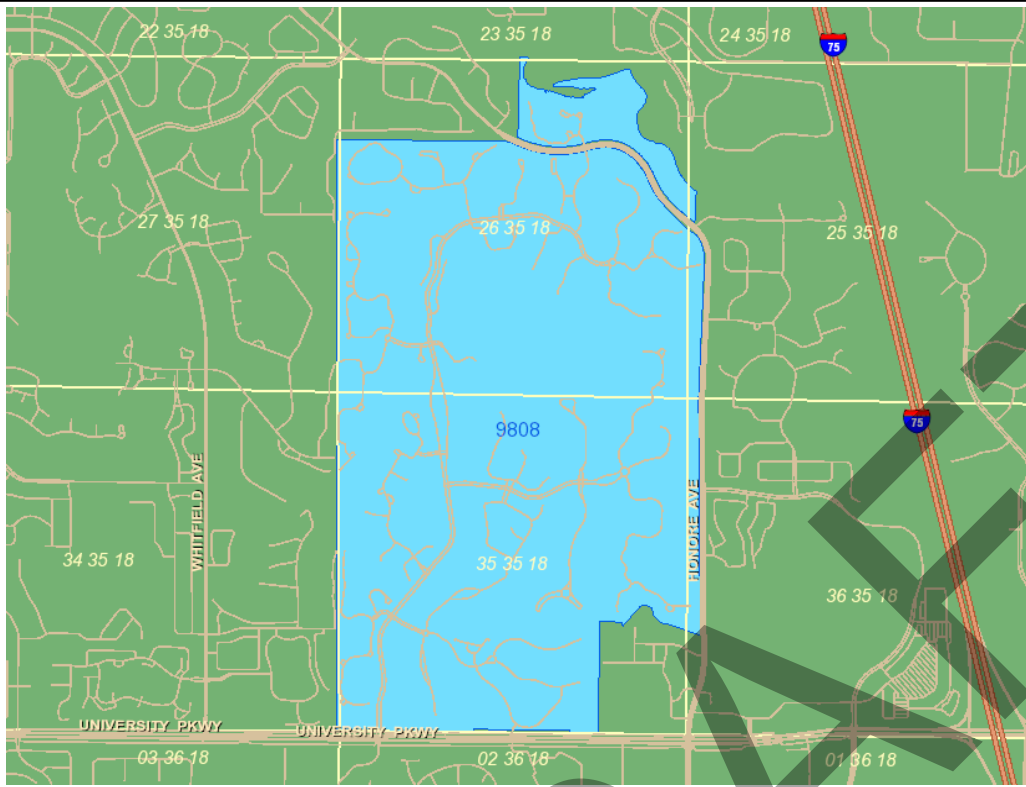
Attachment: Feb20 WUP 20009808_009 Recap Permit (4869 : WUP No. 20009808.009)

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 24' 25.10"/82° 28' 23.80"
2	27° 24' 25.10"/82° 28' 23.40"
3	27° 24' 33.00"/82° 28' 29.40"
4	27° 24' 24.32"/82° 28' 17.44"
5	27° 24' 38.90"/82° 28' 30.20"
6	27° 24' 39.77"/82° 28' 30.41"
7	27° 24' 38.87"/82° 28' 17.66"
15	27° 24' 24.44"/82° 28' 29.72"
51	27° 23' 51.40"/82° 28' 50.30"
52	27° 23' 47.60"/82° 28' 12.90"
53	27° 24' 33.70"/82° 28' 04.90"
54	27° 24' 11.20"/82° 28' 06.60"
55	27° 23' 44.60"/82° 27' 51.40"
56	27° 24' 24.94"/82° 28' 17.63"
57	27° 24' 34.02"/82° 28' 29.67"
58	27° 24' 38.14"/82° 28' 31.01"
59	27° 23' 51.42"/82° 28' 49.96"
60	27° 23' 50.58"/82° 28' 50.42"
61	27° 24' 33.45"/82° 28' 05.00"
62	27° 24' 12.20"/82° 28' 06.58"
63	27° 24' 11.90"/82° 28' 21.30"
64	27° 24' 34.40"/82° 28' 48.00"
65	27° 23' 49.20"/82° 28' 39.40"
66	27° 24' 21.30"/82° 27' 57.40"
67	27° 24' 50.60"/82° 28' 19.60"
68	27° 23' 47.80"/82° 28' 24.60"
69	27° 24' 14.90"/82° 28' 47.70"
70	27° 23' 49.70"/82° 28' 50.40"
71	27° 23' 32.00"/82° 28' 17.00"
72	27° 24' 33.80"/82° 28' 03.70"
73	27° 24' 11.30"/82° 28' 07.10"
74	27° 23' 44.60"/82° 27' 59.80"

Attachment: Feb20 WUP 20009808_009 Recap Permit (4869 : WUP No. 20009808.009)

Location Map
University Park Community Association, Inc.
WUP No. 20 009808.009



Attachment: Feb20 WUP 20009808_009 Recap Permit (4869 : WUP No. 20009808.009)

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

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

District ID Nos. 56, 57, 58, 59, 60, 61, and 62, Permittee ID Nos. G-10, G-11, G-12, G-13, G-14, G-15, and G-16, having a surface diameter of 6 inches, with a minimum casing depth of 120 feet, drilled to a maximum total depth of 360 feet.
(223)

3. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)
4. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
5. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
6. Prior to augmenting ponds 5, 9, 23, 32, 35, 42, and 48, the Permittee shall install a backflow

prevention system on District ID Nos. 1, 3, 5, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62, Permittee ID Nos. G-1, G-2, G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16. (315)

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. 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)

10. 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)

11. The permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for recreation/aesthetic/golf irrigation use for each permitted irrigation withdrawal point, District ID. Nos. 2, 6, 7, 15, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, Permittee ID Nos. S-1, S-2, S-3, S-4, S-5, S-6, S-7, S-8, S-9, S-10, S-11, S-12, S-13, S-14, S-15, and S-16:

1. Irrigated plant type,
2. Total Acres per plant type,
3. Acres shrubs and/or trees,
4. Number of acres of tees and greens, and
5. Dominant soil type or acres by dominant soil type.

This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year. (475)

12. The Permittee shall submit a copy of all well completion reports as filed with the Environmental Action Commission of Manatee County to the Water Use Permit Bureau within 30 days of each well completion. (508)

13. The total withdrawal from District ID Nos. 1, 3, 5, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62, Permittee ID No. G-1, G-2, G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, and G-16 shall not exceed the total withdrawal from District ID Nos. 2, 6, 7, 15, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 Permittee ID Nos. S-1, S-2, S-3, S-4, S-5, S-6, S-7, S-8, S-9, S-10, S-11, S-12, S-13, S-14, S-15, and S-16 from the water body for irrigation during any month. (546)
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. By February 1, 2021, District ID No. 4, Permittee ID No. G-3, shall be properly abandoned (plugged bottom to top) by a licensed water well contractor in accordance with Chapter 62-532.500(4), F.A.C., under a Well Abandonment Permit issued by the Environmental Action Commission of Manatee County unless an extension of time is granted by the Water Use Permit Bureau Chief.(580)
16. The Permittee shall not irrigate golf course roughs with non-alternative water supplies unless such water supplies are derived from a portion of the quantities permitted for the tees, greens, and fairways. The amount of permitted ground or surface water plus alternative water supply applied to the entire golf course shall not exceed reasonable-beneficial quantities for tees, greens and fairways alone. Further, during any single month, alternative water supply sources shall not be used to irrigated the roughs if any non-alternative water supplies are withdrawn for the purpose of irrigation during the same month. However, with prior District approval, during wet weather, the permittee may use roughs as reclaimed water disposal sites. (594)
17. The permittee shall continue to maintain the District approved augmentation control devices on the following surface water bodies. Each shut off switch shall be installed in such a manner that augmentation to the lake automatically ceases at the specified elevation.
- Pumpage from District ID Nos. 1, 3, 5, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62 Permittee ID No. G-1, G-2, G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, and G-16, shall cease augmentation when the water level in the lake has reached 0.5 feet below the control structure of Lakes 5, 9, 23, 32, 35, 42 and 48. (644)
18. The Permittee shall maximize the use of surface waters before utilizing ground water for augmentation of the lakes. Augmentation for aesthetic purposes only is strictly prohibited.(648)
19. 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)
20. 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)
21. Augmentation to and withdrawal of water from all water bodies that are authorized under this Water Use Permit, shall be conducted so as not to impair the function of the Surface Water Management System. (670)
22. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID Nos. 56, 57, 58, 59, 60, 61, and 62, Permittee ID Nos. G-10, G-11, G-12, G-13, G-14, G-15, and G-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.(718)

23. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 1, 2, 3, 5, 6, 7, and 15, Permittee ID Nos. G-1, S-1, G-2, G-4, S-2, S-3, and S-4. 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)
24. The following existing, but previously un-metered withdrawal facilities shall be metered within 120 days of permit issuance: District ID Nos. 51, 52, 53, 54, 55, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, Permittee ID Nos. G-5, G-6, G-7, G-8, G-9, S-5, S-6, S-7, S-8, S-9, S-10, S-11, S-12, S-13, S-14, S-15, and 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.(720)

DRAFT

Attachment: Feb20 WUP 20009808_009 Recap Permit (4869 : WUP No. 20009808.009)

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.

Attachment: Feb20 WUP 20009808_009 Recap Permit (4869 : WUP No. 20009808.009)

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.

WELL CONSTRUCTION INSTRUCTIONS

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

1. All well casing (including liners and/or pipe) must be sealed to the depth specified in the permit condition.
2. The proposed well(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.
3. A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells and all wells six (6) inches or more in diameter.
4. Any variation from estimated, maximum or minimum total depths; maximum or minimum casing depths; well location or casing diameter specified in the condition requires advanced approval by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.
5. The Permittee is notified that a proposal to significantly change any of these well construction specifications may require permit modification if the District determines that such a change would result in significantly greater withdrawal impacts than those considered for this Permit.
6. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.

Authorized Signature
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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

Attachment: Feb20 WUP 20009808_009 Recap Permit (4869 : WUP No. 20009808.009)

GENERAL COUNSEL'S REPORT

February 25, 2020

Consent Agenda

Consideration of Final Order – Long Bar Pointe, LLLP V. Lake Flores, LLC and Southwest Florida Water Management District – Case No. 17-5609 – Environmental Resource Permit No. 49042599.001 – Manatee County

On December 8, 2016, Lake Flores, LLC, applied to the District for an Environmental Resource Permit requesting conceptual approval for the construction of a surface water management system designed to serve a 1,274-acre mixed-use project in Manatee County. The District issued a Notice of Intended Agency Action on July 28, 2017, to approve the Application and issue the Permit. The Notice of Intended Agency Action provides any substantially affected party with the right to file a petition for administrative hearing to challenge the proposed issuance of the Permit.

The owner of the property adjacent to the Project, Long Bar Pointe, LLLP, timely filed a petition for administrative hearing with the District on September 29, 2017. District staff referred the Petition to the Division of Administrative Hearings to conduct all necessary and formal administrative proceedings relating to the Permit challenge. However, the parties entered into settlement negotiations prior to the final administrative hearing and agreed to return the file to the District to be held in abeyance pending modification of the Application prior to issuance.

The modifications to the Application include changes to the surface water management system design, revised construction plans, updated drainage modeling, and a request to authorize construction of Phase I of the Project. District staff reviewed the proposed changes and supporting information and determined that the modified Application meets the criteria for issuance of an Environmental Resource Permit established in Chapter 373, Part IV, Florida Statutes and Chapter 62-330, Florida Administrative Code.

In order to resolve the issues raised in the Petition, the District issues a Final Order that contains findings of fact and conclusions of law regarding the issues raised in this administrative proceeding. District staff recommend approval of the Final Order and the modified Application, which authorize conceptual approval of the Project and construction of the surface water management system designed to serve Phase I of the Project (collectively, the Permits). The Governing Board's entry of the Final Order will also dismiss Long Bar Pointe's Petition and conclude this administrative proceeding.

Staff Recommendation:

Approve and enter Final Order SWF 20-005 to issue Environmental Resource Permit Nos. 49042599.001-002 and dismiss Long Bar Pointe, LLLP's Petition for Administrative Hearing.

Presenter: Christopher A. Tumminia, Deputy General Counsel

**BEFORE THE GOVERNING BOARD OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

ORDER NO. SWF 20-005

LONG BAR POINTE, LLLP,

Petitioner,

DOAH Case No. 17-5609

**LAKE FLORES I, LLC; LAKE FLORES
EAST, LLC; and SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT,**

Respondents.

_____ /

FINAL ORDER

THIS CAUSE was heard by the Governing Board of the Southwest Florida Water Management District (District) pursuant to Sections 120.57(1)(i) and Chapter 373, Part IV, Florida Statutes (F.S.) and the rules promulgated thereunder in Chapter 62-330, Florida Administrative Code (F.A.C.) for the purpose of issuing a final order in the above-styled proceeding.

FINDINGS OF FACT

1. On December 8, 2016, Lake Flores I, LLC, and Lake Flores East, LLC (collectively, Lake Flores) submitted Environmental Resource Permit Application No. 738427 to the District seeking conceptual approval for the construction of a surface water management system designed to serve a 1,274-acre mixed use project in Manatee County (Application).
2. The District evaluated the Application in accordance with Chapter 373, Part IV, F.S., and the rules promulgated thereunder in Chapter 62-330, F.A.C.
3. On July 28, 2017, the District issued a Notice of Intended Agency Action to

Lake Flores recommending approval of the Application and issuance of Environmental Resource Permit No. 49042599.001 (Permit).

4. On August 17, 2017, Long Bar Pointe, LLLP (Long Bar Pointe) timely filed with the District a request for an extension of time to file a petition for administrative hearing challenging the intent to issue the Permit to Lake Flores. On August 18, 2017, the District granted Long Bar Pointe a 30-day extension of time to file a petition for administrative hearing.

5. On September 14, 2017, Long Bar Pointe timely filed with the District a second request for an extension of time to file a petition for administrative hearing. On September 18, 2017, the District granted Long Bar Pointe an additional 30-day extension.

6. On September 29, 2017, Long Bar Pointe filed with the District a timely petition for administrative hearing challenging the intent to issue the Permit to Lake Flores (Petition). The District referred the Petition to the Division of Administrative Hearings (DOAH) for assignment of an administrative law judge to conduct further proceedings on October 13, 2017.

7. Prior to the final hearing, Long Bar Pointe and Lake Flores agreed in principle to a settlement agreement to resolve the issues raised in the Petition. In pertinent part, the settlement agreement provided that the Parties would file a motion to relinquish jurisdiction to the District, where the matter would be placed in abeyance pending Lake Flores' submission of a modified Application and the District's issuance of a modified Permit. A copy of the Joint Stipulation for Entry of Final Order memorializing the pertinent part of the settlement agreement is attached hereto and incorporated herein by reference as Exhibit "A."

8. On February 12, 2019, the Administrative Law Judge granted the Parties' Joint Motion to Relinquish Jurisdiction, and the file was closed at DOAH and referred back to the District pending resolution through a Final Order.

9. On October 3, 2019, Lake Flores submitted to the District a modified Application, which included changes to the surface water management system design, revised construction plans, updated drainage modeling, and a request to authorize construction of Phase I of the Project.

10. District staff reviewed the modified Application to determine whether it meets the criteria for issuance of an Environmental Resource Permit established in Chapter 373, Part IV, F.S., and Chapter 62-330, F.A.C.

CONCLUSIONS OF LAW

11. The District has jurisdiction over the Parties and the subject matter of this proceeding pursuant to Section 120.57(1)(i) and Chapter 373, Part IV, F.S., following the Administrative Law Judge's order relinquishing jurisdiction of this matter to the District.

12. The scope of the District's authority over this matter is to determine whether additional proceedings are required to arrive at final agency action. See § 120.57(1)(i), F.S. (stating "If the administrative law judge enters an order relinquishing jurisdiction, the agency may promptly conduct a proceeding pursuant to [Section 120.57(2), F.S.], if appropriate").

13. If additional proceedings are not required, the District may close this administrative proceeding by entering a final order. See § 120.57(4), F.S.

14. The disputed material facts in this case were resolved via stipulations in Lake Flores and Long Bar Pointe's settlement agreement. Therefore, any additional

administrative proceeding is unnecessary and inappropriate. The purpose of a Chapter 120, F.S., administrative proceeding is to formulate final agency action. See *Young v. Dep't of Community Affairs*, 625 So. 2d 831, 833 (Fla. 1993) (quoting *McDonald v. Dep't of Banking & Fin.*, 346 So. 2d 569, 584 (Fla. 1st DCA 1977)). The Parties' resolution of all disputed material facts obviates the need to conduct an additional administrative proceeding to formulate final agency action.

15. Therefore, the District has reviewed the modified Application and determined that it meets the criteria for issuance of an Environmental Resource Permit established in Chapter 373, Part IV, F.S., and Chapter 62-330, F.A.C., and should be issued. A copy of the proposed Permits for conceptual approval and construction of Phase I of the Project (collectively, Proposed Permits) are attached hereto and incorporated by reference as Exhibit "B."

STATEMENT OF THE ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS ORDERED:**

1. The Petition for Administrative Hearing filed by Long Bar Pointe is **DISMISSED WITH PREJUDICE.**

2. The Proposed Permits attached as Exhibit "B" are approved and Environmental Resource Permit Nos. 49042599.001–.002 are **ISSUED.**

[The remainder of this page is intentionally left blank]

DONE AND ORDERED on February 25th, 2020, in Tampa, Florida.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

Approved as to Legal Form and Content
Chris Tumminia, Deputy General Counsel

By: _____
Mark Taylor, Chair

Attest: _____
Joel Schleicher, Secretary

Filed this _____ day of
February, 2020.

Deputy Agency Clerk

NOTICE OF RIGHTS

In accordance with Section 120.569(1), F.S., a party who is adversely affected by final agency action may seek judicial review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.

Copies furnished to:

Douglas P. Manson, Esq.: Dmanson@MansonBolves.com

Laura Donaldson, Esq.: LDonaldson@MansonBolves.com

Counsel for Long Bar Pointe

Ted Brown, Esq.: Ted.Brown@hklaw.com

Martin Alexander, Esq.: Marty.Alexander@hklaw.com

Counsel for Lake Flores

Attachment: 02-7-20 Final Order (FINAL) (4895 : Consideration of Final Order-Long Bar Pointe, LLLP V. Lake Flores, LLC)

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

LONG BAR POINTE, LLLP,

Petitioner,

vs.

Case No. 17-5609

LAKE FLORES I, LLC,
LAKE FLORES EAST, LLC, and
SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,

Respondents.

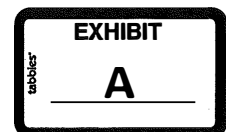
JOINT STIPULATION FOR ENTRY OF FINAL ORDER

Petitioner, Long Bar Pointe, LLLP ("Long Bar"), and Respondents, Lake Flores I, LLC ("Lake Flores") and Lake Flores East, LLC ("Lake Flores East") (collectively "Lake Flores"), hereby file this Joint Stipulation for Entry of Final Order by the Southwest Florida Water Management District ("SWFWMD"), and state as follows:

1. On December 18, 2016, LF filed an application with SWFWMD for the issuance of a conceptual environmental resource permit for future construction of a stormwater management system serving a 1,274 acre mixed-use project on the LF Property, which was assigned Application No. 738427 (the "Conceptual ERP Application").

2. On July 28, 2017, the SWFWMD issued a Notice of Intended Agency Action and Notice of Agency Action that notified the Parties of its intention to issue the Conceptual ERP No. 49042599.001 (the "Conceptual ERP").

3. On September 29, 2017, LBP timely filed a Petition for Administrative Hearing challenging the issuance of the Conceptual ERP by the SWFWMD ("Petition"). Thereafter, the



Petition was referred to DOAH, and the matter was assigned Case No. 17-005609 (the "DOAH Proceeding").

4. On February 8, 2019, Long Bar, Lake Flores and the SWFWMD (collectively "Parties") filed a Stipulation and Joint Motion to Relinquish Jurisdiction ("Joint Motion") in the DOAH Proceeding. In the Joint Motion, the Parties requested that the DOAH Proceeding be sent back to the jurisdiction of the SWFWMD so that the SWFWMD could resolve the DOAH Proceeding through the issuance of a Modified Conceptual ERP modifying the Conceptual ERP in a fashion satisfactory to each of the Parties.

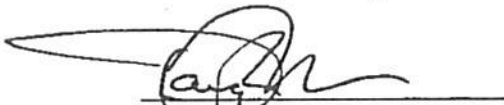
5. The Joint Motion was granted and the DOAH Proceeding was sent back to the SWFWMD jurisdiction in accordance with the "Order Closing File and Relinquishing Jurisdiction" dated February 12, 2019.

6. On October 3, 2019, Lake Flores submitted an application to the SWFWMD in which Lake Flores seeks issuance of a Modified Conceptual ERP ("Modified Conceptual ERP Application").

7. Long Bar and Lake Flores now seek resolution of the DOAH Proceeding through the issuance by SWFWMD of a Modified Conceptual ERP to Lake Flores consistent with the Modified Conceptual ERP Application, and entry of a Final Order resolving the DOAH Proceedings.

WHEREFORE, the Parties respectfully request that the SWFWMD proceed accordingly.

Respectfully submitted this 6th day of February, 2020.



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*Attorneys for Lake Flores I, LLC and
Lake Flores East, LLC*

#71751683v3

Attachment: Exhibit A (Joint Stipulation) (4895 : Consideration of Final Order-Long Bar Pointe, LLLP V. Lake Flores, LLC)



Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

An Equal
Opportunity
Employer

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

February 25, 2020

Lake Flores I, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

Lake Flores East, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

Subject: **Notice of Intended Agency Action - Approval
ERP Conceptual**

Project Name: Lake Flores
App ID/Permit No: 738427 / 49042599.001
County: Manatee
Sec/Twp/Rge: S06/T35S/R17E, S12/T35S/R16E, S07/T35S/R17E,
S20/T35S/R17E, S08/T35S/R17E, S18/T35S/R17E,
S16/T35S/R17E, S17/T35S/R17E

Dear Permittee(s):

The Southwest Florida Water Management District (District) has completed its review of the application for Environmental Resource Permit. Based upon a review of the information you have submitted, the District hereby gives notice of its intended approval of the application.

The File of Record associated with this application can be viewed at <http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx> and is also available for inspection Monday through Friday, except for District holidays, from 8:00 a.m. through 5:00 p.m. at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

If you have any questions or concerns regarding the application or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

David Kramer, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

cc: Reginald Tisdale
U. S. Army Corps of Engineers
B. Hamilton and Assoc.
Craig Marien, P.E., Carnahan, Proctor and Cross, Inc.





Southwest Florida Water Management District

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February 25, 2020

Lake Flores I, LLC
Attn: Whiting Preston
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Lake Flores East, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

Subject: **Notice of Agency Action - Approval
ERP Conceptual**

Project Name: Lake Flores
App ID/Permit No: 738427 / 49042599.001
County: Manatee
Sec/Twp/Rge: S06/T35S/R17E, S12/T35S/R16E, S07/T35S/R17E,
S20/T35S/R17E, S08/T35S/R17E, S18/T35S/R17E,
S16/T35S/R17E, S17/T35S/R17E

Dear Permittee(s):

The Southwest Florida Water Management District (District) is in receipt of your application for the Environmental Resource Permit. Based upon a review of the information you submitted, the application is approved.

Approved conceptual plans are part of the permit, and further applications for construction permitting must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.

If you have any questions or concerns regarding your permit or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

David Kramer, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures: Approved Permit w/Conditions Attached

cc: Reginald Tisdale
U. S. Army Corps of Engineers
B. Hamilton and Assoc.
Craig Marien, P.E., Carnahan, Proctor and Cross, Inc.

Attachment: Exhibit B (Permits) (4895 : Consideration of Final Order-Long Bar Pointe, LLLP V. Lake Flores, LLC)

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
CONCEPTUAL
PERMIT NO. 49042599.001**

EXPIRATION DATE: February 25, 2040

PERMIT ISSUE DATE: February 25, 2020

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapter 62-330, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to use the information outlined herein and shown by the application, approved drawings, plans, specifications and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District), to proceed with further applications for construction permitting.

PROJECT NAME: Lake Flores

GRANTED TO: Lake Flores I, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

OTHER PERMITTEES: Lake Flores East, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

ABSTRACT:

On December 8, 2016 the Southwest Florida Water Management District (the District) received Conceptual Environmental Resource Permit (ERP) Application No. 738427 from Lake Flores I LLC and Lake Flores East LLC (the Permittees) for a 1,274.50 acre conceptual mixed-use project entitled 'Lake Flores'.

On July 28, 2017 SWFWMD issued a 'Notice of Intended Agency Action – Approval ERP Conceptual' for Conceptual Permit No. 49042599.001 entitled Lake Flores.

On September 29, 2017 a petition objecting to the issuance was filed by Long Bar Pointe LLLP.

Subsequently, certain disputes between the Permittees and Long Bar Pointe LLLP were resolved/memorialized by a settlement agreement entitled 'Settlement Agreement Between Long Bar Pointe and Lake Flores' (the Agreement) effective May 24, 2019. The Agreement stipulates that the Permittees modify the Conceptual ERP No. 49042599.001 accordingly including concurrent submission of construction authorization for Phase 1A.

On October 2, 2019 (and subsequently on December 6, 2019 and January 23, 2020) the District accordingly received additional information from the Permittees for the revision of Conceptual ERP No. 49042599.001 including Phase 1A Construction.

This revised Conceptual Permit No. 49042599.001 (issue date February 25, 2020) therefore supercedes the previous Conceptual Permit No. 49042599.001 (issued date July 28, 2017):

Attachment: Exhibit B (Permits) (4895 : Consideration of Final Order-Long Bar Pointe, LLLP V. Lake Flores, LLC)

1. This permit authorization is for conceptual approval under Rule 62-330.056, F.A.C. of a stormwater management system serving a 1,184.9 acre future mixed-use project, located at the intersection of El Conquistador Boulevard and 53rd Avenue West in Manatee County. Conceptual approval includes the general site layout and project area, stormwater management system (including wet detention treatment ponds, existing and enhanced wetlands, control structures, and associated drainage pipes), outfall ditch improvements (including outfall energy dissipators) for two (2) drainage outfalls, pre and post-development hydrologic/hydraulic modeling, the location of wetland and surface water boundaries, wetland seasonal high water elevations, and wetland impacts/mitigation and associated UMAM scores. Refer to the permitted Conceptual Plans received by the District on January 23, 2020. Information regarding the stormwater management system, 100-year floodplain and wetlands is contained within the tables and comments below.

2. This permit authorization is also for the construction of Lake Flores - Phase 1A (94.00 acre project area). The Construction ERP for Lake Flores – Phase 1A has been assigned a separate permit number (ERP No. 43042599.002). Refer to ERP No. 43042599.002 for information regarding the construction Phase 1 A stormwater management system, 100-year floodplain, and wetlands.

OP. & MAIN. ENTITY:	Lake Flores I, LLC
OTHER OP. & MAIN. ENTITY:	Lake Flores East, LLC
COUNTY:	Manatee
SEC/TWP/RGE:	S06/T35S/R17E, S12/T35S/R16E, S07/T35S/R17E, S20/T35S/R17E, S08/T35S/R17E, S18/T35S/R17E, S16/T35S/R17E, S17/T35S/R17E
TOTAL ACRES OWNED OR UNDER CONTROL:	1184.90
PROJECT SIZE:	1184.90 Acres
LAND USE:	Residential
DATE APPLICATION FILED:	December 08, 2016
AMENDED DATE:	N/A

I. Water Quantity/Quality

POND No.	Area Acres @ Top of Bank	Treatment Type
A1	5.24	MAN-MADE WET DETENTION
A2	4.24	MAN-MADE WET DETENTION
A3/A4 (LPaz)	24.63	MAN-MADE WET DETENTION
A5	4.64	MAN-MADE WET DETENTION
A6	20.38	MAN-MADE WET DETENTION
A7	2.91	MAN-MADE WET DETENTION
A8	4.30	MAN-MADE WET DETENTION
B1	5.58	MAN-MADE WET DETENTION
B2	6.54	MAN-MADE WET DETENTION
B3	3.38	MAN-MADE WET DETENTION
B4	4.30	MAN-MADE WET DETENTION
B5	3.40	MAN-MADE WET DETENTION
B6	4.64	MAN-MADE WET DETENTION
B7	2.99	MAN-MADE WET DETENTION
B8	3.28	MAN-MADE WET DETENTION
C1	10.48	MAN-MADE WET DETENTION
C2	6.33	MAN-MADE WET DETENTION
C3	6.01	MAN-MADE WET DETENTION
D1	6.07	MAN-MADE WET DETENTION
D2	13.66	MAN-MADE WET DETENTION
D3	9.74	MAN-MADE WET DETENTION
D4	8.09	MAN-MADE WET DETENTION
D5	4.61	MAN-MADE WET DETENTION
E1	3.28	MAN-MADE WET DETENTION
E2	5.96	MAN-MADE WET DETENTION
E3	5.21	MAN-MADE WET DETENTION
E4	4.15	MAN-MADE WET DETENTION
E5	4.96	MAN-MADE WET DETENTION
E6	0.48	MAN-MADE WET DETENTION
BPN	11.61	NO TREATMENT SPECIFIED
BPS	23.15	NO TREATMENT SPECIFIED
	Total: 224.24	

Water Quality/Quantity Comments:

The conceptually approved project consists of a future mixed-use development including residential and commercial office/retail uses. Water quality treatment and attenuation for the conceptual project will be provided by twenty-nine (29) wet detention ponds. Ponds BPN and BPS will provide beneficial water quality enhancement and storage volume. The project discharges to the Sarasota Bay Estuarine System which is a designated Outstanding Florida Waters (OFW); the conceptual wet detention ponds therefore provide an additional 50% treatment volume. Conceptual approval includes basin delineations and required treatment volumes for each basin. Hydrologic/hydraulic drainage modeling was provided to demonstrate no adverse onsite or offsite flooding impacts for up to the 100-year 24-hour design storm including lesser events. The Lake Flores conceptual stormwater management system discharges to Sarasota Bay via two 'Drainage Strips' known as DS-2 and DS-3.

There are three (3) conceptually proposed wetland mitigation areas (the Western Mitigation Node, Central Mitigation Node, and the Eastern Mitigation Node):

The Western Mitigation Node consists of 'Proposed Created and Restored Wetland CW-1/RW-2', 'Proposed Created Wetland CW-2', 'Proposed Created and Restored Wetland CW-3/RW-3', and forested upland conservation areas.

The Central Mitigation Node consists of 'Proposed Enhanced Wetland EW-29', 'Proposed Restored and Created Wetland RW/CW-13', 'Proposed Created and Restored Wetland CW-4/RW-14', 'Proposed Created and Restored Wetland CW-5/RW-15', and forested upland conservation areas.

The Eastern Mitigation Node consists of 'Proposed Enhanced Wetland EW-21', 'Proposed Enhanced Wetland EW-24', and forested upland conservation areas.

These conceptual wetland mitigation and enhancement areas are to be hydrated with treated stormwater runoff from the wet ponds. Supplemental hydration of these conceptual mitigation areas will be provided during the dry season by well water and manual controlling of the existing agricultural ditch system. During the construction and initial planting phase of the mitigation areas, outfall structures that are proposed within the mitigation areas are to use variable weirs. The weirs within these structures shall be fixed at final design control elevations no later than 24 months following initial plant installation.

The approved modifications to the previous Conceptual Permit approval include:

Reduction of the project area acreage by approximately 89.6 acres as a result of an eastern portion of the Lake Flores site being sold to IMG Academy, thereby eliminating previous Ponds D6 and E7.

Modifications to the project wetland mitigation areas design including elimination of Wetland Creation Area CW-6 and elimination of the proposed road crossing of the Central Wetland Mitigation area.

Inclusion of offsite basins/inflows (including from IMG Academy, Herons Watch, Alcona Estates, and Long Bar Pointe) in the existing and proposed drainage modeling.

Design seasonal high-water elevations (SHWE) for Ponds A1, A2, A3 and A4 and the West Wetland Mitigation area are adjusted based on updated soils investigations.

Establishment of 'Agreed Flow Charts' summarizing peak flow rates/limits for the four (4) drainage outfalls (consistent with the Agreement).

Provision of drainage easements for the use of Drainage Strips DS-2 and DS-3 by Lake Flores with provision for Long Bar Pointe acquiring ownership/control of Drainage Strips DS-1 and DS-4 (consistent with the Agreement).

Provision of closed stormwater conveyance systems including energy dissipaters for Drainage Strips DS-2 and DS-3 (consistent with the Agreement).

Provision of a drainage easement for the existing 86th Street West drainage ditch from Long Bar Pointe for use by Lake Flores and Manatee County (consistent with the Agreement).

Provision of a 'Dissipater Flow Area Easement' encompassing tidal waters downstream of the two (2) proposed energy dissipaters (consistent with the Agreement).

Provisions for future expansion of proposed Phase 1A wet detention Pond A3/A4 to include pond area extending offsite within the Long Bar Pointe site (consistent with the Agreement). The future expanded version of Phase 1A wet detention Pond A3/A4 is identified as wet detention Pond LPaz.

The Conceptual ERP is revised to include the addition of permit authorization for Lake Flores - Phase 1A construction (consistent with the Agreement). The Construction ERP for Lake Flores – Phase 1A has been assigned a separate permit number (ERP No. 43042599.002).

The conceptual plans and calculations reflect the 1988 North American Geodetic Vertical Datum (NAVD).
 A mixing zone is not required.
 A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type	Encroachment Result* (feet)
230.04	0.00	Storage Modeling	N/A

Floodplain Comments:

According to FEMA determinations the project lies within Flood Zones X and AE. Onsite floodplain elevations have been established by site-specific stormwater modeling. Conceptual encroachment into the 100-year floodplain has been demonstrated to have no adverse impacts on offsite locations by dynamic stormwater modeling.

*Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims Minimal Impact type of compensation.

III. Environmental Considerations

Wetland/Other Surface Water Information

Wetland/Other Surface Water Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
OSW Ditches	79.82	4.50	75.32	0.00	0.00	0.00
Pond 1	9.05	9.05	0.00	0.00	0.00	0.00
Pond 2	7.72	7.72	0.00	0.00	0.00	0.00
W-02A	0.17	0.00	0.00	0.00	0.17	0.00
W-18	0.75	0.00	0.75	0.25	0.00	0.00
W-29	0.51	0.00	0.00	0.00	0.51	0.00
W-01	0.20	0.00	0.20	0.05	0.00	0.00
W-02	2.18	0.00	0.00	0.00	2.18	0.00
W-03	0.13	0.00	0.00	0.00	0.13	0.00
W-04	0.46	0.00	0.46	0.12	0.00	0.00
W-06	0.52	0.00	0.52	0.12	0.00	0.00
W-07	0.08	0.00	0.08	0.01	0.00	0.00
W-08	0.15	0.00	0.15	0.03	0.00	0.00
W-09	0.73	0.00	0.73	0.16	0.00	0.00
W-10	1.21	0.00	1.21	0.36	0.00	0.00
W-11	0.37	0.00	0.37	0.09	0.00	0.00
W-12	5.14	0.00	5.14	1.88	0.00	0.00
W-13	5.10	0.00	0.00	0.00	5.10	0.00
W-14	0.64	0.00	0.00	0.00	0.64	0.00
W-15	0.43	0.00	0.00	0.00	0.43	0.00
W-16	3.08	0.00	3.08	0.67	0.00	0.00
W-17	0.53	0.00	0.53	0.12	0.00	0.00
W-19	1.56	0.00	1.56	0.44	0.00	0.00
W-20	1.24	0.00	1.24	0.27	0.00	0.00
W-21	1.28	0.00	0.00	0.00	1.28	0.00
W-22	2.74	0.00	2.74	0.46	0.00	0.00
W-23	0.45	0.00	0.45	0.15	0.00	0.00
W-24	3.05	0.00	0.00	0.00	3.05	0.00
W-24A	0.83	0.00	0.83	0.22	0.00	0.00
W-25	0.40	0.00	0.40	0.13	0.00	0.00
W-27	0.59	0.00	0.59	0.24	0.00	0.00
W-30	1.07	0.00	1.07	0.25	0.00	0.00
W-31	1.31	0.00	1.31	0.26	0.00	0.00
W-32	0.37	0.00	0.37	0.06	0.00	0.00
DS-1	0.09	0.02	0.07	0.04	0.00	0.00
DS-2	0.17	0.17	0.00	0.00	0.00	0.00
DS-3	0.03	0.03	0.00	0.00	0.00	0.00
DS-4	0.14	0.14	0.00	0.00	0.00	0.00
Total:	134.29	21.63	99.17	6.38	13.49	0.00

* For impacts that do not require mitigation, their functional loss is not included.

Wetland/Other Surface Water Comments:

This conceptual permit establishes the UMAM functional loss associated with the wetland/surface water impacts and conceptually approves the mitigation to offset the impacts.

There are 36.76 acres of exotic wetland hardwoods / freshwater marsh (FLUCCS 619/641), 0.51 acre of wetland forested mixed (FLUCCS 630), 0.43 acre of exotic wetland hardwoods / wetland scrub (FLUCCS 619/631), 79.82 acres of other surface waters ditches, and 16.77 acres of other surface water ponds (FLUCCS 534) located within the project area for this permit. This permit conceptually authorizes permanent dredging and filling impacts to 23.78 acres of exotic wetland hardwoods / freshwater marsh, temporary dredging impacts to 12.98 acres of exotic wetland hardwoods / freshwater marsh (FLUCCS 619/641), temporary dredging impacts to 0.51 acre of wetland forested mixed (FLUCCS 630), permanent filling impacts to 0.07 acre of exotic wetland hardwoods / wetland scrub (FLUCCS 619/631), and permanent dredging and filling impacts to 75.32 acres of other surface water ditches (FLUCCS 510).

Mitigation Information

Name	Creation		Enhancement		Preservation		Restoration		Enhancement +Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
RW-2	0.00	0.00	0.00	0.00	0.00	0.00	2.35	0.31	0.00	0.00	0.00	0.00
RW-3	0.00	0.00	0.00	0.00	0.00	0.00	0.13	0.03	0.00	0.00	0.00	0.00
RW-13	0.00	0.00	0.00	0.00	0.00	0.00	5.10	0.77	0.00	0.00	0.00	0.00
RW-14	0.00	0.00	0.00	0.00	0.00	0.00	0.64	0.11	0.00	0.00	0.00	0.00
RW-15	0.00	0.00	0.00	0.00	0.00	0.00	0.43	0.08	0.00	0.00	0.00	0.00
CW-1	2.40	0.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CW-2	3.31	1.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CW-3	6.01	2.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CW-4	3.11	1.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CW-5	7.26	2.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CW-13	1.50	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EW-21 (Forested)	0.00	0.00	0.26	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EW-21 (Herbaceous)	1.02	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EW-24 (Forested)	0.00	0.00	0.30	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EW-24 (Herbaceous)	2.73	0.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EW-29 (Forested)	0.28	0.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
EW-29 (Herbaceous)	0.23	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total:	27.85	9.28	0.56	0.16	0.00	0.00	8.65	1.30	0.00	0.00	0.00	0.00

Mitigation Comments:

Wetland mitigation for the permanent dredging and filling impacts to 23.78 acres of exotic wetland hardwoods / freshwater marsh (FLUCCS 619/641) and 0.07 acre of exotic wetland hardwoods / wetland scrub (FLUCCS 619/631) will be provided by the creation, restoration, and enhancement of freshwater marsh and wetland forested mixed mitigation areas CW-1, CW-2, CW-3, CW-4, CW-5, CW-13, RW-2, RW-3, RW-13, RW-14, RW-15, EW-21, EW-24, and EW-29. The result of the Uniform Mitigation Assessment Methodology (UMAM) analysis indicates a Functional Loss of 6.38 freshwater herbaceous units and a Functional Gain of 10.51 freshwater herbaceous units and 0.23 freshwater forested units. The UMAM analysis additionally resulted in the excess of 4.13 freshwater herbaceous Functional Gain units and 0.23 freshwater forested Functional Gain units which may be reserved for future withdrawal by Lake Flores I, LLC or Lake Flores East, LLC within the South Coastal Drainage Basin. The UMAM analysis determined that the mitigation provided by the permit adequately offsets the projects proposed impacts to functional wetland habitat.

Wetland mitigation is not required for the 0.51 acre of temporary dredging impacts to wetland forested mixed (FLUCCS 630, W-29) and 12.98 acres of temporary dredging impacts to exotic wetland hardwoods / freshwater marsh (FLUCCS 619/641, W-02, W-02A, W-03, W-13, W-14, W-15, W-21, and W-24) pursuant to Subsection 10.2.2 of the (A.H.V.I) These impacts to wetlands are associated with the mitigation plan conceptually approved in this permit. Under this Subsection, wetland mitigation is not required for impacts that have been determined to be de minimis to fish, wildlife, and listed species.

Wetland mitigation is not required for the 75.32 acres of permanent dredging and filling impacts to upland dug ditches pursuant to Subsection 10.2.2.2 of the Environmental Resource Applicant's Handbook Volume 1. Under this Subsection, wetland mitigation is not required for impacts to upland dug ditches that do not provide significant habitat for threatened or endangered species and were not constructed to divert natural stream flow.

Specific Conditions

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit may be terminated, unless the terms of the permit are modified by the District or the permit is transferred pursuant to Rule 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. The Permitted Conceptual Plan Set for this project includes the Concept Plans received by the District on December 6, 2019.
3. Variable weir structures (Structures DS-CW2CW3, DS-CW3D86, and DS-CW5B5) are conceptually authorized for temporary use in the west and central mitigation nodes for purposes of the manipulation of water levels in created and restored wetlands during plant installation and initial establishment of the wetland systems. The weir structures shall be fixed at final design control elevations no later than 24 months following initial plant installation. Once the final design control elevations are determined, the Permittee shall submit a permit modification for District approval.
4. The Permittee shall implement the Bald Eagle Nest Management Plans for Nest MN038 and MN962 as outlined in the timeframes described in the plans. The Bald Eagle Nest Management Plans are included in the documents entitled "Lake Flores Eagle Plan_0001" and "Eagle Nest MN962 Mngt Plan" uploaded to the File of Record on 12/22/2016 and 7/19/2017 respectively.
5. No construction activities may take place within 400 feet of any Florida sandhill crane nest site. If nesting is discovered after construction has begun or if maintaining these buffers is not possible, it is recommended that the permittee contact FFWCC staff to discuss the potential permitting alternatives. Basic guidance for conducting wildlife surveys may be found in the Sandhill Crane Species Conservation Measures and Permitting Guidelines (<http://www.myfwc.com/media/4105886/Final-Florida-Sandhill-Crane-SpeciesGuidelines-2016.pdf>) and in the Florida Wildlife Conservation Guide (FWCG) (<http://myfwc.com/conservation/value/fwcg/>). Florida sandhill cranes do not nest in the same location every year, so if construction occurs over several years, it may be necessary to determine if nesting is occurring each year.
6. Surveys for wading birds shall be conducted in Wetlands W-21, W-24, and W-29 prior to commencement of any clearing, grading, or filling activities. Surveys shall be conducted during their breeding season which extends from March through August. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide (FWCG) at <http://myfwc.com/conservation/value/fwcg/>. If any evidence of nesting is discovered during this period, the wading bird sites shall be buffered by 328 feet in order to avoid disturbance by human activities. If nesting is discovered after site activities have begun, if the removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, the applicant shall contact the FFWCC staff identified below to discuss potential permitting alternatives.
7. In order to avoid conditions that may be potentially conducive for nesting by least terns or other imperiled beach-nesting birds (IBNB) during nesting season (April through August), cleared lands shall be effectively and permanently stabilized within 7 days of final grading. In-process grading areas that will not continuously be worked on shall be stabilized simultaneously with the grading process. Areas that are steeper than 2% slope or areas that will experience concentrated flows shall be stabilized with sod. Areas with a 2% or flatter slope shall be stabilized with hydroseeding and/or seeding and mulching. If nesting is observed, the permittee shall contact FFWCC staff to discuss necessary nest buffers and potential permitting alternatives. For additional information, please refer to FWC's Florida Shorebird Alliance located at the following web address: <http://www.flshorebirdalliance.org/>.
8. Except for Phase 1A construction (refer to ERP No. 43042599.002), this conceptual approval permit does not authorize any other construction, alteration, operation, maintenance, removal, or abandonment. Issuance of a conceptual approval permit does not relieve the permittee of any requirements to obtain a permit to construct, alter, operate, maintain, remove, or abandon projects that require a permit under Chapter 62-330, F.A.C.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

David Kramer, P.E.

Authorized Signature

Attachment: Exhibit B (Permits) (4895 : Consideration of Final Order-Long Bar Pointe, LLLP V. Lake Flores, LLC)

EXHIBIT A

GENERAL CONDITIONS:

The following general conditions are binding on all conceptual approval permits issued under this chapter, except where the conditions are not applicable to the activity or where the conditions must be modified to accommodate project-specific situations. In addition to these general conditions, the Agency shall impose any additional special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

1. This permit does not authorize any construction, alteration, maintenance, operation, removal, or abandonment, except where such activities are specifically authorized as the first phase of an individual permit or are authorized to occur in accordance with a general permit or exemption under Chapter 62-330, F.A.C.
2. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
3. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, the name and contact information for the new owner.
4. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project site to ensure conformity with the permit.
5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
6. This conceptual approval permit only authorizes design concepts for a master or future plan to construct, alter, operate, maintain, remove, or abandon projects that require a permit under Part IV of Chapter 373, F.S. It does not authorize any construction, alteration, operation, maintenance, removal, or abandonment, or the establishment and operation of a mitigation bank, or relieve the permit holder of any requirements to obtain such permits.
7. Subsequent applications to construct and operate activities shall be prepared and submitted using the applicable procedures in Rules 62-330.052, 62-330.054, 62-330.060, and 62-330.402 F.A.C., and Sections 4.2.2, 4.2.3, 4.3 and 4.4 of Volume I. An application for conceptual approval for a mitigation bank also shall include the materials required by Chapter 62-342, F.A.C.
8. Issuance of this conceptual approval permit is a determination, within the level of detail provided in the application, that the activities approved in this permit are consistent with applicable rules at the time of issuance. This permit provides the conceptual approval permit holder with a rebuttable presumption, during the duration of this permit, that the engineering design and scientific principles upon which the conceptual approval permit approved herein are likely to meet applicable rule criteria for issuance of permits for subsequent phases of the project, provided all of the following are met at the time of receipt of a complete application to construct and operate the future phases:
 - a. The application to construct and operate the future phases remains consistent with the designs and conditions of the type and nature of the activities, percent imperviousness, allowable discharge and points of discharge, location and extent of wetland and other surface water impacts, mitigation plans implemented

or proposed, control elevations, extent of stormwater reuse, detention and retention volumes, and the extent of flood elevations. If an application for construction of any portion of the land area covered by this permit is inconsistent with the design concepts and conditions approved herein, the application will be reviewed to determine the extent to which the inconsistency will affect the designs and conditions for the remainder of the lands contained in this permit. If the inconsistency will materially affect those designs and conditions, then the applicant must demonstrate that the holder of this permit agrees to that inconsistency. In such a case, the holder of the conceptual approval permit may:

1. Modify the conceptual approval permit to conform to the revised design;
 2. Abandon reliance on the conceptual approval permit; or
 3. Rely on those portions of the conceptual approval permit for only those areas that were not affected by the inconsistency.
- b. There are no changes to state water quality standards, that would be affected by activities authorized in the conceptual approval permit that have not already been authorized for construction or operation.
- c. There have been no amendments to Florida law governing special basin criteria that would affect future activities authorized by the conceptual approval permit that have not already been authorized for construction.
- d. There are no substantive changes in the site characteristics that would affect whether the design concepts approved in the conceptual approval permit can continue to be reasonably expected to meet the conditions for authorizing construction of future phases. This shall include such things as changes in the designation of listed species, and changes to nesting, denning, and critical designation status of listed species that exist within the lands served by the project area.
9. If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics as described in conditions (3)(a) through (d), above, during the duration of this permit, the applicant must modify this permit if it wishes to continue to rely on this permit as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and conditions of this permit. If the permittee fails to do this, this conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of this permit at the time a permit application is received to construct the next phase of activities, or at the next requested extension of this permit's duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.



Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

An Equal
Opportunity
Employer

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

February 25, 2020

Lake Flores I, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

Lake Flores East, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

Subject: **Notice of Intended Agency Action - Approval
ERP Individual Construction**

Project Name: Lake Flores - Phase 1A
App ID/Permit No: 797503 / 43042599.002
County: Manatee
Sec/Twp/Rge: S12/T35S/R16E, S07/T35S/R17E, S18/T35S/R17E

Dear Permittee(s):

The Southwest Florida Water Management District (District) has completed its review of the application for Environmental Resource Permit. Based upon a review of the information you have submitted, the District hereby gives notice of its intended approval of the application.

The File of Record associated with this application can be viewed at <http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx> and is also available for inspection Monday through Friday, except for District holidays, from 8:00 a.m. through 5:00 p.m. at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

If you have any questions or concerns regarding the application or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

David Kramer, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

cc: U. S. Army Corps of Engineers
Florida Department of State, Division of Historic Resources
Florida Fish and Wildlife Conservation Commission
B. Hamilton and Assoc.
Craig Marien, P.E., Carnahan, Proctor and Cross, Inc.

Attachment: Exhibit B (Permits) (4895 : Consideration of Final Order-Long Bar Pointe, LLLP V. Lake Flores, LLC)



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Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

February 25, 2020

Lake Flores I, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

Lake Flores East, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

Subject: **Notice of Agency Action - Approval
ERP Individual Construction**

Project Name: Lake Flores - Phase 1A
App ID/Permit No: 797503 / 43042599.002
County: Manatee
Sec/Twp/Rge: S12/T35S/R16E, S07/T35S/R17E, S18/T35S/R17E

Dear Permittee(s):

The Southwest Florida Water Management District (District) is in receipt of your application for the Environmental Resource Permit. Based upon a review of the information you submitted, the application is approved.

If approved construction plans are part of the permit, construction must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.

If you have any questions or concerns regarding your permit or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

David Kramer, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures: Approved Permit w/Conditions Attached
As-Built Certification and Request for Conversion to Operation Phase
Notice of Authorization to Commence Construction

cc: U. S. Army Corps of Engineers
Florida Department of State, Division of Historic Resources
Florida Fish and Wildlife Conservation Commission
B. Hamilton and Assoc.
Craig Marien, P.E., Carnahan, Proctor and Cross, Inc.

Attachment: Exhibit B (Permits) (4895 : Consideration of Final Order-Long Bar Pointe, LLLP V. Lake Flores, LLC)

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43042599.002**

EXPIRATION DATE: February 25, 2025

PERMIT ISSUE DATE: February 25, 2020

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapter 62-330, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: Lake Flores - Phase 1A

GRANTED TO: Lake Flores I, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

OTHER PERMITTEES: Lake Flores East, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

ABSTRACT: This permit authorization is for the construction of Lake Flores - Phase 1A, the first construction phase of the overall Lake Flores planned mixed use development permitted under Conceptual ERP No. 43042599.001. Phase 1A construction includes mass grading/stockpiling for future development, a proposed created wetland mitigation system (known the West Mitigation Node), wet detention Pond A3/A4, a 'Settlement Basin' pond, and improvements to the existing outfall ditches known as Drainage Strips DS-2 and DS-3. The project is located south of Cortez Boulevard, east of 86th Street West, and west of 75th Street West in Manatee County.

OP. & MAIN. ENTITY: Lake Flores I, LLC

OTHER OP. & MAIN. ENTITY: Lake Flores East, LLC

COUNTY: Manatee

SEC/TWP/RGE: S12/T35S/R16E, S07/T35S/R17E, S18/T35S/R17E

**TOTAL ACRES OWNED
OR UNDER CONTROL:**

1184.90

PROJECT SIZE: 94.00 Acres

LAND USE: Residential

DATE APPLICATION FILED: October 02, 2019

AMENDED DATE: N/A

Attachment: Exhibit B (Permits) (4895 : Consideration of Final Order-Long Bar Pointe, LLLP V. Lake Flores, LLC)

I. Water Quantity/Quality

POND No.	Area Acres @ Top of Bank	Treatment Type
A3/A4	17.45	MAN-MADE WET DETENTION
Settlement Basin	1.58	NO TREATMENT SPECIFIED
	Total: 19.03	

Water Quality/Quantity Comments:

Phase 1A construction includes mass grading/stockpiling for future development, a proposed created wetland mitigation system (known as the West Mitigation Node), wet detention Pond A3/A4, a 'Settlement Basin' pond, and piping of the existing outfall ditches known as Drainage Strips DS-2 and DS-3 (including proposed outfall dissipaters) as shown on the permitted Phase 1A Construction Plans.

Proposed wet detention Pond A3/A4 will provide attenuation and formal water quality treatment for the Phase 1A mass graded areas. The water quality treatment volume includes the minimum treatment volume required by presumptive criteria, plus the required additional 50 percent treatment volume due to discharge to a designated Outstanding Florida Waters (the Sarasota Bay Estuarine System).

The proposed 'Settlement Basin' is a temporary pond that will provide beneficial pre-treatment and attenuation of runoff prior to discharge to the proposed West Wetland Mitigation Node. During Phase 1A the West Wetland Mitigation Node areas will be hydrated with treated stormwater runoff from wet detention Pond A3/A4 and with pre-treated stormwater runoff from the proposed 'Settlement Basin' pond. Supplemental hydration of the West Wetland Mitigation area will be provided during the dry season by manual controlling of the existing agricultural ditch systems and by supplemental use of well water.

The plans and calculations reflect the North American Vertical Datum of 1988 (NAVD 88).

A mixing zone is not required.

A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type	Encroachment Result* (feet)
44.37	0.00	Storage Modeling	N/A

Floodplain Comments:

Onsite floodplain elevations have been established by site-specific stormwater modeling. Encroachment into the 100-year floodplain has been demonstrated to have no adverse impacts on offsite locations by dynamic stormwater modeling.

*Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims Minimal Impact type of compensation.

III. Environmental Considerations

Wetland/Other Surface Water Information

Wetland/Other Surface Water Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
Wetland 1	0.20	0.00	0.20	0.05	0.00	0.00
Wetland 2	2.18	0.00	0.00	0.00	2.18	0.00
Wetland 2A	0.17	0.00	0.00	0.00	0.17	0.00
Wetland 3	0.13	0.00	0.00	0.00	0.13	0.00
Other Surface Water Ditches	7.72	1.55	6.17	0.00	0.00	0.00
Total:	10.40	1.55	6.37	0.05	2.48	0.00

* For impacts that do not require mitigation, their functional loss is not included.

Wetland/Other Surface Water Comments:

The project area for this permit contains 2.68 acres of freshwater marsh (FLUCCS 641) and 7.72 acres of other surface water ditches (FLUCCS 510). There will be 0.20 acre of permanent filling impacts and 2.48 acre of temporary dredging and filling impacts to freshwater marsh and 6.17 acre of permanent dredging and filling impacts to other surface water ditches associated with the construction activities authorized in this permit.

Mitigation Information

Name	Creation		Enhancement		Preservation		Restoration		Enhancement +Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
RW-02	0.00	0.00	0.00	0.00	0.00	0.00	2.35	0.31	0.00	0.00	0.00	0.00
RW-03	0.00	0.00	0.00	0.00	0.00	0.00	0.13	0.03	0.00	0.00	0.00	0.00
CW-1	2.40	0.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CW-2	3.31	1.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CW-3	6.01	2.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total:	11.72	4.21	0.00	0.00	0.00	0.00	2.48	0.34	0.00	0.00	0.00	0.00

Mitigation Comments:

Wetland mitigation for the 0.20 acre of permanent filling impacts to freshwater marsh (Wetland 1) will be provided by the on-site enhancement and creation of freshwater marsh (West Mitigation Node). The result of the Uniform Mitigation Assessment Method (UMAM) analysis indicates a functional gain of 4.55 freshwater herbaceous units which offsets the functional loss of 0.05 freshwater herbaceous units. The UMAM analysis resulted in an excess of 4.50 freshwater herbaceous functional gain units which may be reserved for future withdrawal by Lake Flores I, LLC or Lake Flores East, LLC within the South Coastal Drainage Basin.

Wetland mitigation is not required for the 2.48 acres of temporary dredging and filling impacts to freshwater marsh (Wetlands 2, 2A, and 3) pursuant to Subsection 10.2.2 of the (A.H.V.I) Under this Subsection, wetland mitigation is not required for impacts that have been determined to be de minimis to fish, wildlife, and listed species.

Wetland mitigation is not required for the 6.17 acres of permanent dredging and filling impacts to upland dug ditches pursuant to Subsection 10.2.2.2 of the Environmental Resource Applicant's Handbook Volume 1. Under this Subsection, wetland mitigation is not required for impacts to upland dug ditches that do not provide significant habitat for threatened or endangered species and were not constructed to divert natural stream flow.

Specific Conditions

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit may be terminated, unless the terms of the permit are modified by the District or the permit is transferred pursuant to Rule 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. The Permittee shall retain the design professional registered or licensed in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the design professional so employed. This information shall be submitted prior to construction.
3. **WETLAND MITIGATION SUCCESS CRITERIA WEST NODE MITIGATION AREA (Mitigation Areas RW-02, RW-03, CW 1, CW 2, and CW3)(14.20 acres)**

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Wetlands constructed for mitigation purposes will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.

a. The mitigation area can reasonably be expected to develop into a freshwater marsh (FLUCCS 641) as determined by the Florida Land Use and Cover and Forms Classification System (third edition; January 1999).

b. Topography, water depth and water level fluctuation in the mitigation area are characteristic of the wetlands/surface water type specified in criterion "a."

c. Planted or recruited herbaceous or shrub species (or plant species providing the same function) shall meet the criteria specified:

Zone: Buffer

Percent Cover: 30%

Species: *Aristida stricta*, *Ilex glabra*, *Andropogon spp.*, *Asclepias tuberosa*, and *Woodwardia virginica*

Zone: A

Percent Cover: 80%

Species: *Spartina bakeri*, *Eleocharis cellulosa*, and *Juncus effusus*

Zone: B

Percent Cover: 80%

Species: *Sagittaria lancifolia*, *Eleocharis interstincta*, and *Panicum hemitoman*

Zone: C

Percent Cover: 80%

Species: *Scirpus spp.*, *Thylia geniculata*, and *Pontederia cordata*

d. Planted or recruited tree species that are greater than or equal to 12 feet in height and established for more than 5 years shall meet the criteria specified:

Zone: Buffer

Density (#/Acre): Scattered Throughout

Species: *Morella cerifera*, *Prunus angustifolia*, *Sabal palmetto*, *Pinus elliotii*, and *Quercus virginiana*

e. Species composition of recruiting wetland vegetation is indicative of the wetland type specified in criterion "a."

f. Coverage by nuisance or exotic species does not exceed 10 percent at any area within the mitigation site and 10 percent for the entire mitigation site.

g. The wetland mitigation area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

The mitigation area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the mitigation area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

4. The Permittee shall monitor and maintain the wetland mitigation area until the criteria set forth in the Wetland Mitigation Success Criteria Condition above is met. The Permittee shall perform corrective actions identified by the District if the District identifies a wetland mitigation deficiency.
5. The Permittee shall undertake required maintenance activities within the wetland mitigation area as needed at any time between mitigation area construction and termination of monitoring, with the exception of the final year. Maintenance shall include the manual removal of all nuisance and exotic species, with sufficient frequency that their combined coverage at no time exceeds the Wetland Mitigation Success Criteria Condition above. Herbicides shall not be used without the prior written approval of the District.
6. The permittee, prior to beneficial use of the site must submit an as-built survey of the wetland mitigation area certified by a registered surveyor or professional engineer showing dimensions, grades, ground elevations, water surface elevations, and species composition, numbers and densities. Upon District inspection and approval of the mitigation area, the monitoring program shall be initiated with the date of the District field inspection being the construction completion date of the mitigation area. Monitoring events shall occur between March 1 and November 30 of each year. An Annual Wetland Monitoring Report shall be submitted upon the anniversary date of District approval to initiate monitoring.

Annual reports shall provide documentation that a sufficient number of maintenance inspection/activities were conducted to maintain the mitigation area in compliance according to the Wetland Mitigation Success Criteria Condition above. Note that the performance of maintenance inspections and maintenance activities will normally need to be conducted more frequently than the collection of other monitoring data to maintain the mitigation area in compliance with the Wetland Mitigation Success Criteria Condition above. Monitoring Data shall be collected semi-annually.

7. Termination of monitoring for the wetland mitigation area shall be coordinated with the District by:
 - a. notifying the District in writing when the criteria set forth in the Wetland Mitigation Success Criteria Condition have been achieved;
 - b. submitting documentation, including the date, that all maintenance activities in the wetland mitigation area have been suspended including, but not limited to, irrigation and addition or removal of vegetation; and
 - c. submitting a monitoring report to the District one year following the written notification and suspension of maintenance activities.

Upon receipt of the monitoring report, the District will evaluate the wetland mitigation site to determine if the Mitigation Success Criteria Condition has been met and maintained. The District will notify the Permittee in writing of the evaluation results. The Permittee shall perform corrective actions for any portions of the wetland mitigation area that fail to maintain the criteria set forth in the Wetland Mitigation Success Criteria Condition.

8. Following the District's determination that the wetland mitigation has been successfully completed, the Permittee shall operate and maintain the wetland mitigation area such that it remains in its current or intended condition for the life of the system. The Permittee must perform corrective actions for any portions of the wetland mitigation area where conditions no longer meet the criteria set forth in the Wetland Mitigation Success Criteria Condition.
9. The Permittee shall commence construction of the mitigation area within 30 days of wetland impacts, if wetland impacts occur between February 1 and August 31. If wetland impacts occur between September 1 and January

31, construction of the mitigation area shall commence by March 1. In either case, construction of the mitigation area shall be completed within 120 days of the commencement date unless a time extension is approved in writing by the District.

10. Wetland buffers shall remain in an undisturbed condition except for approved drainage facility construction/maintenance. No owner of property within the subdivision may perform any work, construction, maintenance, clearing, filling or any other type of activities within the wetlands, wetland mitigation areas, wetland buffers, buffer compensation areas, and drainage easement described in the approved permit and recorded plat of the subdivision, unless prior approval is received from the Southwest Florida Water Management District.
11. The following boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities:
 - a. wetland and surface water areas
 - b. wetland buffers
 - c. limits of approved wetland and surface water impacts
 - d. construction access for mitigation areas RW-02, RW-03, CW-1, CW-2 and CW-3

The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.

12. The removal of littoral shelf vegetation (including cattails) from wet detention ponds is prohibited unless otherwise approved by the District. Removal includes dredging, the application of herbicide, cutting, and the introduction of grass carp. Any questions regarding authorized activities within the wet detention ponds shall be addressed to the District's Engineering Manager at the Tampa Service Office.
13. This Construction Permit No. 43042599.002 is for Phase 1A of concurrently issued Conceptual Permit No. 49042599.001. Both the conditions herein and the conditions of the concurrent Conceptual Permit are applicable.
14. For the areas shown on the construction drawings as mass graded areas for future development, a permit modification shall be obtained for any construction in these areas.
15. If limestone bedrock is encountered during construction of the stormwater management system, the District must be notified and construction in the affected area shall cease.
16. The Permittee shall notify the District of any sinkhole development in the stormwater management system within 48 hours of discovery and must submit a detailed sinkhole evaluation and repair plan for approval by the District within 30 days of discovery.
17. The Permittee shall execute the final draft financial responsibility instrument approved by the District prior to initiating activities authorized by this permit. The final draft financial responsibility instrument shall be consistent with the draft instrument submitted with the permit application and approved by this permit.
18. The Permittee shall submit the original executed financial responsibility instrument to the District's Environmental Compliance Manager, at the Tampa Service Office.
19. The Permittee shall provide the financial responsibility required by Rule 62-330.301(5), Florida Administrative Code until the District determines that the specific success criteria contained in this permit have been met; or the District approves a request to transfer the permit to a new owner and receives an acceptable substitute financial responsibility mechanism from the new owner.
20. The Permittee may request, in writing, a release from the obligation to maintain certain amounts of the financial assurance required by this permit as phases of the mitigation plan are successfully completed. The request shall include documentation that the mitigation phase or phases have been completed and payment for their completion has been made. Following the District's verification that the phase or phases have been completed in accordance with the mitigation plan, the District will authorize release from the applicable portion of the financial assurance obligation.
21. The District will notify the Permittee within 30 days of its determination that the specific success criteria contained in this permit have been met. Concurrent with this notification, the District will authorize, in writing, the appropriate

entity to cancel or terminate the financial responsibility instrument.

22. The Permittee's failure to comply with the terms and conditions of this permit pertaining to the successful completion of all mitigation activities in accordance with the mitigation plan shall be deemed a violation of Chapter 62-330, Florida Administrative Code. In addition to other remedies that the District may have, the District may draw upon the financial responsibility instrument for any funds necessary to remedy a violation, upon such notice to the Permittee as may be specified in the financial responsibility instrument or if none, upon reasonable notice.
23. The Permittee shall notify the District by certified mail within 10 days of the commencement of a voluntary or involuntary proceeding :
 - a. To dissolve the Permittee;
 - b. To place the Permittee into receivership;
 - c. For entry of an order for relief against the Permittee under Title XI (Bankruptcy), U.S. Code.3
 - d. To assign of the Permittee's assets for the benefit of its creditors under Chapter 727, Florida Statutes.
24. In the event of bankruptcy or insolvency of the issuing institution; or the suspension or revocation of the authority of the issuing institution to issue letters of credit or performance bonds, the Permittee shall be deemed without the required financial assurance and shall have 60 days to reestablish the financial assurance required by Rule 62-330.301(j), Florida Administrative Code.
25. No construction is authorized by this permit until the Permittee submits to the District a recorded deed documenting the transfer of ownership of the project site to the Permittee.
26. The Permitted Plan Set for this project includes the set received by the District on January 23, 2020.
27. The operation and maintenance entity shall provide for the inspection of the permitted project after conversion of the permit to the operation and maintenance phase. For systems utilizing retention or wet detention, the inspections shall be performed five (5) years after operation is authorized and every five (5) years thereafter.

The operation and maintenance entity must maintain a record of each inspection, including the date of inspection, the name and contact information of the inspector, whether the system was functioning as designed and permitted, and make such record available upon request of the District.

Within 30 days of any failure of a stormwater management system or deviation from the permit, an inspection report shall be submitted using Form 62-330.311(1), "Operation and Maintenance Inspection Certification" describing the remedial actions taken to resolve the failure or deviation.
28. District staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the District as a permit prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
29. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.
30. The permittee shall complete construction of all aspects of the stormwater management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
31. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
 - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.

c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.

32. All stormwater management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
33. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
34. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
35. Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.
36. This permit does not authorize the Permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.
37. A "Recorded Notice of Environmental Resource Permit" Form No. 62-330.090(1) shall be recorded (by the District) in the public records of the County where the project is located.
38. Variable weir structures (Structures DS-CW2CW3 and DS-CW3D86) are authorized for temporary use in the western mitigation node for purposes of the manipulation of water levels in created and restored wetlands during plant installation and initial establishment of the wetland systems. The weir structures shall be fixed at final design control elevations no later than 24 months following initial plant installation. Once the final design control elevations are determined, the Permittee shall submit a permit modification for District approval.
39. Bald Eagle's Nest FWC ID MN-039 is located directly adjacent to the project area for this permit. The Applicant's consultant has committed to follow the U.S. Fish and Wildlife Service (USFWS) Eagle Management Guidelines (<https://www.fws.gov/southeast/our-services/eagle-technical-assistance/>) unless an eagle permit is issued. All pertinent information for eagle permits is available online (<https://www.fws.gov/southeast/our-services/permits/eagles/#national-rules-and-regulations/>) or by contacting the regional USFWS Migratory Bird Office directly at (404) 679-4163 or permits.R4MB@fws.gov.
40. Construction dewatering and construction turbidity control shall be performed in accordance with the site specific turbidity control plans (part of the permitted construction plans received by the District on January 23, 2020).
41. The construction dewatering/turbidity control plans include the proposed use of existing Manatee County controlled drainage easements and wet detention Pond 1 (permitted under ERP No. 44030238.002 entitled Manatee County - El Conquistador Parkway - Phase II) for dewatering/turbidity control purposes. Construction shall therefore not commence until the Permittee obtains authorization from Manatee County for the proposed use of the existing Manatee County owned stormwater management system (ERP No. 44030238.002) for dewatering/turbidity control purposes.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

David Kramer, P.E.

Authorized Signature

Attachment: Exhibit B (Permits) (4895 : Consideration of Final Order-Long Bar Pointe, LLLP V. Lake Flores, LLC)

EXHIBIT A

GENERAL CONDITIONS:

- 1 The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate, project-specific conditions.
 - a. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C., or the permit may be revoked and the permittee may be subject to enforcement action.
 - b. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
 - c. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(8)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
 - d. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[effective date], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5),F.A.C. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
 - e. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
 - f. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex - "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 2. For all other activities - "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].
 3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
 - g. If the final operation and maintenance entity is a third party:

1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 2. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310 (2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
- h. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
- i. This permit does not:
1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 2. Convey to the permittee or create in the permittee any interest in real property;
 3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
- j. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
- k. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
- l. The permittee shall notify the Agency in writing:
1. Immediately if any previously submitted information is discovered to be inaccurate; and
 2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
- m. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
- n. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving

subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S. (2012).

- o. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
 - p. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
 - q. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
 - r. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
2. In addition to those general conditions in subsection (1) above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

NOTICE OF
AUTHORIZATION
TO COMMENCE CONSTRUCTION

Lake Flores - Phase 1A

PROJECT NAME

Residential

PROJECT TYPE

Manatee

COUNTY

S12/T35S/R16E, S07/T35S/R17E, S18/T35S/R17E

SEC(S)/TWP(S)/RGE(S)

Lake Flores I, LLC and Lake Flores East, LLC

PERMITTEE

See permit for additional permittees

APPLICATION ID/PERMIT NO: 797503 / 43042599.002

DATE ISSUED: February 25, 2020



David Kramer, P.E.

Issuing Authority

THIS NOTICE SHOULD BE CONSPICUOUSLY
DISPLAYED AT THE SITE OF THE WORK

B. Hamilton and Assoc.
7404 19th Ave. NW
Bradenton, FL 34209

Craig Marien, P.E.
Carnahan, Proctor and Cross, Inc.
604 Courtland St., Suite 101
Orlando, FL 32804

Florida Department of State, Division of Historic Resources
500 South Bronough Street - 4th Floor
Compliance & Review Section; R.A. Gray Building-MS #8
Tallahassee, FL 32399-0250

Florida Fish and Wildlife Conservation Commission
Conservation Planning Services
620 South Meridian Street, Mail Station 5B5
Tallahassee, FL 32399-1600

Lake Flores East, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

Lake Flores I, LLC
Attn: Whiting Preston
P.O. Box 31
Bradenton, FL 34206

U. S. Army Corps of Engineers
Tampa Permits Section
The Atrium - 10117 Princess Palm Avenue; Suite 120
Tampa, FL 33610

EXECUTIVE DIRECTOR'S REPORT

February 25, 2020

Consent Agenda

Approve Governing Board Minutes – January 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

TAMPA, FLORIDA

JANUARY 28, 2020

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on January 28, 2020, at the District's Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida. The following persons were present:

Board Members Present

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

Board Members Absent

Roger Germann, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
Brian Werthmiller, Inspector General
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, Communications & Bd Svc Bureau Chief
Lori Manuel, Administrative Coordinator

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

PUBLIC HEARING (00:00)

1. Call to Order

Chair Mark Taylor called the meeting to order and opened the public hearing. Treasurer Kelly Rice stated a quorum was present.

2. Invocation and Pledge of Allegiance

Board Member Seth Weightman offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

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

Chair Taylor stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair 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.

3. Employee Recognition

Chair Taylor recognized employees who have reached at least 20 years of service with the District and thanked them. The following staff were recognized: Violet Woodard, Dave Kramer, Randy Emberg and Bill Wood.

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated the following item was being deleted from the agenda:

General Counsel's

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

d. Authorization to Initiate Litigation – Unauthorized Water Use – Watermelon Pit, LLC, and JDI Farms, Inc. – Water Use Permit No. 8322.004 – CT No. 404443 – Charlotte County

Secretary Joel Schleicher requested the following item be moved to Discussion:

Resource Management Committee

9. Springs - Crystal River Southern Septic to Sewer Project (W434) - Scope of Work and Cost Reduction

Chair Taylor stated there was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

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

Mr. David Ballard Geddes, Jr., spoke regarding Pinellas County Ordinances.

Mr. Tom Palmer, representing the Sierra Club, spoke regarding the Marshall Hampton Reserve access.

Ms. Marian Ryan, representing Friends of the Polk County Parks Foundation, spoke regarding the Marshall Hampton Reserve access.

Mr. Brian Starford, Operations Lands & Resource Monitoring director, stated the District has been coordinating with Polk County and the Florida Department of Transportation regarding the Marshall Hampton Reserve access. He stated that a presentation will be provided to the Board at a future meeting.

Consent Agenda

Finance/Outreach & Planning Committee

6. Knowledge Management: Governing Board Policy Deletion

Staff recommended the Board approve the deletion of Governing Board Policy 101-002 Governing and Basin Board Records.

7. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for December 2019.

8. Calendar Year 2020 Office of Inspector General Audit Plan

Staff recommended the Board approve the Calendar Year 2020 Office of Inspector General Audit Plan.

Resource Management Committee

9. ~~Springs - Crystal River Southern Septic to Sewer Project (W434) - Scope of Work and Cost Reduction~~

~~Staff recommended the Board approve the scope and cost reduction for the Springs - Crystal River Southern Septic to Sewer Project (W434) to include:~~

- ~~1. Decrease the number of septic tanks connected to 276 septic tanks.~~
- ~~2. Decrease the total project cost to \$4,843,750 and reduce the District's 25 percent share to \$1,210,937.50.~~

Operations, Lands and Resource Monitoring Committee

10. Easement Donation from Citrus County – Tsala Apopka Golf Course Water Control Structure Modification – SWF Parcel No. 19-009-101

Staff recommended the Board accept the easement donation from Citrus County.

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

Staff recommended the Board:

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

Regulation Committee

12. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20005423.017 - Manatee Plant - Florida Power & Light Company (Manatee County)

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

b. WUP No. 20020721.001 - South Sumter Utility Company/South Sumter Utility Company (Sumter County)

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

c. WUP No. 20012392.004 - PH Citrus LLC/PH Citrus LLC (Polk County)

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

General Counsel's Report

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

a. Approval of Settlement Agreement Between SWFWMD and FUFLUNS Holdings, LLC – CT No. 394688 – Citrus County

Staff recommended the Board:

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

b. Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – 8791 Ulmerton Road – Linda R. Freeland & Paver House, LLC – CT No. 401932 – Pinellas County

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to the Owner, Lessee, and any other necessary party to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against the Owner, Lessee, and any other necessary parties to recover a civil penalty/administrative

- fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.
3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

c. Approval of Consent Order Between SWFWMD and AAMW Enterprises, LLC – CT No. 401716 – Sumter County

Staff recommended the Board:

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

d. Authorization to Initiate Litigation – Unauthorized Water Use – Watermelon Pit, LLC, and JDI Farms, Inc. – Water Use Permit No. 8322.004 – CT No. 404443 – Charlotte County

Staff recommended the Board authorize District staff to initiate an action in Circuit Court against Watermelon Pit, LLC, JDI Farms, Inc., and any other necessary parties to obtain equitable relief, recover an administrative fine/civil penalty, enforcement costs, litigation costs, and attorneys' fees, if appropriate.

14. Rulemaking - None

Executive Director's Report

15. Approve Governing Board Minutes – December 10, 2019

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (00:16:10)

Chair Taylor relinquished the gavel to the Finance/Outreach & Planning Committee Chair Kelly Rice, who called the meeting to order. (00:16:27)

Finance/Outreach & Planning Committee

Discussion

16. Consent Item(s) Moved for Discussion – None

17. Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, provided a presentation on the quarterly investment strategy from October 1, 2019 through December 31, 2019. This presentation provided information regarding the United States Gross Domestic Product, labor market, inflation, federal interest rate, an economic update and yield curve analysis. He provided a graph that displayed the federal funds rate hike current cycle and Federal Open Market Committee (FOMC) rate projections. Mr. Grady provided an overview of the District's all assets summary comparison for October 1, 2019 to December 31, 2019.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended December 31, 2019.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:28:16)

18. Legislative Update

Mr. Michael Molligan, Employee and External Relations director, provided a monthly legislative update. He stated that Committee meetings are occurring at present and the legislative session began January 14, 2020 and is scheduled to complete on March 13.

Mr. Molligan stated that a total of 3,438 bills were filed, of which 593 were environmental bills. A total of 1,634 appropriation bills were filed, of which 458 were associated with environmental and natural resources.

Mr. Molligan stated that the five Governing Board member confirmations are expected to begin Senate committee hearings soon.

Mr. Molligan provided an overview for several bills. These included water quality improvement (Clean Waterway Act), reclaimed water bill, land acquisition trust fund, aquatic preserve, Citrus/Hernando Waterways Restoration Council, and water management district boundaries related to Levy County.

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

19. Strategic Plan Updates

Mr. Michael Molligan, Employee and External Relations director, provided a presentation regarding the Strategic Plan. He provided an overview of the Strategic Plan and outlined the proposed changes.

Discussion ensued regarding the maintenance and operation of District structures and the prioritization of Capital Improvement Plans (CIP) for those structures.

Chair Taylor clarified the use of the word "assist" as related to future alternative water supplies referenced for Tampa Bay Water (TBW) and the Peace River Manasota Regional Water Supply Authority (PRMRWSA). He stated that assistance provided by the District does not include a commitment to funding.

Staff recommended the Board approve the proposed changes to the Strategic Plan, including:

- Expanding support for potable reuse to all four planning regions
- Adding assistance to TBW to develop 20 mgd of alternative water supplies to the Tampa Bay Region Priorities
- Adding assistance to PRMRWSA to develop 21 mgd of alternative water supplies to the Southern Region Priorities
- Adding MFL implementation to the Northern Region Springs Priority
- Adding the development and implementation of a capital improvement plan for District flood control and water conservation structures and associated facilities as a strategy under the Maintenance and Improvement Strategic Initiative for Flood Protection.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:44:43)

20. 2020 Consolidated Annual Report

Ms. Trisha Neasman, Planning lead, provided a presentation regarding the status of the 2020 Consolidated Annual Report (CAR). She stated the Board will be asked to approve the final report at the February Board meeting. Ms. Neasman also provided an overview of the report, which included highlights of specific items in the report and outlined important dates.

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

Submit & File Reports

21. Office of Inspector General Quarterly Update – October 1, 2019 to December 31, 2019

Routine Reports

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

22. Treasurer's Report and Payment Register

23. Monthly Financial Statement

24. Monthly Cash Balances by Fiscal Year

25. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Rice relinquished the gavel to the Resource Management Committee Chair Rebecca Smith, who called the meeting to order. (00:51:10)

Resource Management

Discussion

26. Consent Item(s) Moved for Discussion

9. Springs - Crystal River Southern Septic to Sewer Project (W434) - Scope of Work and Cost Reduction

Secretary Schleicher questioned the need for a third-party review for this project. Ms. Jennette Seachrist, Resource Management director, responded that staff is recommending a third-party review based on complex sub-surface conditions related to this project. She stated that there has been success with third-party review projects that have identified design improvements and cost savings.

Staff recommended the Board approve the scope and cost reduction for the Springs-Crystal River Southern Septic to Sewer Project (W434) to include:

1. Decrease the number of septic tanks connected to 276 septic tanks.
2. Decrease the total project cost to \$4,843,750 and reduce the District's 25 percent share to \$1,210,937.50.

A motion was made and seconded to approve staff's recommendation. The motion carried with seven in favor and one opposed. Secretary Schleicher stated his opposition was due to the request for a third-party review. (00:55:54)

27. SWIM - Approve the Recommended Surface Water Improvement and Management Program Priority List

Mr. Will VanGelder, SWIM Program manager, provided a presentation regarding the SWIM Program priority list. He provided an overview of the SWIM Program.

Mr. VanGelder stated that 448 SWIM projects have been completed, 84 are ongoing, 13,000 acres of natural systems have been restored and 219,000 acres of watershed has been treated. He provided examples of some of the accomplishments and the improvements they provided. Mr. VanGelder provided a scorecard indicating water quality improvement in Tampa bay over a 39-year period and stated according to the Tampa Bay Nitrogen Management Consortium that a 60 percent reduction in nitrogen in Tampa Bay Area occurred during this period. He also provided a graph outlining mapped seagrass recovery within the Tampa Bay. Mr. VanGelder outlined the SWIM Priority waterbody list and provided a history.

Staff recommended the Board approve the District's SWIM priority list with no changes to the existing twelve priority water bodies.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (01:06:32)

Ms. Seachrist notified the Board that a Cooperative Funding Initiative (CFI) process overview was provided to them along with their appropriate subcommittee application book.

Submit & File Reports

28. Annual Status of the Southern Water Use Caution Area Recovery Strategy

29. Five-Year Water Resource Development Work Program

Routine Reports

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

30. Minimum Flows and Levels Status Report

31. Significant Water Resource and Development Projects

Committee Chair Smith relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Vice Chair Jack Bispham, who called the meeting to order. (01:08:17)

Operations, Lands & Resource Monitoring Committee Discussion

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

33. Hydrologic Conditions Report

Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation regarding the hydrologic conditions. Mr. Kinsman stated that rainfall for December was above normal and hydrologic conditions remain healthy throughout the District. He stated the 12-month average rainfall was normal to above normal for most of the District, but the southern part of the District remained drier. Groundwater levels throughout the District were considered in the normal to above-normal range. Lake levels remained in the normal range in all regions but showed declines. The flow on the Withlacoochee, Hillsborough, Alafia and Peace rivers remained in the normal to above normal range. The water supply for the City of Tampa remained at a healthy level. The Bill Young reservoir was near capacity and the Peace River reservoir system remained healthy.

Mr. Kinsman stated the climate forecast changed due to being in neutral conditions. The forecast projects above normal rainfall for the next three months.

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

Submit & File Reports – None

Routine Reports

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

34. Surplus Lands Update

35. Structure Operations

36. Significant Activities

Committee Vice Chair Bispham relinquished the gavel to the Vice Chair Michelle Williamson, who called the meeting to order. (01:14:43)

Regulation Committee Discussion

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

38. Denials Referred to the Governing Board

No denials were referred to the Board.

Submit & File Reports – None

Routine Reports

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

39. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program

40. Overpumpage Report

41. Individual Permits Issued by District Staff

Vice Chair Williamson relinquished the gavel to Chair Taylor. (01:15:41)

General Counsel's Report

Discussion

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

Submit & File Reports – None

Routine Reports

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

43. January 2020 Litigation Report

44. January 2020 Rulemaking Update

Committee/Liaison Reports

45. Environmental Advisory Committee

This item will be presented at the February Board meeting.

46. Well Driller's Advisory Committee

A written summary of the January 8, 2020 was provided.

Executive Director's Report

47. Executive Director's Report

Mr. Armstrong, Executive director, discussed concerns that were addressed at a Polk Regional Water Cooperative (PRWC) meeting regarding water use permitting. He stated that a presentation will be provided at the February Board meeting regarding CFWI Water Supply Plan.

Chair's Report

48. Chair's Report

Chair Taylor reminded the Board that the Cooperative Funding Initiative (CFI) meetings are scheduled for February and to be prepared for their appropriate committees.

The next Governing Board meeting is scheduled for February 25 at the Brooksville Office.

49. Employee Milestones

The meeting was adjourned at 10:24 a.m.

Chair

Attest:

Secretary

**Governing Board Meeting
February 25, 2020**

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

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Submit & File Reports - None

Routine Reports

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RESOURCE MANAGEMENT COMMITTEE

February 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

February 25, 2020

Discussion Item

Withlacoochee Regional Water Supply Authority Update

Purpose

The purpose of this item is to provide the Board with an overview of regional water supply activities of the Withlacoochee Regional Water Supply Authority (Authority).

Background/History

Suzannah Folsom, Executive Director of the Authority, will update the Board regarding the status of the Authority's water supplies, ongoing regional water conservation projects and vision for the future. The Authority recently updated their Regional Water Supply Plan (RWSP) to include an assessment of the region's existing and potential water sources, a review of water supply project options, and identification of conservation and water reuse opportunities that can assist in prolonging the availability of current water resources. In cooperation with the District, the Authority plans and provides for a cost-effective and environmentally sustainable water supply for the four-county region of Citrus, Hernando, Marion, and Sumter counties.

Staff Recommendation:

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

Presenter: Suzannah Folsom, P.E., PMP, Executive Director,
Withlacoochee Regional Water Supply Authority

RESOURCE MANAGEMENT COMMITTEE

February 25, 2020

Discussion Item

2020 Central Florida Water Initiative Regional Water Supply Plan

Purpose

The purpose of this item is to provide the Board with a review and status of the draft 2020 Central Florida Water Initiative (CFWI) Regional Water Supply Plan (RWSP) that is proposed for public release.

Background/History

The CFWI is a collaborative water supply planning effort among the state's three largest water management districts, the Florida Department of Environmental Protection (FDEP), the Florida Department of Agriculture and Consumer Services (FDACS), regional utilities, business organizations, environmental groups, agricultural interests and other stakeholders. The CFWI Planning Area includes all of Orange, Osceola, Polk and Seminole counties and southern Lake County. The St. Johns River, South Florida and Southwest Florida water management districts share common boundaries within the Planning Area.

The CFWI mission is to help protect, develop, conserve and restore central Florida's water resources by collaborating to develop a unified process to address central Florida's current and long-term water supply needs. To assist in this effort, several guiding principles were established for the CFWI that provide direction on the process. The CFWI is led by a Steering Committee that includes a public water supply utility representative, a Governing Board member from each water management district, and representatives from FDEP and FDACS. The Steering Committee oversees the CFWI process and provides guidance to the technical teams and technical oversight/management committees. The Steering Committee has guided the technical and planning teams on development of the draft 2020 CFWI RWSP public release, which ensures the protection of water resources and related natural systems and identifies sustainable water supplies for all water uses within the CFWI Planning Area through 2040.

The draft 2020 CFWI RWSP is being presented to the CFWI Steering Committee and each Governing Board of the three water management districts prior to releasing the Plan for public review and comment. It is anticipated that the final version of the 2020 CFWI RWSP will be submitted to the Governing Boards of the respective water management districts for approval in late 2020.

Staff Recommendation:

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

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

RESOURCE MANAGEMENT COMMITTEE

February 25, 2020

Discussion Item

Initiation and Approval of Rulemaking to Amend Rule 40D-2.302, Florida Administrative Code, to Adopt a Reservation for Lake Hancock and Lower Saddle Creek

Purpose

To request the Board initiate and approve rulemaking to amend Rule 40D-2.302, Florida Administrative Code (F.A.C.), to adopt a reservation for Lake Hancock and Lower Saddle Creek, and accept the report entitled: "Water Budget Evaluation for a Proposed Reservation for Lake Hancock and Lower Saddle Creek in Polk County, Florida, February 2020 Final Draft."

Background/History

Section 373.223(4) of the Florida Statutes and Rules 62-40.410(3) and 62-40.474, F.A.C., provide a legal framework for establishing and implementing reservations. A reservation sets aside a defined quantity of water from consumptive use, i.e., from being included in a permitted withdrawal. The water management district governing boards or the Department of Environmental Protection are specifically authorized to reserve water from use by permit applicants that in its judgment may be required for the protection of fish and wildlife or public health and safety. However, all presently existing legal uses of water shall be protected so long as such use is not contrary to the public interest.

Rule 40D-2.302(2), F.A.C., provides that the Governing Board anticipates reserving from use water necessary to recover and protect the minimum flows and levels established for the Southern Water Use Caution Area (SWUCA). These reservations will be adopted on a case-by-case basis to address water that is developed through water resource development projects designed to achieve and maintain minimum flows and levels.

The Lake Hancock Lake Level Modification Project, completed in 2013, is one such water resource development project. The project involved replacing the P-11 water control structure near the outlet of Lake Hancock in Lower Saddle Creek and increasing the control elevation of the structure by 1.5 feet to store additional water in the lake during the wet season for release to Lower Saddle Creek and delivery to the Upper Peace River during the dry season to support recovery of minimum flows in the Upper Peace River.

Adoption of a rule reserving the water stored in Lake Hancock and released to Lower Saddle Creek for minimum flow recovery in the Upper Peace River is scheduled for 2020 on the District's Minimum Flows and Levels Priority List and Schedule.

Purpose/Approach

District staff developed and used a water budget model to evaluate potential effects of the operation of the P-11 structure in accordance with the proposed reservation for water stored in Lake Hancock for subsequent release to Lower Saddle Creek. Based on projections associated with historical hydrologic data for a 38-year period, model results indicated the long-term average outflow from the lake is not affected by operations associated with the reservation, but as expected, the timing of outflows is influenced by wet-season storage of water in the lake and its release during the dry season. This storage and release in accordance with the proposed

reservation resulted in substantial improvements in the number of days and the number of years minimum flows in the Upper Peace River were met during the model simulation period.

Model results also provided information concerning storage and release needs associated with compensating for previously documented sink losses from the Peace River that occur between Bartow and Fort Meade. In addition, simulations indicated that the increased water levels associated with storage of reserved water in Lake Hancock would support achievement of minimum levels established for the lake. Structure operations associated with the reservation and supporting minimum flow recovery in the Upper Peace River were also shown to: 1) not adversely affect the status of minimum flows established for the Middle and Lower Peace River, 2) protect withdrawals from the Lower Peace River by the Peace River Manasota Regional Water Supply Authority, and 3) not adversely affect flows to the Charlotte Harbor estuary.

District staff submitted a draft report on analyses supporting the recommended reservation to the Governing Board in November 2019. The draft report was subsequently subjected to an independent, scientific peer review by a two-member panel in November and December 2019. The voluntarily-conducted review included a field trip and meeting, teleconferences and a publicly accessible, internet-based forum set up by the District for panel communications, all of which were advertised in the Florida Administrative Register and facilitated in accordance with Florida's Government-in-the-Sunshine Law.

The peer review was completed in two phases. The first phase included the panel's development of an initial peer review report that included recommendations for changes to the documentation and analyses described in the District's draft reservation report. For the second phase of the review, District staff documented staff responses to the initial peer review report, completed additional technical analyses, updated the draft reservation report, and prepared a memorandum addressing outstanding peer review panel concerns. None of these actions required changes to the District's planned reservation rule language. Based on consideration of this information, the panel completed the second phase of their review through development of a final peer review report. In their final peer review report, the panel indicated that all their concerns have been addressed by the District.

In addition to the publicly-accessible, independent scientific peer review, the District facilitated stakeholder review by hosting a public workshop concerning the proposed reservation on January 8, 2020, in Lakeland. District staff have also met and corresponded with representatives of the Polk Regional Water Cooperative, Peace River Manasota Regional Water Supply Authority, Polk County, and individual stakeholders over the last several months. All comments and questions from the public workshop and other stakeholder input have been considered by staff.

The final peer review report and all stakeholder input have been included as appendices to an updated, final draft reservation report that describes the data, methods and models used to support the proposed reservation. This updated, final draft reservation report has been provided to the Governing Board under a separate cover. If received, additional stakeholder input provided since the final draft reservation report was completed will be submitted to the Board at the Governing Board meeting on February 25, 2020.

The proposed reservation addresses water stored in Lake Hancock and released to Lower Saddle Creek. Specifically, water stored within the lake below an elevation of 100.0 feet above

the National Geodetic Vertical Datum of 1929 is reserved from use by permit applicants. In addition, water released from Lake Hancock to Lower Saddle Creek is reserved when any of the following thresholds in the Upper Peace River are not met at three U.S. Geological Survey streamflow gages: 17 cubic feet per second (cfs) at Bartow, 27 cfs at Fort Meade and 45 cfs at Zolfo Springs. The proposed reservation is consistent with all requirements identified for reservations in the Florida Statutes and Rules 62-40.410(3) and 62-40.474, F.A.C.

Proposed rule language for the reservation is included as an Exhibit. The Florida Statutes and Rules 62-40.410(3) and 62-40.474, F.A.C., dictate that reservations are subject to periodic review and revision with respect to changed conditions, with Rule 62-40.474, F.A.C., specifying that reservations are subject to review at least every five years. Upon adoption of the proposed reservation rule, the District will identify the reservation for review at five-year intervals on its next annual update of the Minimum Flows and Levels Priority List and Schedule.

Benefits/Costs

The proposed reservation was developed to ensure that water stored in Lake Hancock and released to Lower Saddle Creek for the protection of fish and wildlife through recovery of minimum flows in the Upper Peace River is reserved from use by permit applicants. Adoption of the reservation rule will support the SWUCA Recovery Strategy and District water supply planning, water use permitting, and environmental resource permitting programs.

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

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

Staff Recommendation:

- (1) Accept the report entitled "Water Budget Evaluation for a Proposed Reservation for Lake Hancock and Lower Saddle Creek in Polk County, Florida, February 2020 Final Draft."
- (2) Authorize the initiation of rulemaking and approve the proposed rule language for the adoption of an amendment to Rule 40D-2.302, F.A.C., to establish a reservation for Lake Hancock and Lower Saddle Creek.
- (3) Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.

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

EXHIBIT

40D-2.302 Reservations from Use.

(1) No change

(2) No change

(3) The Governing Board finds reserving from allocation and use by permit applicants the water stored in Lake Hancock at and below water elevation 100.0 feet NGVD (1929) is required for the protection of fish and wildlife. The Governing Board also finds reserving from allocation and use by permit applicants the water released from Lake Hancock to Lower Saddle Creek is required for the protection of fish and wildlife when any of the following flow thresholds in the Upper Peace River are not met:

(a) 17 cubic feet per second (“cfs”) at United States Geological Survey (“USGS”) Bartow Gage No. 02294650;

(b) 27 cfs at USGS Fort Meade Gage No. 02294898;

(c) 45 cfs at USGS Zolfo Springs Gage No. 02295637.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0421, 373.223(4) FS. History—New 1-1-07, Amended 11-25-07. _____.

RESOURCE MANAGEMENT COMMITTEE

February 25, 2020

Routine Report

Minimum Flows and Levels 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.

Summary information concerning the status of five major tasks for water bodies scheduled for MFLs adoption by December 2020, based on the 2019 Priority List and Schedule that was approved by the 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 Development Tasks

- Draft MFLs 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. 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.
- Final MFLs reports that incorporate peer review findings and stakeholder input are prepared for Governing Board approval.
- Rulemaking for proposed MFLs and any necessary MFLs prevention or recovery strategies is approved by the Governing Board, initiated through legal noticing of proposed rules, and completed with adoption and incorporation of effective MFLs and necessary strategies into District rules.

Status for Water Bodies Scheduled for MFLs Establishment by December 2020 (Recent Status Changes Highlighted)

Water Body	Draft MFLs Report	Independent, Scientific Peer Review	Public Workshop	Final MFLs Report	Rulemaking
Calm Lake ^a	Completed	Completed ^b	Completed	Approved	
Charles, Lake ^a	Completed	Completed ^b	Completed	Approved	
Church Lake ^a	Completed	Completed ^b	Completed	Approved	
Echo Lake ^a	Completed	Completed ^b	Completed	Approved	

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Linda, Lake ^a	Completed	Completed ^b	Completed		
Sapphire, Lake ^a	Completed	Completed ^b	Completed	Approved	
41 Northern Tampa Bay Wetlands ^c	Completed	Completed ^b	Completed	Approved	Initiated ^d
Chassahowitzka River ^a	Completed	Completed	Completed	Approved	Initiated
Chassahowitzka Spring Group ^a	Completed	Completed	Completed	Approved	Initiated
Blind Spring ^a	Completed	Completed	Completed	Approved	Initiated
Homosassa River ^a	Completed	Completed	Completed	Approved	Initiated
Homosassa spring Group ^a	Completed	Completed	Completed	Approved	Initiated
Rainbow River ^a	Completed	Completed	Completed	Approved	Initiated
Rainbow Spring Group ^a	Completed	Completed	Completed	Approved	Initiated
Cypress, Lake ^e					
Garden, Lake ^e					
Halfmoon Lake ^e					
Jackson, Lake ^e					
Strawberry (North Crystal) Lake ^e					
Peace River (lower segment) ^e					
Shell Creek (lower Segment) ^e					

^a Scheduled for completion in 2019.

^b Peer review completed for lake and wetland MFLs methods.

^c 20 wetlands scheduled for completion in 2019 and 21 scheduled for completion in 2020.

^d Final MFLs report and rulemaking approved and initiated for 40 of 41 wetlands scheduled for completion in 2019 and 2020; further assessment of 1 wetland is ongoing.

^e 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**February 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 Drilling is demobilizing the site. Jones Edmunds and Associates (JEA) continues work on the design and permitting of the diversion infrastructure. Rowe has demobilized from the site. The drilling is complete. The project received its FDEP Environmental Resource Permit and is waiting on the US Army Corps of Engineers on permit review for the diversion infrastructure. Procurement is working on draft request for bid for construction of 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. ***New Activities Since Last Meeting:*** 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 are due to District Procurement on February 4, 2020.
Project Manager: Lisann Morris

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. The Five-Year Assessment Report draft has been reviewed internally, posted to the District website, and has been sent to various stakeholders. Agreement executed with Jones Edmunds and Associates to complete the permit required environmental monitoring for Morris Bridge Sink. ***New Activities Since Last Meeting:*** District in negotiation with consultant to perform the biological sampling required for the third five-year assessment. District staff have attended various stakeholder meetings, including the District Environmental Advisory Committee, to present the findings of the second five-year assessment. Outreach will continue through February of 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 the well monitoring equipment. Otherwise, the optimization effort (N943) is on schedule and moving forward in its third year. ***New Activities Since Last Meeting:*** 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 also received the second annual report for the project, which is currently under review. *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:*** Recharge testing and monitoring continued during the months of December and January at an average recharge rate of 2.5 mgd. Estimated injection volume for January was not available at the time this update was prepared. Total recharge volume through December is approximately 3,440 million gallons since the beginning of the project. The County submitted the Underground Injection Control (UIC) operation permit application to the FDEP in October and FDEP is still evaluating it. *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. **New Activities Since Last Meeting:** Staff met with the City for an update. The City has requested a No Cost Time Extension on the project because permitting delays caused the seasonal testing to be pushed back. Because the testing was delayed, final memorandum completion dates must be extended. *Project Manager: Lisann Morris*

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 five 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. **New Activities Since Last Meeting:** Six projects have been approved for funding with FY2020 funds. Meetings and calls with potential applicants are ongoing. The program handbook is undergoing minor updates/clarification for use in FY2020. Approximately 44 percent of FY2020 funds are remaining with 66 percent of the fiscal year remaining. The program is on track to commit all FY2020 funds around June. *Project Manager: Josh Madden*

Polk County Regional Water Cooperative Southeast Wellfield Project

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 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 project consists of the development of a wellfield to supply brackish groundwater from the Lower Floridan aquifer (LFA), a reverse osmosis water treatment facility with capacity expandable to 30 mgd, and a regional transmission system to serve multiple municipalities in Polk County. The current CFI Agreement with the Polk Regional Water Cooperative (PRWC) includes the following tasks: an LFA test well study including exploratory drilling and groundwater modeling for anticipated aquifer yield and water quality, the conceptual

Item 21

designs of the water treatment facility and regional transmission system, a District-led third-party review of the test well study and conceptual designs, pilot water treatment testing, preliminary (30 percent) designs of the treatment facility and regional transmission system, a second District-led third-party review 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 Agreement was executed in April 2017 with a total cost of \$11,800,000. 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 cost to \$11,117,916 to utilize savings from the testing program to transfer fund to the PRWC Peace River/Land Use Transition study. The exploratory drilling was conducted on a county-owned land parcel approximately 10 miles east of Lake Wales and was substantially completed in April 2019. The parcel is proposed as the future site for the water treatment facility. The water treatment facility and wellfield conceptual design was developed with a 7.5 mgd production capacity in its initial phase and six incremental expansions up to a total of 30 mgd, based on projected customer needs and practical components for the facility. The regional transmission conceptual design evaluated multiple routes to ten customer service areas by cost and nine other criteria. The report drafts from the testing program and the conceptual designs of the water treatment facility and regional transmission system were received in July 2019. The District's third-party review of the groundwater testing and conceptual designs was presented to the Governing Board at the September 2019 meeting, and the continuance with the preliminary design phase was approved. ***New Activities Since Last Meeting:*** The PRWC continues to work on the preliminary design of the wellfield, brackish water treatment facility, and the regional transmission system. The District has received a \$1,424,000 State grant to apply to this project, which will reduce the District and PRWC shares equally. A CFI Amendment to apply the grant funds was drafted and is pending PRWC approval at their March Board meeting. *Project Manager: John Ferguson*

Staff Recommendation:

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

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

**Governing Board Meeting
February 25, 2020**

FINANCE/OUTREACH & PLANNING COMMITTEE
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Discussion Items

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FINANCE/OUTREACH & PLANNING COMMITTEE

February 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

February 25, 2020

Discussion Item

Legislative Update

District staff are tracking activities during the current Legislative session, especially focusing on proposed legislation that could impact the water resources or District activities. Because of the rapidly changing nature of activities during session, any information available at the time of publishing this document could be out of date by the time of the Governing Board meeting.

To ensure that Governing Board members have the most recent information, Government and Community Affairs Office Chief Cara Martin provides a written weekly update each Monday. Staff are available to answer any additional questions.

Staff Recommendation:

This item is submitted for the Board's information; no action is required.

Presenter: Cara Martin, Office Chief, Government and Community Affairs

FINANCE/OUTREACH & PLANNING COMMITTEE

February 25, 2020

Submit and File Report

Association of Inspectors General Peer Review of the Office of Inspector General

Background and Purpose:

The Office of Inspector General performs audits in accordance with professional standards known as the *Generally Accepted Government Auditing Standards* (Yellow Book). The Office of Inspector General performs investigations in accordance with professional standards known as the *Principles and Standards for Offices of Inspector General* (Green Book).

Audit organizations conducting audits in accordance with the Yellow Book are required to obtain an external peer review at least once every three years. For investigative work, the Green Book recommends a peer review but is not required. The peer review was conducted by reviewers that are independent of the District and was for fiscal year ending September 30, 2019 audit and investigative work. The peer review included a thorough examination of audit work, investigative work, training and continuing education, and relevant policy and process manuals for compliance with the Yellow Book and Green Book. The peer review also interviewed external stakeholders, assessed quality control over work products, and the Office of Inspector General's relationship and communications with others.

The peer review was conducted by the Association of Inspectors General which included a site visit on January 15, 2020. The peer review will have one of three ratings: pass, pass with deficiencies, or fail. The Office of Inspector General received the highest rating of pass and it was the unanimous conclusion of the peer review team that all applicable Yellow Book and Green Book standards were fully met.

Staff Recommendation:

This item is for the Board's information; no action is needed.

Presenter: Brian Werthmiller, Inspector General



**Association of Inspectors General
524 West 59th Street, 3532N
New York, New York 10018**

January 15, 2020

Brian Werthmiller
Inspector General
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

Dear Inspector General Werthmiller,

The Association of Inspectors General (AIG) performed a Peer Review of the Southwest Florida Water Management District (SWFWMD) Office of Inspector (OIG) at your request. The Peer Review Team (Team) evaluated the Audit and Investigative work of the SWFWMD OIG under a limited scope covering October 1, 2018 through September 30, 2019.¹ The Peer Review was performed on January 15, 2020 at your offices located at 2379 Broad Street, Brooksville, FL 34604. The Peer Review assessed the audit and investigative work of the SWFWMD OIG for compliance with AIG Principles and Standards for Offices of Inspector General (Green Book) and the Generally Accepted Government Auditing Standards (GAGAS, Yellow Book) issued by the U. S. Government Accountability Office (GAO). These standards are consistent with the qualitative standards under which your office has operated throughout the review period.

The Peer Review Team was completed by:

Team Leader	Flora Miller, CAP, CIGI Regional Investigator / Co-Accreditation Manager Office of Inspector General Florida Department of Children & Families Co-Chair, Peer Review Committee, AIG
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I am pleased to advise that there were no reportable instances of failure to meet these standards. There were no limitations or qualifications on the opinion. It is my conclusion that the SWFWMD OIG receive a Peer Review rating of Pass. The Peer Review

¹ The limited scope was agreed upon by both the Peer Reviewer and Inspector General Werthmiller due to his being named as the Inspector General in October 2018.

recognizes the SWFWMD OIG efforts to meet their applicable standards and commend Inspector General Werthmiller's progression to this stage in advance of a full compliance review in three years.

The remainder of this letter sets forth the purpose, scope, and methodology of the Peer Review.

Purpose

The Team conducted an independent, qualitative review of the operations of the SWFWMD OIG, focusing on compliance with agreed-upon standards.

Scope

The Peer Review covered audit and investigative operations, resulting work products, and related file materials chosen from closed audits and investigations between October 1 2018 through September 30, 2019. The Peer Review's scope also covered their compliance with the relevant policy and process manuals and procedural guides; staff qualifications; and professional training requirements. Lastly, the Peer Review assessed supervisory review and quality control over the work product, reporting of results, and the SWFWMD OIG's relationship and communications with outside agencies. For this last step, the Peer Reviewer met with external stakeholders with whom the SWFWMD OIG frequently work, or who are the recipients of the SWFWMD OIG work products.

Method

The Peer Review followed the Peer Review/Qualitative Assessment Review Checklists based on applicable Quality Standards. The Peer Reviewer also called upon their own professional experience within the Inspector General community and through knowledge of and familiarity with best practices within the Inspector General community.

Prior to the actual on-site review, the Peer Reviewer requested information from the SWFWMD OIG, including but not limited to policy and procedures manuals, closed case logs, a list of issued reports, and a list of external stakeholders. This information was used to select the work products and related case materials that were ultimately reviewed.

On January 15, 2020, an entrance conference was conducted, during which time the Peer Review scope, methodology, limitations, and proposed schedule were explained. A review of all case files was completed through examination of the selected case files. A review of personnel and Training and Continuing Education files and all relevant policy and process manuals and procedural guides was also completed. All file requests were met fully and timely.

The Peer Reviewed conducted all interviews in confidence and without any limitation on scope or time. Reviewers requested follow-up interviews and explanations, as well as any supplemental documentation, and Inspector General Werthmiller graciously accommodated.

The Peer Reviewer also interviewed external stakeholders for the purpose of evaluating agency cooperation, effectiveness, and responsiveness. Stakeholders included the following representatives from the:

- Ombudsman
- SWFWMD Board

Finally, an exit conference was held with you on January 15, 2020, during which time it was shared with you that the SWFWMD OIG fully met the applicable standards for which it was being reviewed. We also elaborated on several observations made during the review, but it does not limit or qualify the opinion of the Peer Review, but were shared with you as possible areas of consideration going forward.

As noted above, it is the unanimous conclusion of the Peer Review Team that the SWFWMD OIG met all current and relevant standards for the limited scope review period.

On behalf of the AIG, I want to thank you for the confidence placed in the Association by requesting that we conduct this review. Lastly, on behalf of the AIG, I would like to recognize that the professionalism and courtesy shown during the review.

Please feel free to contact me if you have any questions.

Yours truly,



Flora Miller
Team Leader, AIG Peer Review for the Southwest Florida Water Management District
Office of Inspector General
Co-Chair, Peer Review Committee, Association of Inspectors General

cc:
Hector Collazo,
Inspector General
Pinellas County Clerk of the Circuit Court & Comptroller Division of Inspector General,
Co-Chair, Peer Review Committee, Association of Inspectors General

FINANCE/OUTREACH & PLANNING COMMITTEE

February 25, 2020

Submit and File Report

District Performance Measures

Background and Purpose:

In accordance with the Office of Inspector General Charter Governing Board Policy and Section 20.055(2)(a), Florida Statutes, it is the responsibility of the Office of Inspector General to advise in the development of performance measures, standards, and procedures for the evaluation of District programs. A District performance measure was selected for each of the four general areas of responsibility in water supply, flood protection, water quality, and natural systems. The status of these measures will be reported in the District's 2021 Consolidated Annual Report from which the Inspector General will subsequently perform an audit of this data to submit to the Governing Board. The Inspector General discussed individually with each Board member the District performance measures before submitting this item.

Staff Recommendation:

This item is for the Board's information; no action is needed.

Presenter: Brian Werthmiller, Inspector General

District Performance Measures - February 25, 2020

	#	Measure Name	Primary Measure Goal	Associated Goal/Objective	Associated Goal/Objective
Water Supply					
	1	Reclaimed Water - 75% Reclaimed Water utilization by CY2040.	Using 75% of Total Wastewater Flow by CY2040.	Using 65% of Total Wastewater Flow by CY2030.	Using 55% of Total Wastewater Flow by CY2020.
Flood Protection					
	1	Develop and Implement Flood Control and Water Conservation Capital Improvement Plans (CIP)	FY2021: Flood Control CIP. Structure Assessments and Structure Inventories by FY2020.	FY2024: Water Conservation CIP. Document and Update to Flood Control CIP. Structure Assessments by FY2023 and Structure Inventories by FY2020.	FY2040: Complete Flood Control Capital Improvement Plan
Water Quality					
	1	Springs Nitrogen Reduction -Assist State and Local Governments with District funds for Springs Nitrogen Reduction projects in the District's 5 first magnitude springs BMAPs with a measure start date of June 2018.	Reduce nitrogen loading through District projects for a total of 80,000 lbs by FY2039 in the northern region BMAPs.	Reduce nitrogen loading through District projects for a total of 40,000 lbs by FY2029 in the northern region BMAPs.	
Natural Systems					
	1	Southern Water Use Caution Area (SWUCA) Recovery Strategy Implementation	Restore minimum flows to upper Peace River by 2025 with MFL being met 350 days in a year for 3 consecutive years.	Meet the upper Peace River MFL 8 out of 10 years.	

FINANCE/OUTREACH & PLANNING COMMITTEE

February 25, 2020

Routine Report

Monthly Financial Statement

Purpose

Presentation of the January 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 Fourth Month Ended January 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 Four Months Ended January 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 January 31, 2020, with 33.3 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 January 31, 2020, 83 percent of the District’s budgeted revenues/balances have been recognized.
- As of January 31, 2020, the District has received \$98,991,946 of ad valorem tax revenue representing 87 percent of the budget. This is in-line with the four-months prior year collection rates of 87 percent for FY2018-19 and 87 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, \$718,277 revenues have been recognized, representing 2 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 January 31, 2020 is earning a weighted average yield of 1.92 percent. For the four months ended January 31, 2020, the District has earned 1.96 percent yield on its investments. Interest earnings on invested funds in the amount of \$3,271,672 have been recognized representing 30 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 34 percent of the budgeted amount as of January 31, 2020.
- As of January 31, 2020, other revenue earned is 723 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 \$4,717,511.

- 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 January 31, 2020, the District had obligated 58 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 \$46.5 million budgeted for this program, the District has obligated 51 percent of the budget (15 percent expended, and 36 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 \$252.4 million budgeted for this program, the District has obligated 63 percent of the budget (3 percent expended, and 60 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 \$29.2 million budgeted for this program, the District has obligated 38 percent of the budget (19 percent expended, and 19 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 37 percent of the budget (27 percent expended, and 10 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 44 percent of the budget (16 percent expended, and 28 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 51 percent of the budget (41 percent expended, and 10 percent encumbered).

Based on the financial activities for the four months ended January 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 Four Months Ended January 31, 2020
(Unaudited)**

	Current Budget	Actuals Through 1/31/2020	Variance (under)/Over Budget	Actuals As A % of Budget (rounded)
Sources				
Ad Valorem Property Taxes	\$ 113,153,713	\$ 98,991,946	\$ (14,161,767)	87%
Intergovernmental Revenues	45,136,751	718,277	(44,418,474)	2%
Interest on Invested Funds	11,000,000	3,271,672	(7,728,328)	30%
License and Permit Fees	2,029,700	687,236	(1,342,464)	34%
Other	690,250	4,991,430	4,301,180	723%
Fund Balance	193,074,669	193,074,669	-	100%
Total Sources	\$ 365,085,083	\$ 301,735,230	\$ (63,349,853)	83%

	Current Budget	Expenditures	Encumbrances¹	Available Budget	% Expended (rounded)	% Obligated² (rounded)
Uses						
Water Resource Planning and Monitoring	\$ 46,495,914	\$ 6,793,228	\$ 16,952,937	\$ 22,749,749	15%	51%
Land Acquisition, Restoration and Public Works	252,379,158	7,362,176	152,119,941	92,897,041	3%	63%
Operation and Maintenance of Works and Lands	29,183,764	5,581,197	5,638,609	17,963,958	19%	38%
Regulation	21,468,607	5,762,721	2,236,403	13,469,483	27%	37%
Outreach	3,081,465	490,136	868,653	1,722,676	16%	44%
Management and Administration	12,476,175	5,117,920	1,306,792	6,051,463	41%	51%
Total Uses	\$ 365,085,083	\$ 31,107,378	\$ 179,123,335	\$ 154,854,370	9%	58%

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 January 31, 2020, and covers the interim period since the most recent audited financial statements.

FINANCE/OUTREACH & PLANNING COMMITTEE

February 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 January 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
January 31, 2020

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
PUBLIC TRUST ADVISORS						
SWFWMD-Enhanced Cash Portfolio						
7951619	Investments	1.96	\$165,383,539	\$165,914,710	\$531,271	
7951619	Cash / Money Market Fund	1.46	308,489	308,489	0	
			Subtotal	\$165,692,028	\$166,223,199	\$531,271
7951619	Accounts Receivable-Trade date prior to 1/31/20, Settlement date after 1/31/20		2,126	2,126	0	
			Total	\$165,694,154	\$166,225,325	\$531,271
SWFWMD- 1-3 Year Portfolio						
7951620	Investments	1.95	\$256,528,895	\$258,430,307	\$1,310,034	
7951620	Cash / Money Market Fund	1.46	1,390,058	1,390,058	0	
			Subtotal	\$257,918,953	\$259,820,365	\$1,310,034
7951620	Accounts Payable-Trade date prior to 1/31/20, Settlement date after 1/31/20		(3,098,271)	(3,098,271)	0	
			Total	\$254,820,682	\$256,722,094	\$1,310,034
TOTAL CUSTODIAN HELD INVESTMENTS			\$420,514,836	\$422,947,419	\$1,841,305	77.63

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	1.81	\$91,380,182	\$91,380,182		
271414	SBA Land Resources	1.81	16,286,490	16,286,490		
271415	SBA Advanced State Funding (Eco System Trust Fund)	1.81	333,606	333,606		
271416	SBA Advanced State Funding (FDOT)	1.81	12,957,903	12,957,903		
271418	SBA Advanced State Funding (WPSTF-AWS)	1.81	196,816	196,816		
	TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS		\$121,154,997	\$121,154,997		22.37
	TOTAL INVESTMENTS		\$541,669,833	\$544,102,416		100.00
	CASH, SUNTRUST DEMAND ACCOUNT		(1,858,366)	(1,858,366)		
	TOTAL CASH AND INVESTMENTS		\$539,811,467	\$542,244,050		

Weighted average yield on portfolio at January 31, 2020 is 1.92%.

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

EQUITY - CASH AND INVESTMENTS

DISTRICT AND BASINS

District General Fund	\$489,415,673	90.66%
Restricted for Alafia River Basin	523,594	0.10%
Restricted for Hillsborough River Basin	9,991,939	1.85%
Restricted for Coastal Rivers Basin	321,488	0.06%
Restricted for Pinellas-Anclote River Basin	9,298,511	1.72%
Restricted for Withlacoochee River Basin	1,018,496	0.19%
Restricted for Peace River Basin	1,555,562	0.29%
Restricted for Manasota Basin	2,806,038	0.52%
Total District General Fund	\$514,931,301	95.39%
FDOT Mitigation Program	12,730,310	2.36%
Florida Forever Program	12,149,856	2.25%
TOTAL EQUITY IN CASH AND INVESTMENTS	\$539,811,467	100.00%

Monthly Investment Report for Period Ended January 31, 2020

Southwest Florida
Water Management District



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

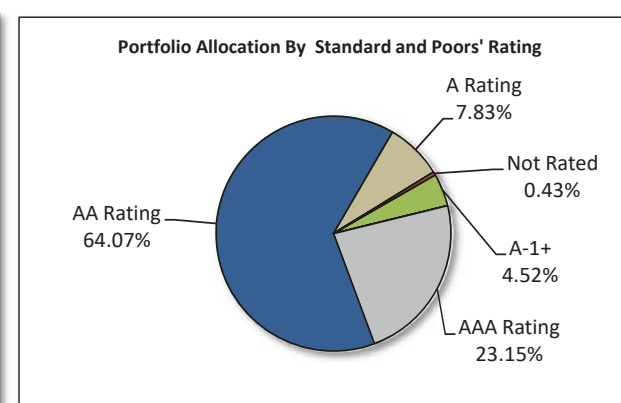
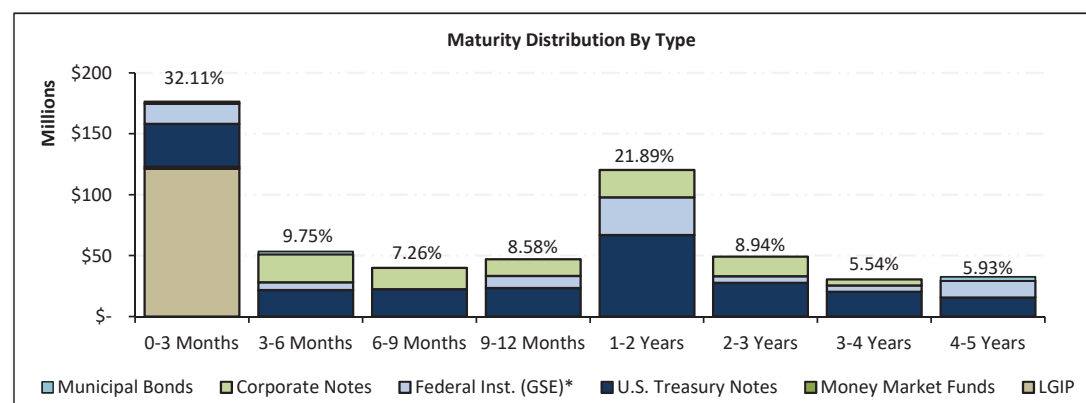
Southwest Florida Water Management District All Assets Summary Comparison for the period January 1, 2020 to January 31, 2020

Southwest Florida Water Management District All Assets Portfolio	January 1, 2020 Beginning Balance	January 31, 2020 Ending Balance	Portfolio Characteristic	January 1, 2020 Beginning Balance	January 31, 2020 Ending Balance
Book Value Plus Accrued	\$ 533,493,382	\$ 546,607,281	Weighted Book Yield	1.94%	1.92%
Net Unrealized Gain/Loss	1,118,966	2,432,583	Weighted Duration	1.07 Years	1.09 Years
Net Pending Transactions	952	(3,096,145)			
Market Value Plus Accrued Net	\$ 534,613,300	\$ 545,943,719			

Individual Portfolio Characteristics	January 1, 2020 Beginning Balance	January 31, 2020 Ending Balance	January 31, 2020 Monthly Earnings	January 31, 2020 YTD Earnings
Liquid Portfolio (SBA-Florida Prime)	\$ 111,826,790	\$ 121,154,995	\$ 180,305	\$ 486,097
Enhanced Cash	166,270,842	166,756,596	271,744	1,133,120
Short Term 1-3 Year	256,515,668	258,032,128	416,853	1,652,122
Market Value Plus Accrued Net	\$ 534,613,300	\$ 545,943,719	\$ 868,902	\$ 3,271,339

Less Advisory Fees:	\$ (10,561)	\$ (41,908)
Total Earnings Net of Fees	\$ 858,341	\$ 3,229,431

Blended Basis Fee (Annualized)	0.02319%	0.02300%
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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

February 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 January 31, 2020.

Background

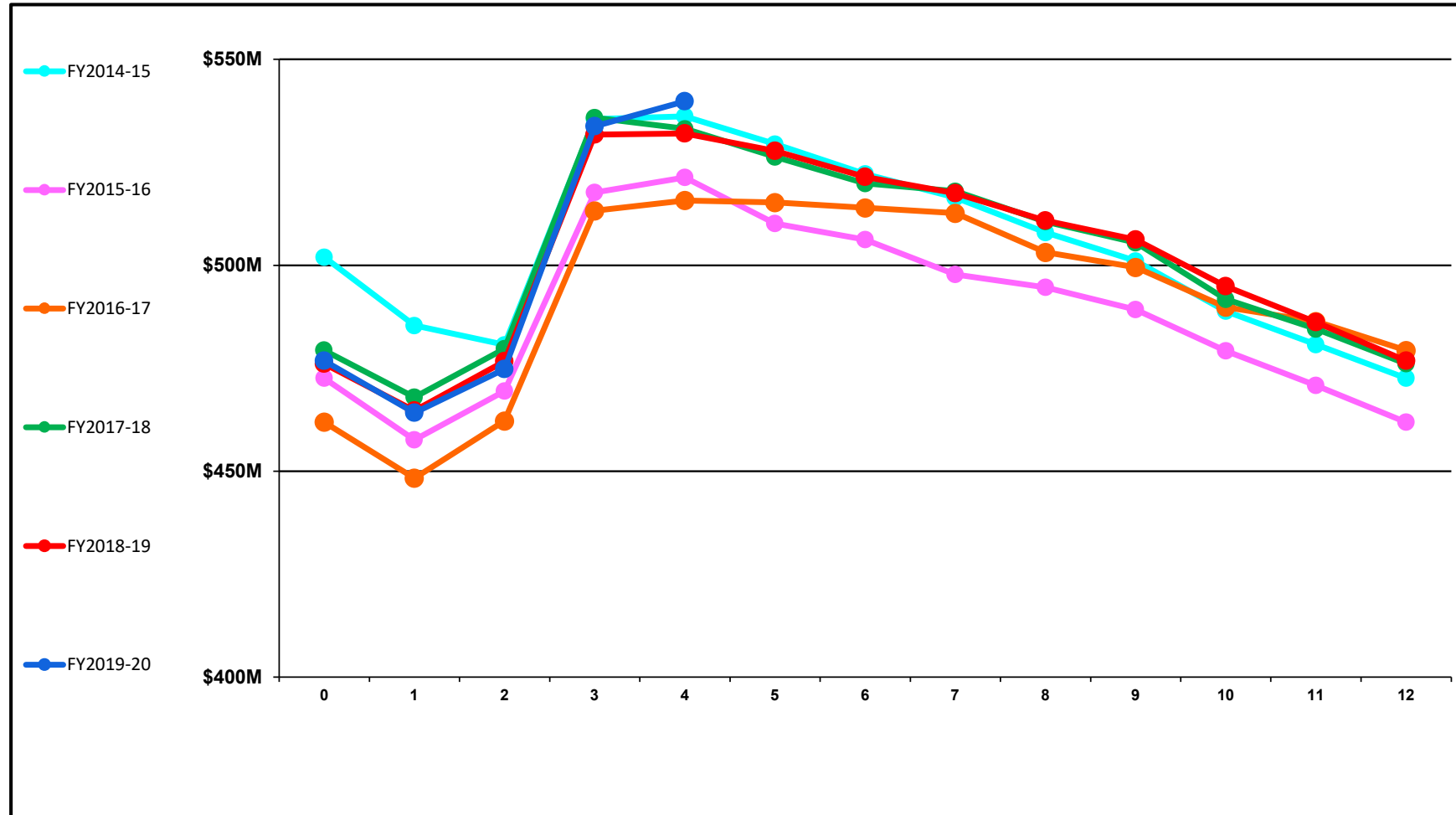
This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves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

February 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 February 06, 20

Project	Amendment Type	Assigned	Completed	Description	10YWSFW
Citrus 19-4	ESR	12/2/2019	1/3/2020	No substantive comments.	<input type="checkbox"/>
Citrus 19-5	ESR	12/16/2019	1/15/2020	No substantive comments.	<input type="checkbox"/>
Davenport 20-1	ESR	1/17/2020	1/30/2020	No substantive comments.	<input type="checkbox"/>
Dundee 19-2	ESR	12/3/2019	12/30/2019	Comments addressed existing WUP/wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Haines City 19-3	ESR	12/3/2019	12/30/2019	Comments addressed statutory requirements for a potable water analysis, reuse, conservation, existing WUP/wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Hernando 19-2	ESR	12/27/2019	1/29/2020	No substantive comments.	<input type="checkbox"/>
Hillsborough 19-4	ESR	11/8/2019	11/21/2019	Comments addressed existing wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Lake Alfred 19-2ACSC	Regular	12/17/2019	1/3/2020	No substantive comments.	<input type="checkbox"/>
Manatee 19-4	ESR	12/16/2019	1/13/2019	Comments addressed statutory requirements for a potable water analysis, reuse, conservation and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Pasco 19-16	ESR	11/18/2019	12/12/2019	Comments addressed floodplains and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Pasco 20-2	ESR	1/23/2020		Map amendment.	<input type="checkbox"/>
Pasco 20-3	ESR	1/22/2020		Map amendment.	<input type="checkbox"/>
Plant City 19-3	ESR	11/5/2019	11/21/2019	Comments addressed existing wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Plant City 19-4	ESR	11/27/2019	12/26/2019	Comments addressed existing WUP/wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Polk 19-10	ESR	11/14/2019	12/12/2019	Comments addressed reuse, conservation, floodplains, wetlands, existing WUP/wells and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Polk 19-11	ESR	12/9/2019	1/3/2020	No substantive comments.	<input type="checkbox"/>

Attachment: CPARR (4883 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Safety Harbor 20-1	ESR	1/17/2020		Text amendment.	<input type="checkbox"/>
Safety Harbor 20-2	ESR	1/17/2020		Text amendment.	<input type="checkbox"/>
Seminole 19-1	ESR	12/27/2019	1/29/2020	No substantive comments.	<input type="checkbox"/>
Wauchula 19-1	WSFWP	11/14/2019	12/12/2019	Comments addressed missing information for water demand projections, system components, service area map, conservation measures, identification of aging/inadequate infrastructure, Work Plan timeframe and proposed capital improvements.	<input checked="" type="checkbox"/>
Wauchula 19-2	ESR	11/14/2019	12/10/2019	No substantive comments.	<input type="checkbox"/>
Wildwood 20-1	ESR	1/15/2020		Map and text amendments.	<input type="checkbox"/>
Wildwood 20-2	ESR	1/20/2020		Text amendment.	<input type="checkbox"/>
Zolfo Springs 19-1	ESR	11/21/2019	12/11/2019	No substantive comments.	<input type="checkbox"/>

Abbreviations:

ACSC Area of Critical State Concern
ESR Expedited State Review
WSFWP Water Supply Facilities Work Plan

**Governing Board Meeting
February 25, 2020**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE
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Discussion Items

30. Consent Item(s) Moved for Discussion	183
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Submit & File Reports

31. Hydrologic Conditions Report.....	184
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Routine Reports

32. Significant Activities	186
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33. Structure Operations.....	190
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34. Surplus Lands Update	193
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OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

February 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**February 25, 2020*****Submit and File Report*****Hydrologic Conditions Report**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the month under review, which is January, with comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data.

The information presented below is a summary of data presented in more detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at <https://www.swfwmd.state.fl.us/resources/weather-hydrology/hydrologic-conditions-reports>

Rainfall

Provisional rainfall totals for January 1-31 indicate amounts were below-normal in all three regions of the District. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- Northern region rainfall averaged 0.55 inch, equivalent to the 7th percentile.
- Central region rainfall averaged 0.82 inch, equivalent to the 17th percentile.
- Southern region rainfall averaged 0.84 inch, equivalent to the 21st percentile.
- District-wide, average rainfall was 0.75 inch, equivalent to the 12th percentile.

Streamflow

January streamflow data indicate that flow increased in the northern and southern regions of the District, while it slightly decreased in the central region, based on flow conditions within the three regional index rivers indicated below. Normal streamflow is defined as flow that falls on or between the 25th and 75th percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was at the upper-end of the normal range at the 74th percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was above-normal at the 80th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was at the upper-end of the normal range at the 64th percentile.

Groundwater Levels

Groundwater data for January indicates that levels in the Upper Floridan Aquifer decreased in all three regions of the District, compared to last month. Groundwater levels ended the month at the upper-end of the normal range in the northern and central regions, while they were within the normal range in the southern region. Normal groundwater levels are defined as those falling on or between the 25th and 75th percentiles.

- The average groundwater level in the northern region was at the 75th percentile.
- The average groundwater level in the central region was at the 71st percentile.
- The average groundwater level in the southern region was at the 55th percentile.

Lake Levels

Water level data for January indicates that regional lake levels have slightly increased in the Tampa Bay region of the District, while they have decreased in the northern, Polk Uplands and Lake Wales Ridge regions, compared to the previous month. The northern, Tampa Bay and Polk Uplands regions ended the month with levels above the base of the annual normal range, while the Lake Wales Ridge region ended the month at below-normal levels. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average lake levels in the Northern region decreased 0.20 foot and were 0.21 foot above the base of the annual normal range.
- Average lake levels in the Tampa Bay region increased 0.02 foot and were 1.25 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region decreased 0.13 foot and were 2.09 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.20 foot and were 0.12 foot below the base of the annual normal range.

Issues of Significance

January historically marks the fourth month of the 8-month (October through May) dry season and provisional rainfall totals for the month were below-normal in all regions of the District. Analysis of the District-wide dry-season rainfall, to date, shows October through January totals to be above the historic mean in all three regions of the District.

Rainfall received during January was light, scattered, regionally variable and associated with several weak cold front systems moving through the District. The District-wide 12-month cumulative rainfall total saw a decline, ending the month at a deficit of 2.1 inches below the long-term historical average, while the 24-month total saw a decline, but ended the month with a surplus of 6.1 inches above the long-term historical average.

The NOAA Climate Prediction Center's composite three-month weather forecast, as of January 16, 2020, indicates equal chances for below-normal, normal or above-normal rainfall during February through May 2020. The temperature forecast for this time-period is for above-normal temperatures throughout the District. If drier-than-normal rainfall conditions continue during the remaining winter and spring months, declines to overall hydrologic conditions would be expected.

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

Staff Recommendation:

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

Presenter: Granville Kinsman, Hydrologic Data Manager

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

February 25, 2020

Routine Report

Significant Activities

Staff Recommendation:

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Significant Activities

This report provides monthly information through January 21, 2019 on significant Operations and Land Management projects and programs. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

Land Management

- Applied prescribed fire to 3,790 acres of District lands.
- Removed 543 feral hogs from District lands.
- Planted 27,000 longleaf pine seedlings on a restoration project on Green Swamp West.
- Treated invasive exotic vegetation on 7,061 acres on District lands.
- Land resource-based revenue totals \$77,300.

Land Resources/Land Use and Protection

Issued Special Use Authorization to the following:

- City of Tampa Wastewater Department for vehicle access and use of Tampa Bypass Canal to conduct a wastewater main replacement project.
- Pig Daddy's BBQ and Catering, LLC on behalf of the Employee Committee for access to the District's Headquarters and Tampa Office area to conduct a food truck event for staff.
- The Lobster Tank, LLC on behalf of the Employee Committee for access to the District Headquarters Office area to conduct a food truck event.
- Tampa Audubon Society for vehicle access to Rock Ponds to conduct a quarterly bird survey. Up to 12 participants are expected.
- Nathan's Court Neighborhood Association, Inc. for access along the Lower Hillsborough property boundary line to trim, spray and maintain vegetation along the Nathans Court side of the property boundary fence. Utilization of trimming devices and sprays is authorized.
- Flatwoods Consulting Group, Inc. on behalf of Mosaic Company – FishHawk for vehicle access to conduct surveying, nest monitoring, and banding of translocated Florida scrub-jays and all family groups descendent of those translocated Florida scrub-jays on the Coker Prairie Tract, and to conduct surveying (no nest monitoring or banding) of jays on the Southfork Tract.
- A1 Ultra Events for vehicle access to the Cypress Creek Preserve wellfield to conduct the Long Haul 100 Race, an all-volunteer event, with all proceeds benefiting The Florida

Center for Early Childhood. A maximum cap of 250 runners is established. The race participants are allotted 32 hours to complete the longest distance.

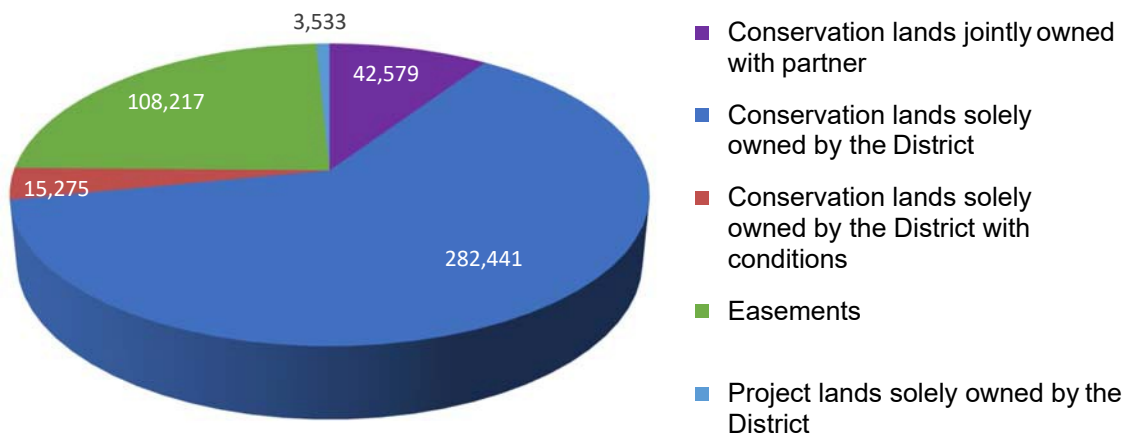
Amended Resident Security Lease to extend the term for one additional year.

Volunteers provided 605 hours of service at a value of approximately \$14,253.80 to District's conservation/recreation lands. Volunteer services included campground maintenance, trash removal, fence repair, mowing, and other miscellaneous tasks to assist in recreation and land management duties.

Processed 924 requests and provided 2,582 camping opportunities on Districtlands.

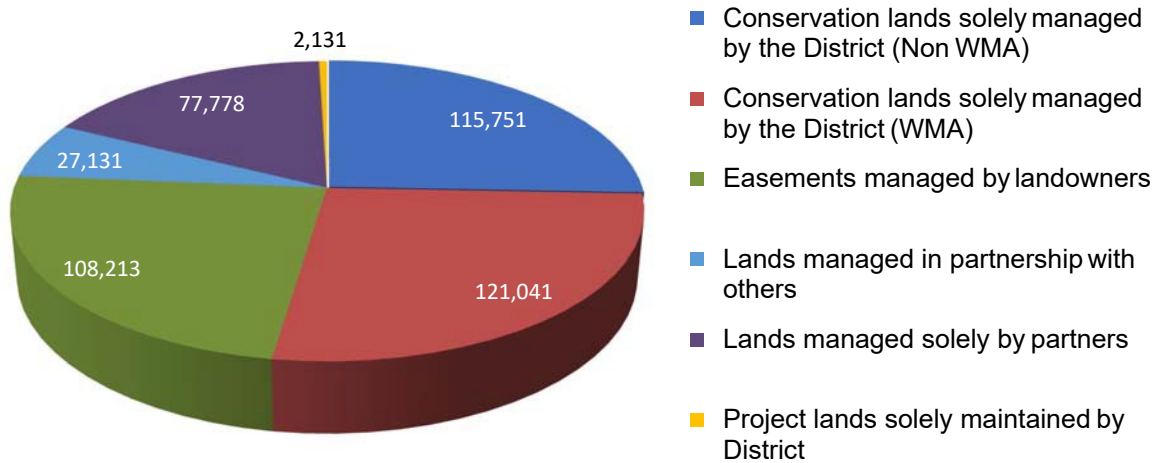
The following is a breakdown of District land interests:

District Land Ownership
Total Acres: 452,045



Land Management and Maintenance

Total Acres: 452,045



Staff Recommendation:

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

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

February 25, 2020

*Routine Report*Structure OperationsStructure Operations

Summary of gate status and water levels for select water control structures on February 3, 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	23.11	38.0	21.0	Open
Upper Pool	S-159	24.11	38.0	21.0	Closed
Middle Pool	S-161	13.83	15.0	12.0	Closed
Lower Pool	S-160	9.94	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	35.37	36.1	33.6	Closed

Lake June-in-Winter

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
June-in-Winter	G-90	73.08	74.4	72.1	Closed

North Winter Haven Chain of Lakes

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Smart	P-6	127.57	127.75	123.50	Closed
Lake Henry	P-5	125.04	125.50	123.00	Closed
Lake Fannie	P-7	124.53	124.75	122.50	Closed
Lake Hamilton	P-8	120.12	120.50	118.00	Closed

Peace River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Hancock	P-11	99.33	102.1	96.6	Open

Alafia River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Medard Reservoir	Medard	57.99	58.2	56.6	Closed

Rocky Creek System

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Pretty	Pretty	43.47	43.50	41.00	Closed
Lake Armistead	Armistead	41.10	43.20	39.70	Closed

Brooker Creek System

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Tarpon	S-155	2.57	3.10	1.50	Closed

Sawgrass Lake

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Sawgrass Lake	Sawgrass	3.44	3.20	3.00	Closed

Withlacoochee River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Rousseau	Inglis Main	26.66	27.10	25.60	Closed
Lake Rousseau	Inglis Bypass	26.66	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	37.17	38.10	36.40	Closed

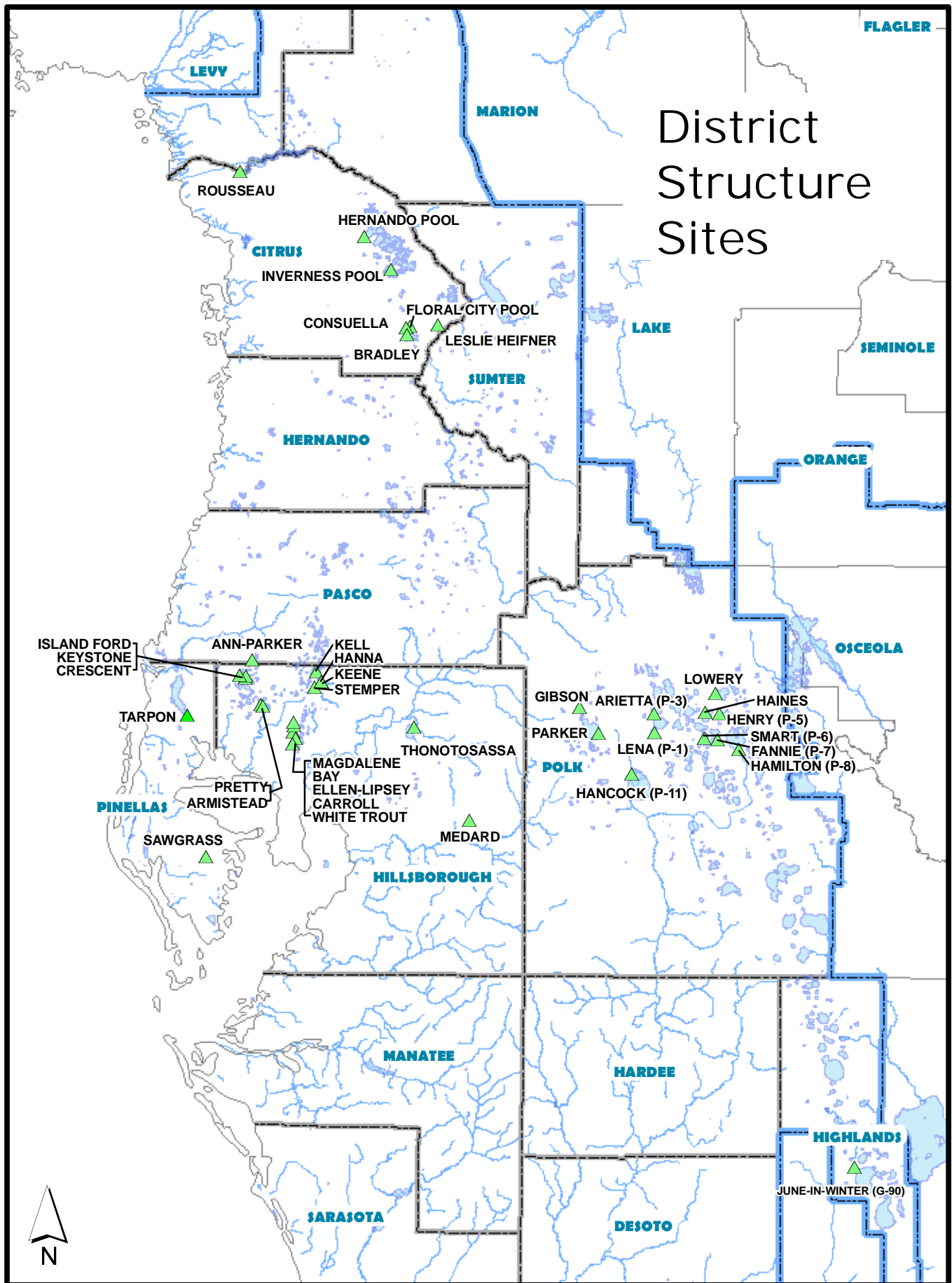
*Elevations above referenced to NAVD88 datum

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



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

February 25, 2020

Routine Report

Surplus Lands Update

Purpose

This report provides a status on the District's surplus lands program. Information is through February 3, 2020.

Background

In 2011, at the direction of the Governing Board, the District began a regular surplus lands assessment and sales of surplus lands program. The table below shows the status of the parcels declared surplus by the Governing Board.

Surplus Lands Status	Acres	Compensation
Sold, Exchanged or Transferred	1,759	\$8,729,219
Closing Pending	2	\$16,500
Marketed by District (Annutteliga Hammock lots)	33	
Marketed by Broker	968	
Not Marketed	2,251	
Total	5,013	\$8,745,719

Sold from 12/17/19 to 2/3/20				
SWF Parcel No.	Date Closed	Acres	Contract Price	Appraised Value
15-228-1438S	12/20/2019	.46	\$4,001	\$4,000
15-227-1713S	1/30/2020	.95	\$13,000	\$9,200
15-228-1444S	2/3/2020	.46	\$4,500	\$4,400
Total		1.87	\$21,501	\$17,600

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

**Governing Board Meeting
February 25, 2020**

REGULATION COMMITTEE

Discussion Items

35. Consent Item(s) Moved for Discussion	194
36. Denials Referred to the Governing Board	195

Submit & File Reports – None

Routine Reports

37. Dover/Plant City Water Use Caution Area Flow Meter Automatic Meter Reading (AMR) Equipment Implementation Program Update	196
38. Overpumpage Report	197
39. Individual Permits Issued by District Staff	200

REGULATION COMMITTEE

February 25, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Michelle Hopkins, P.E., Division Director, Regulation

REGULATION COMMITTEE

February 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**February 25, 2020*****Routine Report*****Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update**

At their December 2010 meeting, the Governing Board adopted a minimum aquifer level in the Dover/Plant City Water Use Caution Area (DPCWUCA); Rule 40D-8.626, Florida Administrative Code (F.A.C.), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and automatic meter reading (AMR) equipment installations to monitor and reduce resource impacts from future frost/freeze pumping events. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It was originally estimated as of June 16, 2011 that there were 626 flow meters and 961 AMR devices needing installation within the 256-square mile DPCWUCA. As of December 1, 2016 it was estimated that 573 flow meters and 954 AMR devices will need to be installed, currently, a revised assessment completed of May 1, 2019 estimated a program total of 540 flow meters and 870 AMR devices. This revised assessment is due to expired permits, use change, deletion of withdrawals not required to be metered and have AMR devices and the completion of the Flow Meter Reimbursement Program. Total costs of the program were estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$316,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage, Inc. The contract for the first phase of the program was executed on November 14, 2013 and an extension was made to allow for the replacement of 457 modems that will no longer be supported by Verizon by December 31, 2019. The modem replacements are to be completed by September 30, 2020. The second phase of program, for ongoing maintenance and limited AMR installations will begin on October 1, 2019.

New Activities Since Last Meeting: As of February 1, 2020, a total of 457 modems are required to be replaced by September 30, 2020. A total of 10 modems remain to be replaced (98 percent complete). *Project Manager: Talia M. Paolillo*

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

REGULATION COMMITTEE

February 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 December 2019

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>						
7139.004	Buttonwood Bay Utilities ¹	Public Supply – Modular Home Community	203,000	9/1/2019 216,808 gpd 6.80%	12/01/2019 232,742 gpd 14.65%	Bartow
11017.006	QC Desoto Grove Ventures, LLC (QC Standby 5-2) ¹	Agriculture - Citrus	122,900	9/1/2019 206,597 gpd 68.00%	12/01/2019 234,981 gpd 91.20%	Sarasota

(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 December 2019

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
Continuing From Previous Report						
10923.001*	Spruce Creek Golf, LLC. ³	Recreation – Golf Course	163,600	4/1/2019 513,085 gpd 213.62%	09/01/2019* 701,852 gpd 329.00%	Brooksville
1854.008	Panther Trails CDD ³	Recreation - Lawn/Landscaping	4,600	02/01/2019 11,573 gpd 151.59%	12/01/2019 9,453 gpd 105.50%	Tampa
12900.002	Minto Bradenton LLC. (Perico Island Development) ³	Recreation - Lawn/Landscaping	130,500	11/01/2017 196,759 gpd 50.77%	12/01/2019 159,345 gpd 22.10%	Sarasota
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%	12/01/2019 3,374,304 gpd 32.07%	Brooksville
2588.010	Kelly Family Holdings, LLC. (Kelly Farms) ^{2&3}	Agriculture – Potatoes, Corn and Pasture	1,043,600	11/01/2016 851,054 gpd 20.79%	12/01/2019 1,372,870 gpd 31.55%	Sarasota
7002.004	MHC FR Utility Systems, LLC. ³	Public Supply	97,100	04/01/2015 104,929 gpd 8.06%	12/01/2019 150,152 gpd 54.64%	Tampa

(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).

* Unavailable/Missing flow data for October, November and December 2019

Attachment: Feb20 Routine Reports - Overpumpage Report Dec 2019 Rev [Revision 1] (4868 :

REGULATION COMMITTEE

February 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 – FEBRUARY 2020

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43019237.012	Winding Ridge Phase 1 & 2 & Mass Grading Phase 3	Pasco	Modification. Phase 1 & 2 - 255 single family residential lots. Phase 3 - mass grading.	268.4	61.62	11.07	11.71
43041732.001	Smith 54 MPUD Master Infrastructure (a.k.a. Cypress Ranch)	Pasco	Construction of master infrastructure (roadways, ponds and connecting conveyances) to serve future mix-use development.	164.21	44.95	8.76	0

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 – FEBRUARY 2020

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
20008829.008	Whisenant Farms	Manatee	Renewal of agricultural permit	Agricultural	1,277,700	1,277,700	20
20000360.012	Astin Strawberry Property Management, LLC	Hillsborough	Renewal of an Agricultural water use permit for irrigation of strawberries, melons, and tomatoes	Agricultural	2,270,600	2,240,600	20
20006197.015	Hickory Grove	Highlands	Citrus Grove Renewal	Agricultural	5,191,000	5,191,000	20
20008224.007	Prairie Creek Ranch	DeSoto, Charlotte	Renewal of an Agricultural water use permit for irrigation of citrus, melons, and tomatoes	Agricultural	2,533,500	2,533,500	20

**Governing Board Meeting
February 25, 2020**

GENERAL COUNSEL'S REPORT

Discussion Items

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Submit & File Reports – None

Routine Reports

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GENERAL COUNSEL'S REPORT

February 25, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

February 25, 2020

Routine Report

February 2020 Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT
February 2020

OPEN ENFORCEMENT CASES
64 Cases as of February 3, 2020

Case Style	Court/Case No.	Attorney	Description	Date Opened	Date Closed
Enforcement Cases in Active Litigation					
SWFWMD v. Fufuns Holdings, LLC	DOAH 19-2812	J. Fussell M. Bray	Challenge to Administrative Complaint and Order	05/10/19	1/28/20
SWFWMD v. James Marcus Vernon, P.E., et al	DOAH 20-000580	E. Fernandez	Challenge to Administrative Complaint and Order	01/31/20	
Permit/Agency Action Challenges					
Long Bar Pointe, LLLP v. Lake Flores I, LLC, & SWFWMD	DOAH 17-005609	C. Tumminia J. Fussell	Administrative Challenge – ERP	09/29/2017	2/25/20
Rainbow River Conservation, Inc., et al. v. SWFWMD	DOAH 19-2517RP	A. Vining C. Tumminia M. Bray	Rule Challenge	05/17/19	1/31/20
Denlinger v. Summit View, LLC, and SWFWMD	N/A	J. Fussell A. Witherup	Administrative Challenge – ERP	08/20/19	9/6/19 – Pending Appeal
HC Waterworks, Inc. v. SWFWMD	N/A	C. Tumminia	Administrative Challenge- WUP	1/27/20	
Walden Pointe HOA v. SWFWMD	N/A	J. Fussell A. Dhand	Administrative Challenge – ERP	2/4/20	
Circuit Court Litigation					
Uranowski v. SWFWMD	Hernando County Case No. 16-CA-976	T. Gonzalez (outside counsel)	Employment Discrimination	09/30/16	
Thomas v. North Port Gateway Ass'n & SWFWMD	Charlotte County Case No. 16-1505-CA	G. Mackinnon (outside counsel) C. Tumminia	Negligence (automobile accident)	08/18/16	1/28/20

Denlinger v. SWFWMD	Pasco County Case No. 18-CA-1241	J. Fussell C. Tumminia	Inverse Condemnation Negligence (ERP)	05/18/18	Awaiting Order - Action Partially Dismissed
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	
Valdez v. SWFWMD	Pasco County Case No. 18-CA-1241	J. Fussell C. Tumminia	Inverse Condemnation Negligence (ERP)	01/30/19	Awaiting Order - Action Partially Dismissed
Cow Hammock, LLC v. Suggs & SWFWMD	Sumter County Case No. 19-CA-142	C. Tumminia	Quiet Title	04/22/19	
Gilberti v. DeSantis, SWFWMD, et al.	U.S. Middle Dist. Fl. 2:19-282-FtM	E. Fernandez C. Tumminia	R.I.C.O.	05/28/19	
SWFWMD v. Jacobs Engineering Group, Inc.	Hernando County Case No. 2019-CA- 001105	M. McNeil	Complaint for Damages (Contracts and Indebtedness and professional malpractice)	09/27/19	
SWFWMD v. B&G Family Partnership, LLLP	Levy County Case No. 2019-CA- 000746	E. Fernandez	Petition for Enforcement and Complaint for Civil Remedies	9/27/19	1/19/20
SWFWMD v. The Links at River Ridge	Pasco County Case No. 2019-CA- 003331	C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies	10/8/19	
SWFWMD v. Kelly Family Holdings, LLC	Charlotte County Case No. 19001087CA	C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies	10/15/19	
Duke Energy Florida, LLC v. SWFWMD, et al.	Pasco County Case No. 2019-CA- 003821	J. Fussell	Petition in Eminent Domain	12/5/19	
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	01/10/2020	

SWFWMD v. Etcetera, Etc., Inc.	DeSoto County Case No. 2020-CA- 000017	C. Tumminia M. Albrecht	Petition for Enforcement and Complaint for Civil Remedies	01/15/2020	
Appeals					
Gilberti v. Federal Reserve, SWFWMD, et al.	U.S. Federal Cir.	E. Fernandez C. Tumminia	R.I.C.O.	06/18/19	
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	10/4/19	
Delegated Consent Orders					
Jimmy Gould	SWF 19-033	E. Fernandez	Well Construction Violation	8/14/19	12/18/19

GENERAL COUNSEL'S REPORT

February 25, 2020

Routine Report

February 2020 Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

RULEMAKING UPDATE
FEBRUARY 2020
PROPOSED RULES & AMENDMENTS

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
1. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302(1), F.A.C., to Repeal Reservations from Use of Morris Bridge Sink	May 2015	TBD	May 2015
2. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Rainbow River System	June 2017	Effective Approx. February 2020	June 2017
3. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lakes Church and Echo in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019
4. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Charles in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019
5. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Calm in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019
6. 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	January 2020	TBD	January 2020
7. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Sapphire Lake in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019
8. Initiation and Approval of Rulemaking to Amend Rule 8.623, F.A.C. to Adopt revised Minimum Wetland Levels in Hillsborough, Pasco, and Pinellas Counties	November 2019	Effective Approx. Feb. 2020	November 2019

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
9. Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to amend WUP Applicant's Handbook Part B	November 2019	Effective Approx. Feb. 2020	November 2019
10. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, F.A.C., to adopt revised Minimum Flows for the Chassahowitzka and Homosassa River Systems in Citrus County	October 2019	Effective Approx. March 2020	October 2019

COMMITTEE/LIAISON REPORTS

February 25, 2020

Discussion Item

Environmental Advisory Committee

Staff Recommendation:

Presenter: Roger Germann, Board Member

COMMITTEE/LIAISON REPORTS

February 25, 2020

Discussion Item

Industrial Advisory Committee

Staff Recommendation:

Presenter: James Murphy, Board Member

COMMITTEE/LIAISON REPORTS

February 25, 2020

Discussion Item

Public Supply Advisory Committee

Staff Recommendation:

Presenter: Kelly S. Rice, Board Member

EXECUTIVE DIRECTOR'S REPORT

February 25, 2020

Discussion Item

Executive Director's Report

Staff Recommendation:

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

CHAIR'S REPORT

February 25, 2020

Discussion Item

Chair's Report

Staff Recommendation:

Presenter: Mark Taylor, Chair

CHAIR'S REPORT

February 25, 2020

Routine Report

Employee Milestones

Staff Recommendation:

Presenter: Mark Taylor, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	02/02/2015	Kris Stair	Staff Hydrogeologist	Tampa	Water Use Permit	2020	02/02/2020
5	02/16/2015	Irvy Bacy	ECM Coordinator 1	Brooksville	General Services	2020	02/16/2020
5	02/23/2015	Tinette DeLaCruz	Procurement Specialist	Brooksville	Finance	2020	02/23/2020
15	02/07/2005	Jessica Hendrix	GIS Team Lead	Brooksville	Data Collection	2020	02/07/2020
15	02/23/2005	Cyndi Gates	Senior Land Management Specialist	Brooksville	Operations and Land Management	2020	02/23/2020
20	02/21/2000	Jamison Janke	Senior Professional Engineer	Brooksville	Water Resources	2020	02/21/2020
25	02/17/1995	Joseph Quinn	Water Supply Project Manager	Brooksville	Water Resources	2020	02/17/2020
30	02/05/1990	Karen Frazier	Accounts Payable Lead	Brooksville	Finance	2020	02/05/2020