

Governing Board Meeting

Agenda and Meeting Information

May 21, 2019

9:00 AM

Tampa Office

7601 US Hwy. 301 • Tampa, Florida
(813) 985-7481

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

An Equal
Opportunity
Employer

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Bureau Chief at 2379 Broad Street, Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4703; or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Final Agenda GOVERNING BOARD MEETING

MAY 21, 2019

9:00 AM

Tampa Office

7601 US HWY. 301, TAMPA, FL 33637
(813) 985-7481

☞ All meetings are open to the public. ☜

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

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

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

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

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

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

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

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

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

Tampa Office
7601 Hwy 301 N (Fort King Highway)
Tampa, Florida 33637-6759
(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. *Election of Governing Board Officers*
5. *Additions/Deletions to Agenda*
6. *Public Input for Issues Not Listed on the Published Agenda*

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

7. Approve Use of the East Citrus Withlacoochee River Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Citrus County (N090)
8. Approve Use of the Jumper Creek Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Sumter County (N487)
9. Clearwater Groundwater Replenishment Project (N665) – Scope Change and Proposed Contract Amendment
10. Citrus County Water Sense Labeled Irrigation Controller Installation Phase 2 (N958) – Scope Change

Finance/Outreach & Planning Committee

11. Water Reuse Week
12. Budget Transfer Report

Operations, Lands and Resource Monitoring Committee

13. First Amendment to Non-Exclusive Perpetual Easement with City of St. Petersburg – Clam Bayou – SWF Parcel No. 16-728-129X

Regulation Committee

14. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20012523.004 – IFAS Research Center (Balm) / UF Institute of Food and Agricultural Sciences (Hillsborough County)

General Counsel's Report

15. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Authorization to Issue Administrative Complaint and Order – Overpumpage – Kelly Family Holdings, LLC – WUP No. 20002588.010 – CT No. 390610 – Charlotte County
 - b. Authorization to Issue Administrative Complaint and Order – Unauthorized Activities – Seagrass Resort – CT No. 395970 – Citrus County, Florida
16. Rulemaking - None

Executive Director's Report

17. Approve Governing Board Minutes – April 23, 2019

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

18. Consent Item(s) Moved for Discussion
19. Fiscal Year 2019-2020 Cooperative Funding Update
20. Lake Hancock Outfall Treatment Project (H014)

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

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

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

23. Consent Item(s) Moved for Discussion
24. Fiscal Year 2020 Ad Valorem New Growth Projections
25. Knowledge Management: Travel Governing Board Policy
26. Legislative Update

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

- 27. Treasurer's Report and Payment Register
- 28. Monthly Financial Statement
- 29. Monthly Cash Balances by Fiscal Year
- 30. Comprehensive Plan Amendment and Related Reviews Report
- 31. Development of Regional Impact Activity Report

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

- 32. Consent Item(s) Moved for Discussion
- 33. Hydrologic Conditions Report

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

- 34. Surplus Lands Update
- 35. Structure Operations
- 36. Significant Activities

REGULATION COMMITTEE (TAB F)**Discussion**

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

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

- 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

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

- 42. Consent Item(s) Moved for Discussion
- 43. Authorization to Issue Administrative Complaint and Order – Steven B. Zink – Unauthorized Construction at 5322 C-48, Bushnell – Sumter County, Florida
- 44. Approval of Consent Order – Failure to Comply with Permit Conditions – MGM of West Florida, LLC – ERP No. 44030586.000 – CT No. 370033 – Manatee County, Florida

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

- 45. May 2019 Litigation Report
- 46. May 2019 Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

- 47. Public Supply Advisory Committee
- 48. Industrial Advisory Committee
- 49. Other Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 50. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 51. Chair's Report
- 52. Other
- 53. 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.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
SCHEDULE OF MEETINGS
FISCAL YEAR 2019**

Governing Board Meeting

October 23, 2018 (9:00 a.m., Brooksville Office)
November 13, 2018 (9:00 a.m., Tampa Office)
December 11, 2018 (9:00 a.m., Brooksville Office)
January 22, 2019 (9:00 a.m., Tampa Office)
February 26, 2019 (10:00 a.m., Sarasota Office)
March 26, 2019 (9:00 a.m., Brooksville Office)
April 23, 2019 (10:00 a.m., Lake Eva Banquet Hall, Haines City)
May 21, 2019 (9:00 a.m., Tampa Office)
June 25, 2019 (9:00 a.m., Tampa Bay Water)
July 23, 2019 (9:00 a.m., Tampa Office)
August 27, 2019 (9:00 a.m., Brooksville Office)
September 24, 2019 (3:00 p.m., Tampa Office)

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

2019 – September 10 & 24

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

2018 – October 3; November 7; December 5

2019 – January 2; February 6; March 6; April 3; May 1; June 5; July 10; August 7; September 4

**Environmental Resource Permitting Advisory Group – 10:00 a.m., and
Water Use Permitting Advisory Group – 2:00 p.m., Tampa Office**

2018 – November 28

2019 – March 27; July 24

Agricultural & Green Industry Advisory Committee – 9:00 a.m., Tampa Office

2018 – December 6

2019 – March 7, June 6, September 5

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

2018 – October 2

2019 – January 8, April 9, July 9

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

2018 – November 6

2019 – February 19, May 14, August 13

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

2018 – November 6

2019 – February 19, May 14, August 13

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

2018 – October 10

2019 – January 9; April 10; July 10;

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

2018 – October 31, December 12

2019 – January 9, February 27, May 15, August 21

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

2019 – Jan 30; March 27; August 28

Cooperative Funding Initiatives – all meetings begin at 10 a.m.

2019 – February 6 - Northern Region, Brooksville Office

2019 – February 7 – Heartland Region, Location to be Determined

2019 – February 13 – Southern Region, Sarasota Office

2019 – February 14 – Tampa Bay Region, FDEP Office

2019 – April 3 – Northern Region, Brooksville Office

2019 – April 4 – Heartland Region, Bartow City Hall

2019 – April 10 – Southern Region, Sarasota Office

2019 – April 11 – Tampa Bay Region, Tampa Office

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville 34604-6899

Sarasota Office – 6750 Fruitville Road, Sarasota 34240-9711

Tampa Office – 7601 US Highway 301 North, Tampa 33637-6759

Lake Eva Banquet Hall – 799 Johns Avenue, Haines City 33844-5503

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

Tampa Bay – 2575 Enterprise Road, Clearwater 33763

FDEP – 13051 N Telecom Parkway STE 101 Temple Terrace 33637

Executive Summary

GOVERNING BOARD MEETING

MAY 21, 2019
9:00 a.m.

CONVENE PUBLIC HEARING & MEETING (TAB A)

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Employee Recognition
4. Election of Governing Board Officers
5. Additions/Deletions to Agenda
6. 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

7. **Approve Use of the East Citrus Withlacoochee River Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Citrus County (N090)**

Request the Board's approval to use the East Citrus Withlacoochee River Watershed Management Plan (WMP) floodplain information to update Flood Insurance Rate Maps (FIRMs) in Citrus County. The WMP evaluates the capacity of the watershed in achieving flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). Citrus County may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for twenty watersheds in Hernando County, eight watersheds

in Pasco County, seven watersheds in Citrus County, four watersheds in Manatee County, six watersheds in Sarasota County, four watersheds in Polk County, two watersheds in DeSoto County, five watersheds in Hardee County, three watersheds in Highlands County, two watersheds in Pinellas County, two watersheds in Sumter County, twelve watersheds in Marion County and three watersheds in Hillsborough County. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2019-2023. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the East Citrus Withlacoochee River watershed was prepared by a District hired consultant Atkins North America, Inc., Engineering Firm of Record, reviewed by District and Citrus County staff, and then reviewed by the District's independent peer review consultant Singhofen & Associates, Inc. Floodplain information for the watershed was presented for review and comment during a public workshop held on August 4, 2015. Affected property owners were notified of the workshop by print advertisement and media release with a total of 120 people in attendance. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Staff recommends the Board approve use of the East Citrus Withlacoochee River Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Citrus County.

8. **Approve Use of the Jumper Creek Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Sumter County (N487)**

Request the Board's approval to use the Jumper Creek Watershed Management Plan (WMP) floodplain information to update Flood Insurance Rate Maps (FIRMs) in Sumter County. The WMP evaluates the capacity of the watershed in achieving flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). Sumter County may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for twenty watersheds in Hernando County, eight watersheds in Pasco County, seven watersheds in Citrus County, four watersheds in Manatee County, six watersheds in Sarasota County, four watersheds in Polk County, two watersheds in DeSoto County, five watersheds in Hardee County, three watersheds in Highlands County, two watersheds in Pinellas County, two watersheds in Sumter County, twelve watersheds in Marion County and three watersheds in Hillsborough County. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2019-2023. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the Jumper Creek watershed was prepared by a District hired consultant Cardno, Inc., Engineering Firm of Record, reviewed by District and Sumter County staff, and then reviewed by the District's independent peer review consultant Jones Edmunds & Associates, Inc. Floodplain information for the watershed was presented for review and comment during a public workshop held on April 12, 2018. Affected property owners were notified of the workshop by print advertisement and media release with a total of 32 people in attendance. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Staff recommends the Board approve use of the Jumper Creek Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Sumter County.

9. **Clearwater Groundwater Replenishment Project (N665) – Scope Change and Proposed Contract Amendment**

The Clearwater Groundwater Replenishment Project consists of design, third-party review, permitting and construction for a water purification plant, and the associated injection and monitor well systems, at Clearwater's Northeast Water Reclamation Facility to recharge 2.4 million gallons per day (mgd) of purified recycled water into the Upper Floridan aquifer. Aquifer recharge will improve groundwater levels in the Northern Tampa Bay Water Use Caution Area, reduce the effects of saltwater intrusion, and increase the City's future water supply potential. This project will be an example of a state-of-the-art facility for production and recharge of potential indirect potable reuse. Indirect potable reuse is one of the Board's priorities for consideration of meeting future water needs.

The Governing Board approved the Clearwater Groundwater Replenishment Project for completion of the 30 percent design and third-party review at their January 27, 2015 meeting. The third-party review results were presented to the Governing Board on September 26, 2016. At that meeting, the Governing Board approved moving forward with final design, permitting and construction at an anticipated project cost of \$32,716,000 with a District contribution of \$16,358,000. The City and their consultants completed final design and permitting, and the project was on schedule to initiate construction; however, the City requested a delay to complete a master water plan to assess their existing and potential future water system and supply. This analysis will provide options for improving treatment efficiencies and cost-effective measures to maintain future drinking-water supplies. This master plan investigation is anticipated to take up to two years to complete

District staff agree that a delay is prudent to further evaluate the City's entire water supply system, assess how this Groundwater Replenishment Project fits into that system, and explore cost-effectiveness measures. However, through FY2019, the District Governing Board has approved and budgeted a total of \$12,185,600 in District funds for this project. A delay in using these funds impacts the District's ability to fund other worthwhile projects. Therefore, at the District's request, the City has agreed to withdraw the previously requested funds for construction work tasks while the master water plan is completed. This allows previously budgeted construction funds to be available for other District projects in the interim. The City requests that the District continue to demonstrate support for this potential indirect potable reuse project by maintaining funding for the final design, outreach, and permitting already completed by the City. The City understands that the District would not reimburse for these costs until the project goes to construction.

To release the budgeted construction funds and meet the City's request to continue funding of completed final design, outreach and permitting, the existing Cooperative Funding Agreement (CFA) with the District would be amended to delete the construction related tasks

and associated funds. This would reduce the contract amount by \$10,690,690 of the \$12,185,600 in budgeted District funds. Of the remaining \$1,494,909 in budgeted District funds, \$418,451 has been reimbursed to the City for 30 percent design and third-party review as provided for in our existing agreement. The City requests that the remaining \$1,076,458 in District funds continue to be included in an amended agreement to cover reimbursement of completed final design, permitting and public outreach, and to demonstrate a continued support for this important project. Reimbursement for the remainder of the tasks (final design, permitting, and public outreach) will not occur until construction begins. The modified agreement would be for a total of \$2,989,819, with a District share of \$1,494,909, of which \$418,451 was already reimbursed to the City for 30 percent design and third-party review.

Following completion of the master plan investigation, or a portion of that plan sufficient to enable the City to resume the Groundwater Replenishment Project, the City will re-apply construction funding utilizing the District's procedures applicable at that time.

Staff recommends the Board approve reducing the project scope to only include 30 percent design, third-party review, final design, permitting, and public outreach at a total project cost of \$2,989,819 and a District share of \$1,494,909 by deleting construction related tasks and associated funds, and to authorize the Executive Director or his designee to execute an amended agreement for the City of Clearwater Groundwater Replenishment Project (N665).

10. Citrus County Water Sense Labeled Irrigation Controller Installation Phase 2 (N958) – Scope Change

The Governing Board approved the fiscal year (FY) 2019 funding for this project and included \$16,875 (50 percent of the \$33,750 total project cost) in the FY2019 District Annual Service Budget. The original scope included making available approximately 50 Water Sense Labeled Irrigation Controllers to customers of Citrus County Utilities (County). The project also included providing educational materials, program promotions, surveys and orientations to participants to assist in familiarizing the resident with the new equipment.

By customers having the installations completed at a lower rate than anticipated, the County has been able to reduce the estimated unit price for installation. As such, the County is proposing an increase in the number of controller installations from 50 to approximately 95 with no change in total project cost. Also, if further efficiencies are realized and the project costs remain the same, staff is requesting approval for the completion of additional installations.

Installation of approximately 95 Water Sense Labeled Irrigation Controllers will increase the project benefit from 11,106 gallons per day (gpd) of estimated water savings to approximately 21,101 gpd conserved. The measurable benefit and the total project cost of \$33,750 are not changed. The cost effectiveness and the staff overall evaluation of the project both remain high.

Staff recommends the Board approve the scope change for the Citrus County Water Sense Labeled Irrigation Controller Installation Phase 2 (N958) to make available approximately 95 Water Sense Labeled Irrigation Controllers increasing the project benefit to an estimated 21,101 gpd of water conserved with no change in total project cost. Approve additional installations if further efficiencies are realized at no additional cost.

Finance/Outreach & Planning Committee**11. Water Reuse Week**

Since 2007, the State of Florida, the Florida Department of Environmental Protection, water management districts, water utilities, local governments and water-related organizations such as the WaterReuse Association have declared the third week in May as “Water Reuse Week” to promote and encourage efficient use of reclaimed water.

The largest use for reclaimed water is irrigation and May is typically the month when irrigation demands peak due to hot and dry conditions. Reclaimed water provides a means for conserving and augmenting Florida's precious water resources and is key to meeting future demands.

Three decades of Governing Board support has enabled utilities within the District to progressively increase beneficial reclaimed water use to 190 million gallons per day in 2018. This represents a 52 percent beneficial utilization of all wastewater treatment plant flows within the District and is well on the way to achieving the District's 2040 goal of 75 percent beneficial utilization.

Approval of this resolution demonstrates the District's continued support of the use and expansion of reclaimed water. This item supports the District's mission and strategic initiatives through maximizing the beneficial use of reclaimed water to offset potable water supplies and restore water levels and natural systems.

The resolution for the Governing Board's consideration is attached.

Staff recommends the Board approve and execute Resolution No. 19-07 declaring May 19-25, 2019 as “Water Reuse Week.”

12. Budget Transfer Report

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 recommends the Board approve the Budget Transfer Report covering all budget transfers for April 2019.

Operations, Lands and Resource Monitoring Committee**13. First Amendment to Non-Exclusive Perpetual Easement with City of St. Petersburg – Clam Bayou – SWF Parcel No. 16-728-129X**

To recommend the Governing Board approve the conveyance of a no-cost Amendment to the existing Non-Exclusive Perpetual Easement (Easement) to the City of St. Petersburg (St. Petersburg) over an additional 2.1 acres of land in the Clam Bayou Preserve for the Clam Bayou Bike and Pedestrian Trail (Trail), included as exhibit 1. The terms and conditions of the original easement will be applicable and remain in full force and effect. General location and site maps of the property and trail alignment are included as Exhibit 2 and 3, respectively.

The District owns in fee simple approximately 84 acres (Exhibit 3) in Pinellas County commonly referred to as Clam Bayou. The property was acquired in August 1999 as part of the District's Tampa Bay Estuarine Ecosystem Project. In 2006, the District received Board approval to transfer the land management of 84 acres of Clam Bayou to St. Petersburg and City of Gulfport. The management agreement required the parties prepare a management plan for the property which included the Trail through scenic portions of the property. In 2009,

the District conveyed the Easement, depicted in Exhibit 3, to St. Petersburg for 1.3 acres of property for the existing portion of the Trail.

St. Petersburg, with the City of Gulfport's support, requested the District amend the Easement to add 0.33 miles trail which will connect the existing portion of the Trail to the City of Gulfport's trail network. The Amendment will add approximately 2.1 acres to the Easement for a total of 3.4 acres.

Benefits/Costs:

- The continued partnership between the District, St. Petersburg and Gulfport will provide additional recreation opportunities which benefit the general public.
- There is no cost to the District for the additional trail as St. Petersburg assumes all costs related to the construction, operation, and maintenance.

Staff recommends the Board approve the First Amendment to the Original Non-Exclusive Perpetual Easement for Clam Bayou - SWF Parcel No. 16-728-129X and authorize the Governing Board Chairman and Secretary to execute the Amendment on behalf of the District.

Regulation Committee

14. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20012523.004 – IFAS Research Center (Balm) / UF Institute of Food and Agricultural Sciences (Hillsborough County)

This is a modification of an existing water use permit for agricultural use. The authorized quantities have changed from the previous permit. This permit authorizes an increase in the annual average and drought annual average quantity from 345,200 gallons per day (gpd) to 598,200 gpd, an increase in the peak month quantity from 921,700 gpd to 2,349,300 gpd, and a decrease in the crop protection from 6,516,400 gpd to 6,210,700 gpd. There is no change in use type from the previous revision. The annual average increase of 253,000 gpd were offset through Net Benefit Retirements from Water Use Permit Nos. 2001142.007, 2001447.006, 2002619.006, 2002881.005, 2007622.005, and 2007719.006 totaling an annual average quantity reduction in the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA) of 512,900 gpd. Increases in annual average and peak month are due to the agricultural research acreage increasing from 207.5 acres to 341 acres. The decrease in crop protection is due to a correction of pump capacities. Quantities are based on the District's irrigation allotment calculation program, AGMOD. This permit is located within the MIA of the SWUCA in Hillsborough County. The Permittee is not using Alternative Water Supply (AWS) sources because none can be used with the crop types being grown at this time.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from District ID Nos. 3, 5, 6, and 7, modify the permit to reflect incorporation of any new alternative sources of water, perform meter accuracy tests every five years and submit meter accuracy test reports, record and report seasonal crop reports for District ID Nos. 3, 5, & 7, immediately implement the updated water conservation plan, submit an overpumpage report upon District request, and adhere to the SWUCA recovery strategy.

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

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

General Counsel's Report**15. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval****a. Authorization to Issue Administrative Complaint and Order – Overpumpage – Kelly Family Holdings, LLC – WUP No. 20002588.010 – CT No. 390610 – Charlotte County (H014)**

Kelly Family Holdings, LLC ("Permittee") is the owner of three contiguous parcels of real property in Charlotte County located north of State Road 74 in the city of Punta Gorda ("Property"). On January 21, 2012, the Southwest Florida Water Management District ("District") issued Water Use Permit No. 20002588.010 ("Permit") to the Permittee authorizing groundwater withdrawals in the amount of 704,600 gallons per day ("gpd") on an annual average basis for agricultural irrigation and water-based recreation.

On March 31, 2017, District staff issued the Permittee a Notice of Potential Non-Compliance/Overpumpage letter ("First Notice") advising that an annual average quantity of 950,029 gpd had been pumped under the Permit for the 12-month period ending in February 2017. On June 8, 2017, District staff issued the Permittee a Second Notice of Potential Non-Compliance/Overpumpage letter ("Second Notice") advising that an annual average quantity of 1,580,838 gpd had been pumped under the Permit for the 12-month period ending in April 2017. On August 28, 2017, District staff issued the Permittee a Third Notice of Potential Non-Compliance/Overpumpage letter ("Third Notice") advising that an annual average quantity of 1,546,962 gpd had been pumped under the Permit for the 12-month period ending in July 2017. All three Notices advised the Permittee of potential options for bringing the Permit into compliance without the need for further enforcement action.

From August 2017 to May 2018, the Permittee worked with District staff to obtain a modification to the Permit to increase the annual average quantities as a result of changes to the irrigated acreage and crop type at the Property. On May 23, 2018, the District issued Water Use Permit No. 20002588.012 ("Permit Modification") to the Permittee authorizing groundwater withdrawals in the amount of 1,043,600 gpd on an annual average basis. However, from May 2018 to September 2018, the Permittee continued to exceed the quantities authorized by the Permit Modification by nearly 25% on a monthly basis. On November 21, 2018, District staff issued the Permittee a Notice of Violation and proposed Consent Order offering to resolve the compliance issue through payment of an administrative penalty and enforcement costs in the amount of \$64,126.00 and submission of a compliance plan designed to bring groundwater pumping into compliance with the Permit Modification.

The Permittee did not respond to the District's November 21, 2018 Notice of Violation and proposed Consent Order. District staff re-issued the Notice of Violation and proposed Consent Order to the Permittee on March 28, 2019, and the Permittee's representative signed the certified mail return receipt on April 3, 2019. To date, the Permittee has not responded to the Notice of Violation and proposed Consent Order.

Staff recommends the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to the Permittee, and any other necessary parties, to obtain compliance with the terms and conditions of the Permit Modification.
2. Authorize District staff to temporarily revoke Water Use Permit No. 20002588.012 until the Permittee complies with the Administrative Complaint and Order for the Permittee's willful violation of the conditions of the Permit Modification.
3. Authorize District staff to initiate an action in Circuit Court to enforce the permit revocation and terms of the Administrative Complaint and Order, recover an administrative fine/civil penalty, and recover District enforcement costs, litigation costs, and attorneys' fees, if appropriate.

b. **Authorization to Issue Administrative Complaint and Order – Unauthorized Activities – Seagrass Resort – CT No. 395970 – Citrus County, Florida**

This enforcement matter involves the repeat violations of state law and the District's rules related to unauthorized activities.

On December 19, 2011, Seagrass Resort, LLC ("Resort") applied for an exemption from the Environmental Resource Permit ("ERP") requirements. On January 9, 2012, the Resort submitted construction plans which depicted proposed improvements that would increase the total net impervious surface by 7,536 square feet ("Plans"). The Plans included the removal of two buildings, the construction of a new 6,500 square foot bar and restaurant building, paved handicap parking facilities, the relocation of an existing boat ramp, a new seawall where the relocated boat ramp previously existed, and a new concrete cap over the existing seawall. The Plans also included the addition of two stormwater pond systems (the East Pond and West Pond) to eliminate direct discharge into the Homosassa River. The Plans met the criteria for an exemption, pursuant to Rule 40D-4.051(15), Florida Administrative Code (F.A.C.), which allowed for less than 4,000 square feet of impervious area subject to vehicular traffic and less than 9,000 square feet of total net impervious area. On January 11, 2012, the District granted the exemption stating that an ERP would not be required for the proposed site improvements, as depicted on the Plans ("First Exemption").

On March 18, 2014, the District received a flooding complaint from a land owner adjacent to the Resort. During site visits on March 19, 2014, March 28, 2014, April 30, 2014 and January 28, 2014, the District's staff observed that the improvements constructed on the Property were not in accordance with the Plans which qualified for the First Exemption. Specifically, staff observed a net increase in impervious area of over 11,661 square feet, including the following deviations from the Plans: (a) installation of an exfiltration system underneath the parking lot with impervious materials above the system, rendering it inoperable and creating standing water inside multiple inlets placed in the parking lot and resulting in runoff flowing directly into the Homosassa River; (b) construction of the restaurant below flood elevation; (c) construction of additional parking resulting in unpermitted impervious areas; (d) replacement of the existing 1,932 square foot restaurant with a 6,500 square foot building plus deck that extends beyond the seawall; (e) removal of the ditch along the eastern portion of the parking lot that had previously conveyed water away from the adjacent property; and (f) construction of three additional concrete patios which are approximately 3,375 square feet in total area.

On July 19, 2016, the District issued the Resort a Notice of Violation and Proposed Consent Order. The Resort responded to the Notice of Violation and Proposed Consent Order, and on August 15, 2016 representatives of the Resort met with District staff to discuss how to bring the Project into compliance. From August to October 2017, District staff worked with the Resort to address disputed issues raised in response to the Notice

of Violation and Proposed Consent Order. On March 17, 2017, the Resort applied for an exemption for a proposed project ("New Project") that would include the removal of approximately 4,028 square feet of impervious area to bring the matter into compliance.

On September 19, 2017, the District issued a second exemption for the improvements shown on construction plans submitted to the District on August 29, 2017 ("Second Exemption"), pursuant to 373.406, Florida Statutes, and 62-330, F.A.C. The proposed improvements included the removal of approximately 4,028 square feet of impervious surface and conversion to grass/pervious surface; the removal of fencing along the property boundary and grading to accept runoff from offsite properties to the north; and the installation of flapper valves at the outfall pipe to the Homosassa River. The Second Exemption also required that the proposed improvements be completed within sixty (60) days of issuance of the exemption.

On November 29, 2017, District staff conducted a site inspection and observed the following: (1) the removal of 4,028 square feet of impervious area and conversion to grass area had not occurred; (2) the construction of the fencing and grading to accept runoff from offsite properties to the north had not occurred; and (3) the flapper valves at the outfall pipe which flows into the Homosassa River had not been installed. On May 7, 2018, a Notice of Violation was sent to the Resort along with a Proposed Consent Order. The Notice of Violation informed the Resort that penalties in the amount of \$18,425 as well as District enforcement costs in the amount of \$6,600, accrued based on the above noted deviations from the Second Exemption, for a total of \$25,025.

District staff conducted another field visit on January 17, 2019, and confirmed the improvements approved in the Second Exemption remain outstanding. The Resort has failed to execute the Proposed Consent Order and failed to complete the Second Exemption activities within the sixty (60) day time frame as provided by the District on September 19, 2017. As a result, District staff seek authorization to issue an Administrative Complaint and Order to achieve compliance.

Staff recommends the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to the Resort, and any other necessary parties, to obtain compliance with the terms and conditions of the Second Exemption.
2. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, recover an administrative fine/civil penalty, and recover District enforcement costs, litigation costs, and attorneys' fees, if appropriate.

16. Rulemaking – None

Executive Director's Report

17. Approve Governing Board Meeting Minutes – April 23, 2019

Staff recommends the Board approve the minutes as presented.

RESOURCE MANAGEMENT COMMITTEE (TAB C)

Discussion

18. Consent Item(s) Moved for Discussion

19. Fiscal Year 2019-2020 Cooperative Funding Update

To provide the Board an update on fiscal year 2019-20 Cooperative Funding projects that have been recommended by all four Regional Subcommittees, to review the remaining Cooperative Funding process and timeline, and to review three projects the Regional Subcommittees recommended for full Governing Board consideration.

The Cooperative Funding Initiative application deadline was Friday, October 5, 2018 and 139 applications were initially received. Staff evaluated all 139 applications totaling \$112,000,000 in District funding requests. Eight Regional Subcommittee meetings have been completed to review these projects.

During the first round of Subcommittee meetings held in February, staff presented preliminary project evaluations and rankings. Additional information requested by Subcommittee members during these first meetings was provided during the second round of Subcommittee meetings held in April. In addition, staff presented the final project rankings and recommendations.

A compilation of evaluations for the projects recommended by all four Regional Subcommittees has been developed and has been provided to the Governing Board. This has been done to allow Board members an opportunity to review projects approved by the other Subcommittees prior to the presentation of the Recommended Annual Service Budget (RASB) in June. The Tampa Bay Subcommittee recommended a medium ranked project, Q096 - Conservation - St. Petersburg Clothes Washer Rebate Phase 2, not be funded. The Southern Subcommittee requested a full board discussion of Q080 - DeSoto County - Stormwater Improvement - Flood Protection - Spring Lake Stormwater Improvements. The Northern Subcommittee requested discussion on funding for wastewater projects related to a low ranked project, Q065 - Hernando County - Springs - Airport Wastewater Treatment Plant Advanced Wastewater Treatment. Staff will provide an overview of these three projects as a part of this presentation. A summary of staff final project rankings, including projects Q096, Q080, and Q065, is listed below.

Planning Region	Recommended	Not Recommended
Northern	\$8.1M (23)	\$8.8M (8)
Tampa Bay	\$30.6M (49)	\$16.8M (6)
Heartland	\$4.7M (16)	\$1.4M (2)
Southern	\$4.7M (18)	\$6.5M (6)
Total	\$48.0M (106)	\$33.5M (22)

Staff recommends the Board:

1. Consider the Tampa Bay Regional Subcommittee request to not fund Q096 - Conservation - St. Petersburg Clothes Washer Rebate Phase 2.
2. Approve staff recommendation to fund Q080 - DeSoto County - Stormwater Improvements - Flood Protection - Spring Lake Stormwater Improvements.
3. Approve staff recommendation to not fund Q065 - Hernando County - Springs - Airport Wastewater Treatment Plant Advanced Wastewater Treatment.

4. Approve staff recommendation to include 1A, High and Medium ranked projects in the District's recommended annual service budget for Fiscal Year 2019-20.
5. Approve staff recommendation to eliminate all Low ranked projects from further funding consideration.

20. Lake Hancock Outfall Treatment Project (H014)

The goal of the Lake Hancock Outfall Treatment Project is to improve water quality discharging from Lake Hancock through Saddle Creek to the Peace River. Water quality treatment of discharges from Lake Hancock was identified as the most cost-effective means of reducing nitrogen loads into the Peace River and Charlotte Harbor, a Surface Water Improvement and Management (SWIM) priority water body. The project consists of creating a 1,000-acre constructed wetland to reduce nitrogen loads by 27 percent annually in discharges from the lake to the Peace River. The project was approved by the Board in February 2006. Design was completed in 2010. Construction commenced in 2011 and was completed in 2014. Operation of the system to date has focused on wetland vegetation recruitment and water quality monitoring.

The design objective of the project was to construct an emergent marsh on land owned by the District located near the lake's outlet to South Saddle Creek. The property was once a waste clay settling area associated with phosphate mining. The remnant footprint of containment dikes was used in the design of the treatment wetland cells. The design sought to balance cut and fill of soil in the cells to create a level surface for the marsh system. To accomplish this, it was estimated over 1.8 million cubic yards of soil material would be worked in the cells during construction.

The District procured a construction contractor via request for bid in July 2011. Construction commenced in September 2011. In November 2011, the contractor reported an issue to the District related to a deficit of material. It became apparent that there was not enough soil material available for cut to the design elevation to provide sufficient soil material for fill of the deep areas in the cells. The deficit of material would leave deep areas that could not support emergent wetland vegetation. During construction, the design engineer specified revised elevations for the cell bottoms in an effort to mitigate the imbalance of cut and fill. A change order with the contractor was negotiated and work proceeded. However, as earthwork neared completion in 2013 it was determined that there was still a deficit resulting in 128 acres of deep areas that could not support wetland emergent vegetation. From 2013 to 2016, the District pursued legal action against the design consultant. In February 2016, the Board approved a mediated settlement of \$2.0 million to resolve the litigation.

Operation to date has focused on establishment and recruitment of wetland vegetation and water quality monitoring. Results from water quality monitoring in the wetland cells have shown decreases in nitrogen concentrations as expected. However, additional monitoring has indicated the phosphorus concentrations are higher in the unfilled open water areas than in the emergent marsh areas.

To evaluate phosphorus management options, the District hired a consultant to complete further testing and analysis regarding the source of the phosphorus and how it can be reduced. The study looked at applying surface treatments, such as sand, sediments from other sources, and a proprietary product to cap the sediments. The proprietary product proved to be the most effective, both from a performance and cost standpoint. In March 2019 the District implemented a pilot scale project and applied the proprietary product to a 2.8-acre area of open water. Results have shown substantial reductions in phosphorus concentrations in the pilot scale project area. District staff are continuing to evaluate the performance and long-term effectiveness of the pilot scale project. It is estimated that an application over the

open water areas will cost \$1,400,000. District staff have requested these funds in the Fiscal Year 2020 budget.

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

Submit & File Reports – None

Routine Reports

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

21. Minimum Flows and Levels Status Report

22. Significant Water Resource and Development Projects

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)

Discussion

23. Consent Item(s) Moved for Discussion

24. Fiscal Year 2020 Ad Valorem New Growth Projections

The general budget assumptions were presented and approved at the October 23, 2018 Governing Board meeting for development of the fiscal year (FY) 2020 preliminary budget. This included the millage rate based on a rolled-back millage model and revenue based on 2.57 percent increase in new unit construction.

The New Construction Ad Valorem Model has been updated with the most recent market trends and the results will be presented today. The ad valorem rolled-back millage rate will be adjusted in July based on the new construction values provided by the 16-County Property Appraisers for preparation of the District's FY2020 tentative budget.

Staff recommends the Board approve the ad valorem tax revenue assumption based on the updated new unit construction projection for development of the FY2020 Recommended Annual Service Budget.

25. Knowledge Management: Travel Governing Board Policy

The District's Knowledge Management initiative was launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

Staff performed a review of the Travel Governing Board Policy and deemed it necessary to update the policy. The revised policy has been provided as an attachment. The minor modifications include adding language clarifying that the Executive Director can delegate the authorization and approval of staff travel and to remove procedural language that is included in the District's Travel Procedure.

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

This item is presented for the Board's information and no action is requested. The attached revised Travel Policy will be included as a consent item in the June 2019 Board packet and approval will be requested at that time.

26. Legislative Update

The regular 2019 Legislative Session began on Tuesday, March 5 and ended Friday, May 3. The legislature extended session through Saturday, May 4 for approval of the budget.

Throughout session, District staff tracked activities, especially focusing on proposed legislation that could impact the water resources or District activities.

Staff will provide a legislative wrap-up of the outcomes of proposed legislation and budget items affecting the District.

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

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

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

- 27. **Treasure's Report and Payment Register**
- 28. **Monthly Financial Statement**
- 29. **Monthly Cash Balances by Fiscal Year**
- 30. **Comprehensive Plan Amendment and Related Reviews Report**
- 31. **Development of Regional Activity Report**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE (TAB E)**Discussion****32. Consent Item(s) Moved for Discussion****33. 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 April, 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 April 1-30 indicate amounts were within the normal range in all three regions of the District. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- Northern region rainfall averaged 3.45 inches, equivalent to the 73rd percentile
- Central region rainfall averaged 2.36 inches, equivalent to the 55th percentile.
- Southern region rainfall averaged 2.08 inches, equivalent to the 49th percentile.
- District-wide, average rainfall was 2.56 inches, equivalent to the 57th percentile.

Streamflow

Provisional streamflow data for April 1-29 indicate that flow decreased in all three regions of the District, compared to the previous month. Based on the three regional index rivers indicated below, streamflow conditions ended the month within the normal range in all three regions of the District. Normal streamflow is defined as flow that falls on or between the 25th and 75th percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 47th percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 38th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 49th percentile.

Groundwater Levels

Provisional groundwater data for April 1-30 indicates that levels in the Floridan/Intermediate 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 all three regions of the District. Normal groundwater levels are defined as those falling on or between the 25th and 75th percentiles.

- The average groundwater level in the northern region was in the 70th percentile.
- The average groundwater level in the central region was in the 72nd percentile.
- The average groundwater level in the southern region was in the 62nd percentile.

Lake Levels

Provisional water level data for April 1-22 indicates that regional lake levels decreased in all four lake regions within the District, 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 level ended the month below the base of the annual normal range. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the northern region decreased 0.18 foot and were 0.02 foot above the base of the annual normal range.
- Average lake levels in the Tampa Bay region decreased 0.19 foot and were 0.91 foot above the base of the annual normal range.
- Average lake levels in the Polk Uplands region decreased 0.18 foot and were 1.69 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.25 foot and were 0.35 foot below the base of the annual normal range.

Issues of Significance

April historically marks the seventh month of the 8-month (October through May) dry-season and provisional rainfall totals for April saw accumulations within the normal range in all three regions of the District. Analysis of “partial” dry-season rainfall, District-wide, indicates October through April totals to be approximately 2.2 inches above the historic average.

Rainfall during April was regionally variable, scattered and associated with seasonally transitional weather systems (i.e., mix of diminishing cold front systems and increasing sea breeze/convective thunderstorm activity). The District-wide 12-month cumulative rainfall total decreased, ending the month at approximately 8.1 inches above the long-term historic average, while the 24-month cumulative total increased, ending the month at 12.7 inches above the historic average.

Although rainfall accumulations during the month were within the normal range in all regions, hydrologic conditions throughout the District saw declines. Regional groundwater levels and streamflow conditions saw declines, while remaining within their historical normal ranges. Regional lake levels saw declines, ending the month within the annual normal range in the northern, Tampa Bay and Polk Uplands regions, while remaining at below-normal levels in the Lake Wales Ridge region. Major public surface water supply reservoirs remain at good levels. The risk of wildfire continues in some areas.

NOAA's Climate Prediction Center's three-month weather forecast, as of April 18, 2019, indicates "above-normal" chances for rainfall throughout the District during May through July 2019, based on weak El Niño conditions currently in the Pacific Ocean continuing throughout the upcoming spring and summer months.

Updated weather forecasts will be available in mid-May. 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.

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

Submit & File Reports - None

Routine Reports

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

- 34. **Surplus Lands Update**
- 35. **Structure Operations**
- 36. **Significant Activities**

REGULATION COMMITTEE (TAB F)

Discussion

37. Consent Item(s) Moved for Discussion

38. 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.

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.

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

GENERAL COUNSEL'S REPORT (TAB G)**Discussion****42. Consent Item(s) Moved for Discussion****43. Authorization to Issue Administrative Complaint and Order – Steven B. Zink – Unauthorized Construction at 5322 C-48, Bushnell – Sumter County, Florida**

Steven B. Zink (Owner) is the owner of real property located at 5322 C-48, Bushnell, Florida (Property). On December 5, 2016, the District received a complaint that construction waste debris was being disposed into wetlands and covered with fill dirt at the Property. After meeting with the Owner on site, District staff referred the complaint to the Florida Department of Environmental Protection (FDEP) pursuant to an operating agreement between the agencies. FDEP staff met with the Owner on site on February 20, 2017, and observed that approximately 22.05 acres of wetlands had been filled without authorization. Based on the Owner's statement that the fill was placed to create uplands for agricultural purposes, the complaint was returned to the District. In discussions with the District, the Owner admitted that perhaps thousands of truck-loads of fill dirt had been placed into the wetlands over the course of several years.

District staff issued two Notices of Unauthorized Activities before referring the file to the Office of General Counsel (OGC). Thereafter, the District's Ag Team consulted with staff from the Florida Department of Agriculture and Consumer Services' Office of Agricultural Water Policy who confirmed that the Chapter 373.406(2), Fla. Stat., agricultural exemption was not applicable.

District staff determined that 17.56 acres of impacted wetlands, which represent a functional loss of 11.55 units according to the Uniform Mitigation Assessment Method, require restoration. The total penalty for these wetland impacts was calculated to be \$231,000.00, in addition to \$2,000.00 in District enforcement costs.

In an attempt to settle the matter, OGC staff issued a consent order proposing corrective actions for restoration and a penalty of \$100,000.00. The Owner has verbally agreed to complete the corrective actions and restore the Property to its pre-disturbed condition but has not agreed to pay a penalty. Accordingly, OGC staff is requesting authorization to issue this Administrative Complaint and Order (ACO).

The ACO requires the Owner to undertake corrective actions to restore the Property to its pre-disturbed condition. The ACO requires the fill to be removed within 365-days and allows for extensions for good cause shown. District staff will consult with the Owner and conduct site-visits every three (3) months to ensure progress is being made. Afterwards, the Owner will be subject to monitoring and maintenance requirements to ensure full restoration has been reached, pursuant to the Success Criteria included in the ACO.

Staff recommends the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to the Owner and any other necessary parties to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against the Owner 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.

44. Approval of Consent Order – Failure to Comply with Permit Conditions – MGM of West Florida, LLC – ERP No. 44030586.000 – CT No. 370033 – Manatee County, Florida

This enforcement matter involves deviations from the conditions of Environmental Resource Permit (ERP) No. 44030586.000 ("Permit"), which was issued to MGM of West Florida, LLC, ("Permittee"). To remedy the Permit violations, District staff seeks approval of a Consent Order assessing penalties and fines, and requiring corrective construction to remediate for the deviations from the Permit.

On March 29, 2007 the District issued the Permit authorizing the construction of a surface water management system designed to serve a commercial project ("Project"). The Project is located within the Pearce Drain 100-year floodplain area. As a result of the planned filling of the floodplain area, the Permit required excavation of a floodplain compensation area comprising approximately 13.24 acres. Additionally, the permit required detention and effluent filtration to provide water quality and peak attenuation storage for 2.68 impervious acreage to be constructed at the project site.

On January 28, 2014, District staff inspected the Project and observed permit violations, including unpermitted fill within the excavated floodplain compensation area, and additional impervious areas not included in the Permit and not receiving appropriate water quality treatment or attenuation as required by the Permit.

On March 12, 2014, the District staff sent a Notice of Permit Condition Violation to the Permittee regarding the placement of fill and the additional impervious areas. On October 10, 2014, the Permittee applied for a permit modification (Application No. 717574), in which the Permittee sought to address the deviations from the Permit. Although the District and the Permittee worked together to address those concerns, ultimately the application was withdrawn on October 28, 2016. On February 3, 2017, a second application for modification (Application No. 741323) was sent to the District to address the deviations. On February 26, 2018, this application was also withdrawn. On May 1, 2018, another Notice of Violation was sent to the Permittee along with a proposed Consent Order. The Notice of Violation informed the Permittee that penalties in the amount of \$127,013.00, as well as District enforcement costs in the amount of \$3,000.00 had accrued based on the deviations from the Permit. The Consent Order asked the Permittee to agree to pay \$130,013.00 in addition to remediating for the deviations from the Permit. In response to the proposed Consent Order, additional information was submitted from the Permittee (see attached exhibit). In its communication, the Permittee asserts that despite the deviations, it has de minimis impacts to the floodplain. After a review of the additional information, a site visit was conducted on April 3, 2019 at the Permittee's request. At the site visit on April 3, 2019, the District determined that the Permittee continues to impact the floodplain compensation area, and would need to remediate for the deviations.

Despite these ongoing attempts at a resolution, the Permittee has been unable to come into compliance with the Permit. The Permittee submitted the two previously referenced applications for a modification to attempt to address any impacts from the fill in the compensation area. Those applications were ultimately unsuccessful despite attempts by the

Permittee and the District to work together to resolve any deviations. Further, in its letter, the Permittee indicated that it has been taking additional mitigation measures to alleviate any impacts, and it indicated that per its engineer, any impacts to the floodplain caused by the deviations from the Permit are de minimis. Although the Permittee maintains it has no impacts, it has taken several steps to meet the District's requirements for compliance with the Permit.

At the site visit on April 3rd, 2019 the Permittee informed the District that it had been in negotiations to purchase an additional parcel of land that would provide remediation for the unpermitted fill. On April 22nd, Permittee advised the District that it had come under contract on a parcel within the floodplain basin. On April 25th the Permittee informed the District that the Permittee's engineer had completed an initial review and was confident that the new parcel would remediate for deviations from the permit and would allow them to obtain a modification to the Permit. Despite there being no promised resolution to the enforcement action, the Permittee has repeatedly taken measures, requiring significant financial investment, to show the District it is working in good-faith to comply with the District's rules and regulations. The Permittee has also recently obligated itself to purchase a new parcel with the stated intention of bringing this matter into compliance. The District staff recommends a Consent Order that allows the Permittee to pursue this avenue for remediation of the deviations, however, the Permittee has informed the District that acquiring the new parcel would put the Permittee in a very difficult financial position. The Permittee expects to expend approximately \$935,000.00 to bring this matter into compliance, exclusive of the District's penalties and enforcement costs. On April 25th, the Permittee sent a proposal asking that the District reduce the financial penalty to \$15,000.00 in consideration of the costs expended by the Permittee to bring this matter into compliance.

After these communications from the Permittee, the District sent a revised Consent Order. The Consent Order provides Permittee the option to either obtain an ERP modification within 180 days, or to restore the impacted areas in accordance with the current permit within 180 days. The Permittee will owe \$130,013.00 and will pay \$15,000.00 in fines. Upon completion of the remediation, the remaining penalties and enforcement costs shall be waived. However, if Permittees fail to meet the 180 day deadline to remediate its impacts, absent a showing of good faith, the remaining penalties shall be due immediately upon written demand from the District. If either of these remediations fail, the District may take additional enforcement measures, including seeking additional damages for the unpermitted fill referenced herein. At this time, the District seeks an expedient remedy to the impacts caused by deviations from the Permit and therefore makes the following recommendation.

Staff recommends the Board:

1. Approve the proposed Consent Order.
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms of the approved Consent Order, including proceeding to Circuit Court, if necessary.

Submit & File Reports – None

Routine Reports

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

45. **May 2019 Litigation Report**

46. **May 2019 Rulemaking Update**

COMMITTEE/LIAISON REPORTS (TAB H)

- 47. Public Supply Advisory Committee
- 48. Industrial Advisory Committee
- 49. Other Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 50. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 51. Chair's Report
- 52. Other
- 53. Employee Milestones

RECESS PUBLIC HEARING

ADJOURNMENT

Governing Board Meeting

May 21, 2019

CONVENE MEETING OF THE GOVERNING BOARD AND PUBLIC HEARING

PUBLIC HEARING AND 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 hearing. Anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. Comments will be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. Several individuals wishing to speak on the same issue/topic should designate a spokesperson.

2. **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 – Ann Kenny, Accounting Lead
- 20 years – Janie Hagberg, Chief Professional Engineer
- 25 years – Mark Pike, Regulatory Field Technician V
- 25 years – Edouard Kouadio, WUP Compliance Lead
- 30 years – George Gleaton, Welder Technician
- 30 years – Robin McGill, Senior Professional Engineer

4. **Election of Governing Board Officers**

According to Board Policy 110-7, election of officers shall occur annually in May. Elections will take place during the beginning of the District Business portion of the May Governing Board meeting. New officers will assume offices twenty-four hours prior to the June Governing Board meeting.

5. **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

6. **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: Bryan Beswick, Chair

Governing Board Meeting May 21, 2019

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

7. Approve Use of the East Citrus Withlacoochee River Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Citrus County (N090) 6
8. Approve Use of the Jumper Creek Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Sumter County (N487) 8
9. Clearwater Groundwater Replenishment Project (N665) – Scope Change and Proposed Contract Amendment 10
10. Citrus County Water Sense Labeled Irrigation Controller Installation Phase 2 (N958) – Scope Change 12

Finance/Outreach & Planning Committee

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Operations, Lands and Resource Monitoring Committee

13. First Amendment to Non-Exclusive Perpetual Easement with City of St. Petersburg – Clam Bayou – SWF Parcel No. 16-728-129X 17

Regulation Committee

14. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20012523.004 – IFAS Research Center (Balm) / UF Institute of Food and Agricultural Sciences (Hillsborough County)31

General Counsel's Report

15. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Authorization to Issue Administrative Complaint and Order – Overpumpage – Kelly Family Holdings, LLC – WUP No. 20002588.010 – CT No. 390610 – Charlotte County (H014)43
 - b. Authorization to Issue Administrative Complaint and Order – Unauthorized Activities – Seagrass Resort – CT No. 395970 – Citrus County, Florida45
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Executive Director's Report

17. Approve Governing Board Meeting Minutes – April 23, 2019.....47

RESOURCE MANAGEMENT COMMITTEE

May 21, 2019

Consent Agenda

Approve Use of the East Citrus Withlacoochee River Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Citrus County (N090)

Purpose

Request the Board's approval to use the East Citrus Withlacoochee River Watershed Management Plan (WMP) floodplain information to update Flood Insurance Rate Maps (FIRMs) in Citrus County. The WMP evaluates the capacity of the watershed in achieving flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). Citrus County may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Background/History

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for twenty watersheds in Hernando County, eight watersheds in Pasco County, seven watersheds in Citrus County, four watersheds in Manatee County, six watersheds in Sarasota County, four watersheds in Polk County, two watersheds in DeSoto County, five watersheds in Hardee County, three watersheds in Highlands County, two watersheds in Pinellas County, two watersheds in Sumter County, twelve watersheds in Marion County and three watersheds in Hillsborough County. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2019-2023. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the East Citrus Withlacoochee River watershed was prepared by a District hired consultant Atkins North America, Inc., Engineering Firm of Record, reviewed by District and Citrus County staff, and then reviewed by the District's independent peer review consultant Singhofen & Associates, Inc. Floodplain information for the watershed was presented for review and comment during a public workshop held on August 4, 2015. Affected property owners were notified of the workshop by print advertisement and media release with a total of 120 people in attendance. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Item 7

Staff Recommendation:

Approve use of the East Citrus Withlacoochee River Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Citrus County.

Presenter: JP Marchand, P.E., Water Resources Bureau Chief

RESOURCE MANAGEMENT COMMITTEE

May 21, 2019

Consent Agenda

Approve Use of the Jumper Creek Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Sumter County (N487)

Purpose

Request the Board's approval to use the Jumper Creek Watershed Management Plan (WMP) floodplain information to update Flood Insurance Rate Maps (FIRMs) in Sumter County. The WMP evaluates the capacity of the watershed in achieving flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). Sumter County may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Background/History

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for twenty watersheds in Hernando County, eight watersheds in Pasco County, seven watersheds in Citrus County, four watersheds in Manatee County, six watersheds in Sarasota County, four watersheds in Polk County, two watersheds in DeSoto County, five watersheds in Hardee County, three watersheds in Highlands County, two watersheds in Pinellas County, two watersheds in Sumter County, twelve watersheds in Marion County and three watersheds in Hillsborough County. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2019-2023. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the Jumper Creek watershed was prepared by a District hired consultant Cardno, Inc., Engineering Firm of Record, reviewed by District and Sumter County staff, and then reviewed by the District's independent peer review consultant Jones Edmunds & Associates, Inc. Floodplain information for the watershed was presented for review and comment during a public workshop held on April 12, 2018. Affected property owners were notified of the workshop by print advertisement and media release with a total of 32 people in attendance. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Item 8

Staff Recommendation:

Approve use of the Jumper Creek Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Sumter County.

Presenter: JP Marchand, P.E., Water Resources Bureau Chief

RESOURCE MANAGEMENT COMMITTEE

May 21, 2019

Consent Agenda

Clearwater Groundwater Replenishment Project (N665) – Scope Change and Proposed Contract Amendment

Purpose

The purpose of this item is to request approval of a scope change and contract amendment for the Clearwater Groundwater Replenishment Project (N665).

Background/History

The Clearwater Groundwater Replenishment Project consists of design, third-party review, permitting and construction for a water purification plant, and the associated injection and monitor well systems, at Clearwater's Northeast Water Reclamation Facility to recharge 2.4 million gallons per day (mgd) of purified recycled water into the Upper Floridan aquifer. Aquifer recharge will improve groundwater levels in the Northern Tampa Bay Water Use Caution Area, reduce the effects of saltwater intrusion, and increase the City's future water supply potential. This project will be an example of a state-of-the-art facility for production and recharge of potential indirect potable reuse. Indirect potable reuse is one of the Board's priorities for consideration of meeting future water needs.

The Governing Board approved the Clearwater Groundwater Replenishment Project for completion of the 30 percent design and third-party review at their January 27, 2015 meeting. The third-party review results were presented to the Governing Board on September 26, 2016. At that meeting, the Governing Board approved moving forward with final design, permitting and construction at an anticipated project cost of \$32,716,000 with a District contribution of \$16,358,000. The City and their consultants completed final design and permitting, and the project was on schedule to initiate construction; however, the City requested a delay to complete a master water plan to assess their existing and potential future water system and supply. This analysis will provide options for improving treatment efficiencies and cost-effective measures to maintain future drinking-water supplies. This master plan investigation is anticipated to take up to two years to complete.

Benefits/Costs

District staff agree that a delay is prudent to further evaluate the City's entire water supply system, assess how this Groundwater Replenishment Project fits into that system, and explore cost-effectiveness measures. However, through FY2019, the District Governing Board has approved and budgeted a total of \$12,185,600 in District funds for this project. A delay in using these funds impacts the District's ability to fund other worthwhile projects. Therefore, at the District's request, the City has agreed to withdraw the previously requested funds for construction work tasks while the master water plan is completed. This allows previously budgeted construction funds to be available for other District projects in the interim. The City requests that the District continue to demonstrate support for this potential indirect potable reuse project by maintaining funding for the final design, outreach, and permitting already completed by the City. The City understands that the District would not reimburse for these costs until the project goes to construction.

Item 9

To release the budgeted construction funds and meet the City's request to continue funding of completed final design, outreach and permitting, the existing Cooperative Funding Agreement (CFA) with the District would be amended to delete the construction related tasks and associated funds. This would reduce the contract amount by \$10,690,690 of the \$12,185,600 in budgeted District funds. Of the remaining \$1,494,909 in budgeted District funds, \$418,451 has been reimbursed to the City for 30 percent design and third-party review as provided for in our existing agreement. The City requests that the remaining \$1,076,458 in District funds continue to be included in an amended agreement to cover reimbursement of completed final design, permitting and public outreach, and to demonstrate a continued support for this important project. Reimbursement for the remainder of the tasks (final design, permitting, and public outreach) will not occur until construction begins. The modified agreement would be for a total of \$2,989,819, with a District share of \$1,494,909, of which \$418,451 was already reimbursed to the City for 30 percent design and third-party review.

Following completion of the master plan investigation, or a portion of that plan sufficient to enable the City to resume the Groundwater Replenishment Project, the City will re-apply construction funding utilizing the District's procedures applicable at that time.

Staff Recommendation:

Approve reducing the project scope to only include 30 percent design, third-party review, final design, permitting, and public outreach at a total project cost of \$2,989,819 and a District share of \$1,494,909 by deleting construction related tasks and associated funds, and to authorize the Executive Director or his designee to execute an amended agreement for the City of Clearwater Groundwater Replenishment Project (N665).

Presenter: JP Marchand, P.E., Water Resources Bureau Chief

RESOURCE MANAGEMENT COMMITTEE

May 21, 2019

Consent Agenda

Citrus County Water Sense Labeled Irrigation Controller Installation Phase 2 (N958) – Scope Change

Purpose

The purpose of this item is to request approval of a scope change for the Citrus County Water Sense Labeled Irrigation Controller Installation Phase 2 Project.

Background/History

The Governing Board approved the fiscal year (FY) 2019 funding for this project and included \$16,875 (50 percent of the \$33,750 total project cost) in the FY2019 District Annual Service Budget. The original scope included making available approximately 50 Water Sense Labeled Irrigation Controllers to customers of Citrus County Utilities (County). The project also included providing educational materials, program promotions, surveys and orientations to participants to assist in familiarizing the resident with the new equipment.

By customers having the installations completed at a lower rate than anticipated, the County has been able to reduce the estimated unit price for installation. As such, the County is proposing an increase in the number of controller installations from 50 to approximately 95 with no change in total project cost. Also, if further efficiencies are realized and the project costs remain the same, staff is requesting approval for the completion of additional installations.

Benefits/Costs

Installation of approximately 95 Water Sense Labeled Irrigation Controllers will increase the project benefit from 11,106 gallons per day (gpd) of estimated water savings to approximately 21,101 gpd conserved. The measurable benefit and the total project cost of \$33,750 are not changed. The cost effectiveness and the staff overall evaluation of the project both remain high.

Staff Recommendation:

Approve the scope change for the Citrus County Water Sense Labeled Irrigation Controller Installation Phase 2 (N958) to make available approximately 95 Water Sense Labeled Irrigation Controllers increasing the project benefit to an estimated 21,101 gpd of water conserved with no change in total project cost. Approve additional installations if further efficiencies are realized at no additional cost.

Presenter: JP Marchand, P.E., Water Resources Bureau Chief

FINANCE/OUTREACH & PLANNING COMMITTEE

May 21, 2019

Consent Agenda

Water Reuse Week

Purpose

To request that the Governing Board sign a resolution declaring May 19-25, 2019 as “Water Reuse Week” to focus the public on the benefits of expanding this important water resource.

Background/History

Since 2007, the State of Florida, the Florida Department of Environmental Protection, water management districts, water utilities, local governments and water-related organizations such as the WaterReuse Association have declared the third week in May as “Water Reuse Week” to promote and encourage efficient use of reclaimed water.

The largest use for reclaimed water is irrigation and May is typically the month when irrigation demands peak due to hot and dry conditions. Reclaimed water provides a means for conserving and augmenting Florida’s precious water resources and is key to meeting future demands.

Three decades of Governing Board support has enabled utilities within the District to progressively increase beneficial reclaimed water use to 190 million gallons per day in 2018. This represents a 52 percent beneficial utilization of all wastewater treatment plant flows within the District and is well on the way to achieving the District’s 2040 goal of 75 percent beneficial utilization.

Approval of this resolution demonstrates the District’s continued support of the use and expansion of reclaimed water. This item supports the District’s mission and strategic initiatives through maximizing the beneficial use of reclaimed water to offset potable water supplies and restore water levels and natural systems.

The resolution for the Governing Board’s consideration is attached.

Staff Recommendation:

Approve and execute Resolution No. 19-07 declaring May 19-25, 2019 as “Water Reuse Week.”

Presenter: Robyn Felix, Bureau Chief, Communications & Board Services

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 19-07

PROCLAIMING MAY 19-25, 2019 as “WATER REUSE WEEK” in FLORIDA

WHEREAS, safe, clean, and sustainable water resources are essential to Florida’s environment, economy, citizens, and visitors; and

WHEREAS, water reuse provides a means for conserving and augmenting Florida’s precious water resources; and

WHEREAS, Florida has established the encouragement and promotion of water reuse as state objectives in Chapters 373 and 403, Florida Statutes; and

WHEREAS, the Southwest Florida Water Management District has joined with the State of Florida, the Florida Department of Environmental Protection, and other municipalities in encouraging and promoting water reuse and conservation; and

WHEREAS, the District has invested more than \$434 million in 375 reclaimed water projects since 1987, which has resulted in nearly \$1 billion in partnering entities reclaimed water infrastructure.

THEREFORE, BE IT RESOLVED that the Southwest Florida Water Management District hereby proclaims May 19-25 as “WATER REUSE WEEK” in Florida.

BE IT FURTHER RESOLVED the Southwest Florida Water Management District urges every citizen and visitor to become more aware of the need to save our precious water supply and take appropriate steps to conserve and protect this vital resource.

BE IT FURTHER RESOLVED the Chair and Secretary of the Governing Board are hereby authorized to affix their signatures to the Resolution on behalf of the Board.

PASSED AND ADOPTED in Tampa, Hillsborough County, Florida, on this 21st day of May 2019.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Bryan K. Beswick, Chair

Attest: _____
Michelle Williamson, Secretary

Attachment: 2019 SWFWMD Water Reuse Week Proclamation- DRAFT (4361 : Water Reuse Week)

FINANCE/OUTREACH & PLANNING COMMITTEE

May 21, 2019

Consent Agenda

Budget Transfer Report

Purpose

Request approval of the Budget Transfer Report covering all budget transfers made during the month of April 2019.

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 April 2019.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
April 2019

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount	
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category				
<u>Executive Approved</u>						
1	Information Technology Consultant Services	Information Technology Other Contractual Services	Transfer of funds originally budgeted for vendor customizations to the District's chemistry lab software. The funds are no longer needed due to all requirements being fulfilled internally by District staff. Funds are required to customize the District's modernized resource data system (WISKI) to accommodate District best business practices for data filtering, visualization and export.		\$ 10,200.00	
Total Executive Approved				\$ 10,200.00		
Total Transfers for Governing Board Ratification				\$ 10,200.00		

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director or designee or the Finance Bureau Chief consistent with Board Policy 130-8, and are presented for Governing Board approval for ratification on the Consent Agenda. Executive Director or designee approved transfers are made for a purpose other than the original budget intent, but are limited to individual transfer amounts greater than \$5,000 not to exceed \$50,000. Finance Bureau Chief approved transfers are up to \$5,000 or accounting reallocations consistent with original budget intent.

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

May 21, 2019

Consent Agenda

First Amendment to Non-Exclusive Perpetual Easement with City of St. Petersburg – Clam Bayou – SWF Parcel No. 16-728-129X

Purpose:

To recommend the Governing Board approve the conveyance of a no-cost Amendment to the existing Non-Exclusive Perpetual Easement (Easement) to the City of St. Petersburg (St. Petersburg) over an additional 2.1 acres of land in the Clam Bayou Preserve for the Clam Bayou Bike and Pedestrian Trail (Trail), included as exhibit 1. The terms and conditions of the original easement will be applicable and remain in full force and effect. General location and site maps of the property and trail alignment are included as Exhibit 2 and 3, respectively.

Background/History:

The District owns in fee simple approximately 84 acres (Exhibit 3) in Pinellas County commonly referred to as Clam Bayou. The property was acquired in August 1999 as part of the District's Tampa Bay Estuarine Ecosystem Project. In 2006, the District received Board approval to transfer the land management of 84 acres of Clam Bayou to St. Petersburg and City of Gulfport. The management agreement required the parties prepare a management plan for the property which included the Trail through scenic portions of the property. In 2009, the District conveyed the Easement, depicted in Exhibit 3, to St. Petersburg for 1.3 acres of property for the existing portion of the Trail.

St. Petersburg, with the City of Gulfport's support, requested the District amend the Easement to add 0.33 miles trail which will connect the existing portion of the Trail to the City of Gulfport's trail network. The Amendment will add approximately 2.1 acres to the Easement for a total of 3.4 acres.

Benefits/Costs:

- The continued partnership between the District, St. Petersburg and Gulfport will provide additional recreation opportunities which benefit the general public.
- There is no cost to the District for the additional trail as St. Petersburg assumes all costs related to the construction, operation, and maintenance.

Staff Recommendation:

Approve the First Amendment to the Original Non-Exclusive Perpetual Easement for Clam Bayou - SWF Parcel No. 16-728-129X and authorize the Governing Board Chairman and Secretary to execute the Amendment on behalf of the District.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Exhibit 1

PLEASE RETURN TO:
Property & Asset Management Coordinator
Property Management & Realty Services
City of St. Petersburg
Post Office Box 2842
St. Petersburg, Florida 33731-2842
SWF Parcel No: 16-728-129X

AMENDMENT TO NON-EXCLUSIVE PERPETUAL EASEMENT

THIS AMENDMENT TO NON-EXCLUSIVE PERPETUAL EASEMENT is entered into between the Southwest Florida Water Management District, a public corporation of the State of Florida, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "Grantor," and City of St. Petersburg, a political subdivision of the State of Florida, having an address of One 4th Street North, St. Petersburg, Florida 33701, hereinafter referred to as the "Grantee."

WITNESSETH:

WHEREAS, the Grantor and the Grantee entered into that certain Non-Exclusive Perpetual Easement ("Original Easement") recorded on May 12, 2010, in Official Records Book 16913 at Pages 606 through 615 as Document Number 2010130975 of the Public Records of Pinellas County, Florida; and

WHEREAS, the Grantor and the Grantee desire to modify the Original Easement to incorporate changes to the legal description of the property conveyed for the easement shown in Exhibit "A" attached hereto, and add a section of new trail, which is more particularly described in Exhibit "B" attached hereto, that the Grantor and Grantee have agreed should be incorporated into the Original Easement and managed by the Grantee.

NOW THEREFORE, in consideration of the sum of Ten and 00/100 Dollars (\$10.00), the covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor and Grantee agree as follows:

1. The Grantor and Grantee hereby amend the legal description of the Original Easement for a multi-use trail and include the legal description described in Exhibit "B" attached hereto and made a part of this Amendment by this reference.
2. The effective date of this Amendment to Grant of Easement shall be the last date upon which all of the parties hereto have executed this Amendment to Grant of Easement, as demonstrated by the date under the signature on the signature page.
3. All other terms and conditions of the Original Easement shall remain in full force and effect.

COPY

IN WITNESS WHEREOF, the Grantor and has caused this Easement to be duly executed on the dates set forth below.

Attest:

Southwest Florida Water
Management District, as Grantor

By:

Bryan K. Beswick, Secretary
Michelle Williamson, Secretary

By:

Jeffrey M. Adams, Chairman
Bryan K. Beswick, Chairman

(SEAL)





APPROVED AS TO CONTENT:

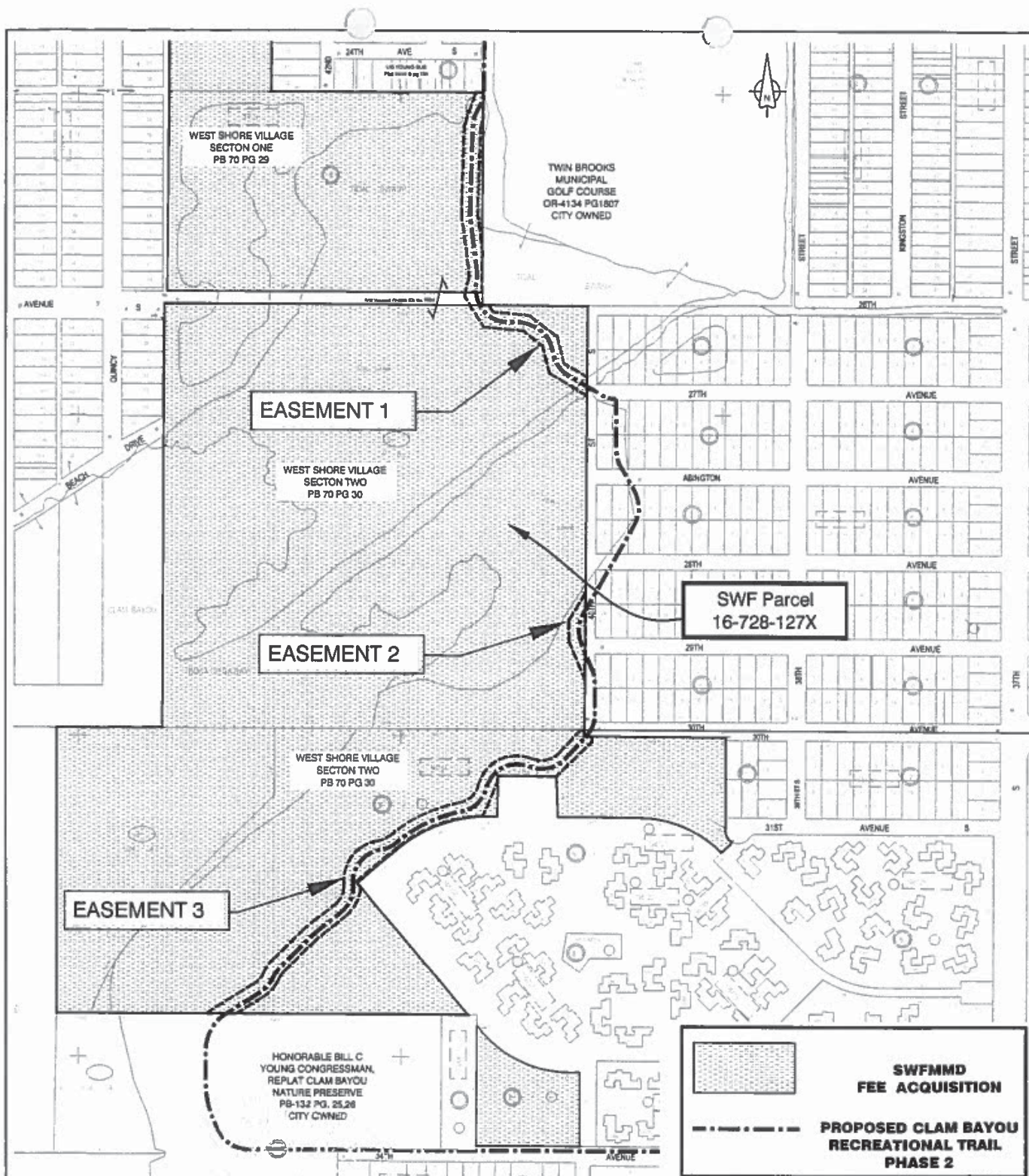


City of St. Petersburg
City Attorney (Designee)
00442355.pdf Bradley S. Tennant

APPROVED AS TO FORM:

City of St. Petersburg
City Attorney (Designee)

APPROVED BY:	INITIALS	DATE
Attorney		3/4/19
Manager		3/20/19
Bureau Chief		4/4/19
Division Director		5/8/19



Prepared by:
CITY OF ST. PETERSBURG, FL
ENGINEERING & CAPITAL IMPROVEMENTS
DEPARTMENT
P.O. BOX 2842
ST. PETERSBURG, FL 33731

MATTHEW D. PICKEL
 FLORIDA PROFESSIONAL SURVEY AND MAPPER #6125

4/29/10
 DATE

Project Name:
CLAM BAYOU RECREATIONAL TRAIL PHASE 2

EXHIBIT "A"

EASEMENT LOCATION MAP

In: SECTION **34** TOWNSHIP **31** RANGE **16**
 PINELLAS COUNTY, FLORIDA

PROJECT No. **07075-112** SHEET **1** OF **7**

Exhibit A

CLAM BAYOU BIKE TRAIL EASEMENT

AN EASEMENT FOR A BIKE TRAIL LYING WITHIN SECTION 34,
TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY,
FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 3 OF
U.G. YOUNG SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 124
OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. THE
SAID LOT CORNER ALSO BEING THE SOUTHEAST CORNER OF SAID
PLAT OF U.G. YOUNG SUBDIVISION.

THENCE ON AN EXTENSION OF THE SOUTH BOUNDARY OF SAID
PLAT OF U.G. YOUNG SUBDIVISION, N89°45'34"E, 7.90 FEET TO THE
NORTHEAST CORNER OF THIS EASEMENT, THENCE THE
FOLLOWING COURSES AND DISTANCES:

S00° 23' 27"W, 83.42 FEET;
S17° 44' 43"W, 30.50 FEET;
S01° 43' 38"W, 267.62 FEET;
S07° 17' 27"E, 112.53 FEET;
S00° 17' 04"W, 169.89 FEET;
S89° 39' 41"E, 21.25 FEET;
S32° 25' 50"E, 24.39 FEET;
S84° 37' 08"E, 116.14 FEET;
S52° 02' 14"E, 107.36 FEET;
S13° 54' 42"E, 84.96 FEET;
S58° 43' 58"E, 83.95 FEET TO THE WEST RIGHT-OF-WAY LINE OF 40TH
STREET SOUTH (a Vacated R/W);

THENCE S00° 01' 40"W, COINCIDENT WITH THE SAID WEST RIGHT-
OF-WAY LINE OF 40TH STREET SOUTH, 58.48 FEET;

THENCE THE FOLLOWING COURSES AND DISTANCES:

N58° 43' 58"W, 134.90 FEET;
N13° 54' 42"W, 88.31 FEET;
N52° 02' 14"W, 75.47 FEET;
N84° 37' 08"W, 126.01 FEET;
N32° 25' 50"W, 114.04 FEET;
N15° 11' 33"E, 63.49 FEET;
N07° 17' 27"W, 191.31 FEET;
N01° 43' 40"E, 279.54 FEET;
N19° 05' 38"E, 108.85 FEET TO THE SAID SOUTH LINE OF U.G. YOUNG
SUBDIVISION;

THENCE N89° 45' 34"W, COINCIDENT WITH THE SAID SOUTH LINE OF
U.G. YOUNG SUBDIVISION, 16.09 FEET TO THE POINT OF
BEGINNING;

CONTAINING 1.25 ACRES OF LAND, MORE OR LESS.



Prepared by:

CITY OF ST. PETERSBURG, FL
ENGINEERING & CAPITAL IMPROVEMENTS
DEPARTMENT
P.O. BOX 2842
ST. PETERSBURG, FL 33731

MATTHEW D. PICKEL
FLORIDA PROFESSIONAL SURVEY AND MAPPER #6125

DATE

Project Name:

CLAM BAYOU RECREATIONAL TRAIL PHASE 2

EXHIBIT "A"

EASEMENT 1

In:

SECTION 34 TOWNSHIP 31 RANGE 16
PINELLAS COUNTY, FLORIDA

PROJECT No. 07075-112 SHEET 2 OF 7

Attachment: Clam Bayou May Exhibit MinTraq (4336 : Clam Bayou)

Exhibit A

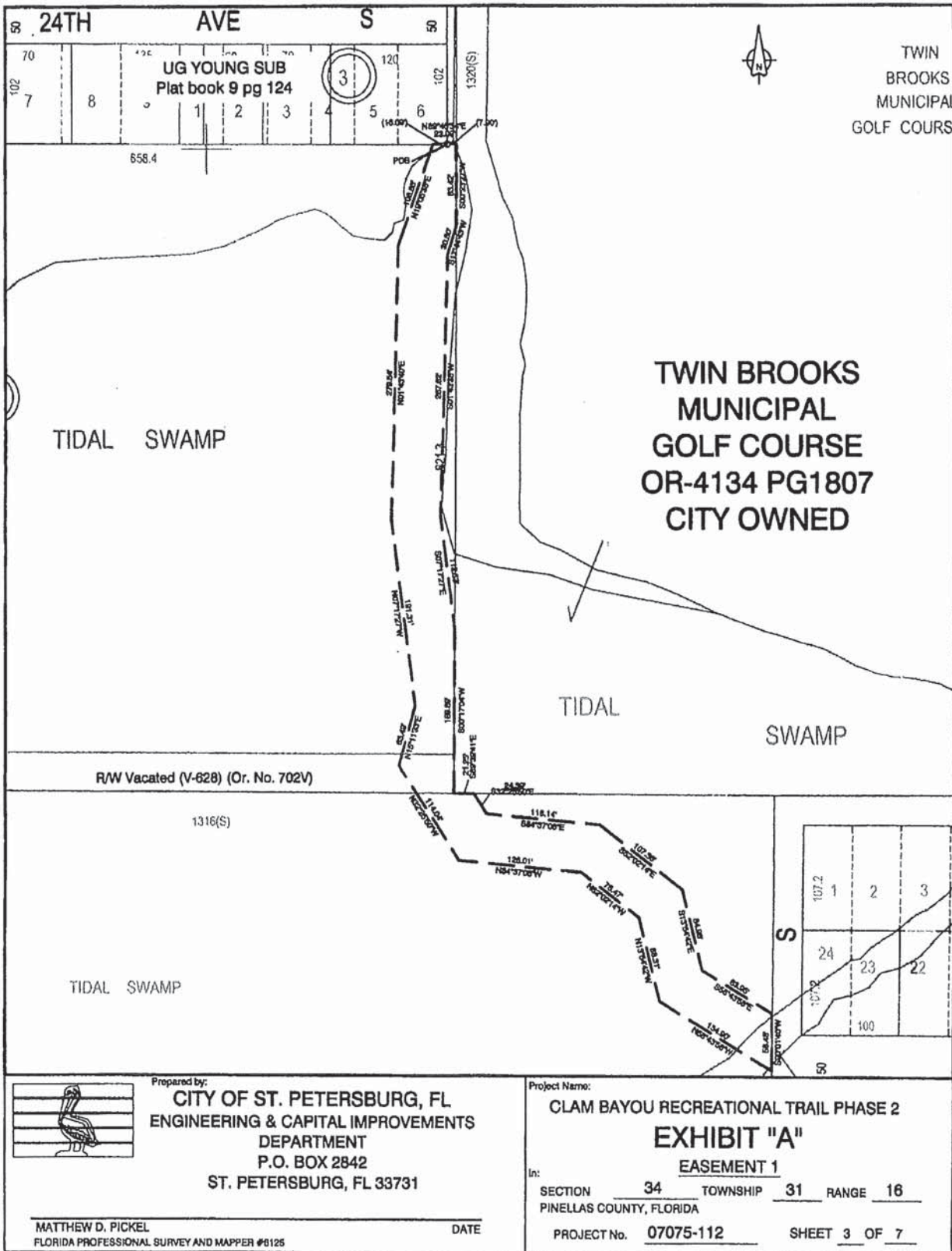


Exhibit A

CLAM BAYOU BIKE TRAIL EASEMENT

AN EASEMENT FOR A BIKE TRAIL LYING WITHIN
SECTION 34, TOWNSHIP 31 SOUTH, RANGE 16 EAST,
PINELLAS COUNTY, FLORIDA. BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING (P.O.C.) AT THE NW CORNER OF LOT 1,
BLOCK 9 OF "BAYVIEW TERRACE" AS RECORDED IN
PLAT BOOK 8, PAGE 11 OF THE PUBLIC RECORDS OF
PINELLAS COUNTY;

THENCE N89°59'13"W, ON THE EXTENDED SOUTH RIGHT-
OF-WAY OF 29TH AVENUE S., 30.00 FEET TO THE POINT OF
BEGINNING;

THENCE S00°20'19"W, 77.02' FEET;

THENCE N21°50'17"W, 132.86 FEET;

THENCE N00°20'19"E, 63.45 FEET;

THENCE N30°10'47"E, 100.76 FEET;

THENCE S00°20'19"W, 196.86 FEET, TO THE POINT OF
BEGINNING.

CONTAINING 0.19 ACRES OF LAND, MORE OR LESS.



Prepared by:
CITY OF ST. PETERSBURG, FL
ENGINEERING & CAPITAL IMPROVEMENTS
DEPARTMENT
P.O. BOX 2842
ST. PETERSBURG, FL 33731

MATTHEW D. PICKEL
FLORIDA PROFESSIONAL SURVEY AND MAPPER #6125

DATE

Project Name:

CLAM BAYOU RECREATIONAL TRAIL PHASE 2

EXHIBIT "A"

EASEMENT 2

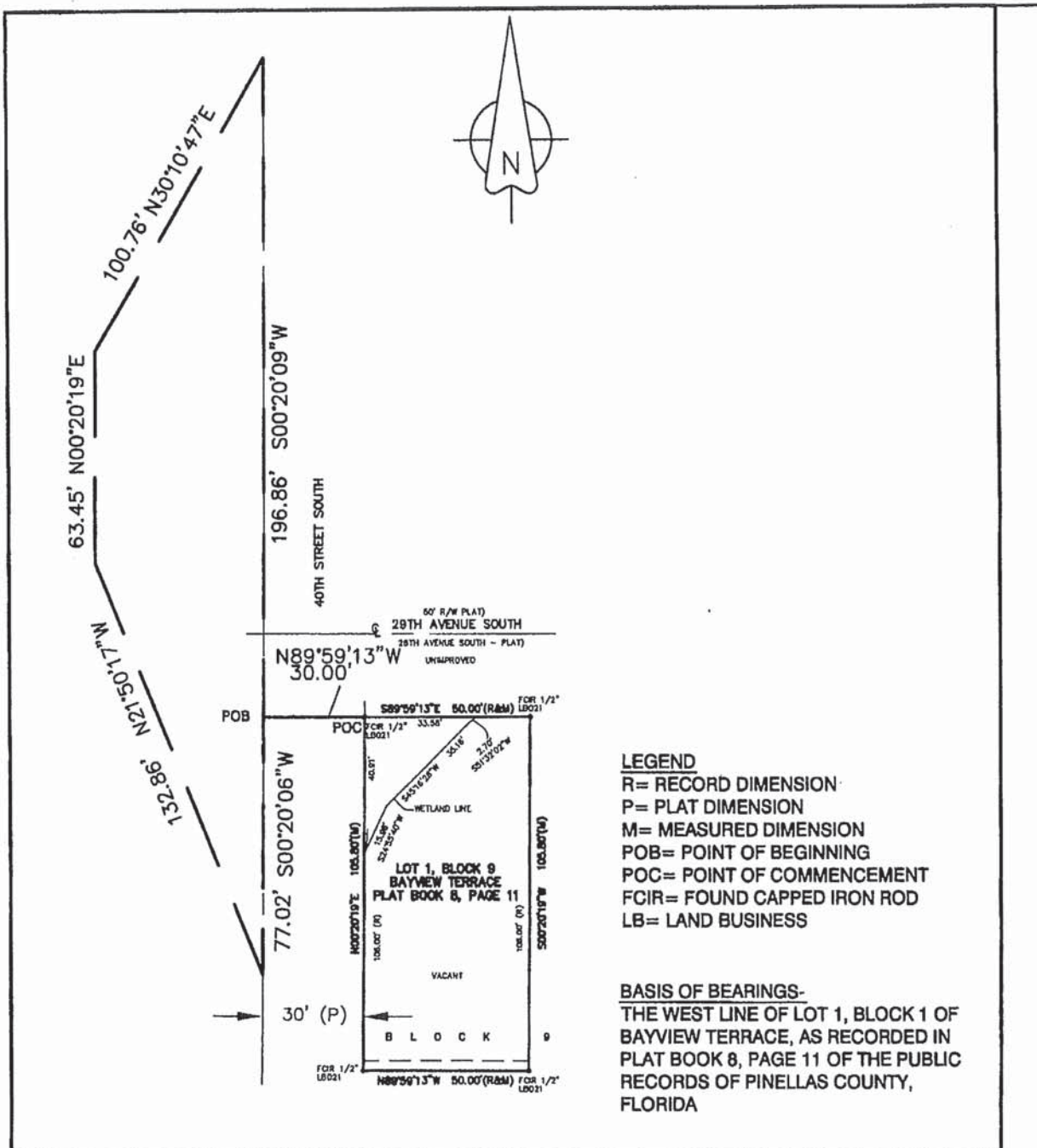
Is:

SECTION 34 TOWNSHIP 31 RANGE 16
PINELLAS COUNTY, FLORIDA

PROJECT No. 07075-112

SHEET 4 OF 7

Exhibit A



Prepared by:
CITY OF ST. PETERSBURG, FL
 ENGINEERING & CAPITAL IMPROVEMENTS
 DEPARTMENT
 P.O. BOX 2842
 ST. PETERSBURG, FL 33731

MATTHEW D. PICKEL
 FLORIDA PROFESSIONAL SURVEY AND MAPPER #8125

DATE

Project Name:

CLAM BAYOU RECREATIONAL TRAIL PHASE 2

EXHIBIT "A"

EASEMENT 2

In:

SECTION 34 TOWNSHIP 31 RANGE 16
 PINELLAS COUNTY, FLORIDA

PROJECT No. 07075-112 SHEET 5 OF 7

Exhibit A

A CLAM BAYOU BICYCLE EASEMENT

A BICYCLE EASEMENT LYING WITHIN THE PLAT OF WEST SHORE VILLAGE SECTION TWO, AS RECORDED IN PLAT BOOK 70, PAGES 30 AND 31 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

COMMENCING AT THE NW CORNER OF LOT 1, BLOCK B, OF SAID WEST SHORE VILLAGE SECTION TWO;

THENCE S89°49'03"E, COINCIDENT WITH THE NORTH BOUNDARY LINE OF SAID PLAT BOOK 70, PAGES 30 AND 31, 951.79 FEET TO THE POINT OF BEGINNING;

THENCE S42°33'33"W, 87.29 FEET;

THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 83.12 FEET, A CENTRAL ANGLE OF 83°30'08", A CHORD DISTANCE OF 78.83 FEET, AND A CHORD BEARING OF 57°47'42"W;

THENCE N73°27'14"W, 21.78 FEET;

THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 125.00 FEET, AN ARC LENGTH OF 198.50 FEET, A CENTRAL ANGLE OF 90°04'01", A CHORD DISTANCE OF 178.88 FEET, AND A CHORD BEARING OF 58°13'04"W TO A POINT OF REVERSE CURVE;

THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 75.84 FEET, AN ARC LENGTH OF 88.15 FEET, A CENTRAL ANGLE OF 88°24'14", A CHORD DISTANCE OF 83.01 FEET, AND A CHORD BEARING OF 54°57'12"W TO A POINT OF REVERSE CURVE;

THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 483.71 FEET, AN ARC LENGTH OF 239.73 FEET, A CENTRAL ANGLE OF 28°37'15", A CHORD DISTANCE OF 237.07 FEET, AND A CHORD BEARING OF 58°42'10"W TO A POINT OF REVERSE CURVE;

THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 70.51 FEET, AN ARC LENGTH OF 59.88 FEET, A CENTRAL ANGLE OF 52°23'37", A CHORD DISTANCE OF 58.33 FEET, AND A CHORD BEARING OF 58°52'30"W TO A POINT OF REVERSE CURVE;

THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 125.14 FEET, AN ARC LENGTH OF 60.19 FEET, A CENTRAL ANGLE OF 27°33'28", A CHORD DISTANCE OF 58.61 FEET, AND A CHORD BEARING OF 58°7'50"W TO A POINT OF COMPOUND CURVE;

THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 125.93 FEET, AN ARC LENGTH OF 133.71 FEET, A CENTRAL ANGLE OF 60°40'55", A CHORD DISTANCE OF 127.51 FEET, AND A CHORD BEARING OF 52°33'17"W TO A POINT OF REVERSE CURVE;

THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 76.84 FEET, AN ARC LENGTH OF 60.44 FEET, A CENTRAL ANGLE OF 52°18'03"W, A CHORD DISTANCE OF 57.03 FEET, AND A CHORD BEARING OF 52°18'03"W;

THENCE S52°33'13"W, 78.13 FEET;

THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 448.42 FEET, AN ARC LENGTH OF 80.48 FEET, A CENTRAL ANGLE OF 28°28'08", A CHORD DISTANCE OF 80.45 FEET, AND A CHORD BEARING OF 54°57'48"W;

THENCE S45°11'48"W, 128.33 FEET;

THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 126.51 FEET, AN ARC LENGTH OF 64.88 FEET, A CENTRAL ANGLE OF 24°54'07", A CHORD DISTANCE OF 54.55 FEET, AND A CHORD BEARING OF 53°52'22"W TO A POINT OF REVERSE CURVE;

THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 76.34 FEET, AN ARC LENGTH OF 48.67 FEET, A CENTRAL ANGLE OF 35°29'48", A CHORD DISTANCE OF 48.93 FEET, AND A CHORD BEARING OF 54°17'52"W;

THENCE S57°31'44"W, 172.14 FEET, TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID PLAT BOOK 70 PAGES 30 & 31;

THENCE S88°51'21"E, COINCIDENT WITH THE SAID SOUTH BOUNDARY LINE OF SAID PLAT BOOK 70 PAGES 30 & 31, 92.78 FEET;

THENCE N57°31'44"E, 69.83 FEET;

THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 126.31 FEET, AN ARC LENGTH OF 63.00 FEET, A CENTRAL ANGLE OF 28°48'23", A CHORD DISTANCE OF 62.34 FEET, AND A CHORD BEARING OF N44°41'30"E;

THENCE N27°12'18"E, 13.77 FEET;

THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 78.51 FEET, AN ARC LENGTH OF 55.12 FEET, A CENTRAL ANGLE OF 28°18'13", A CHORD DISTANCE OF 54.82 FEET, AND A CHORD BEARING OF N35°24'58"E;

THENCE N45°11'48"E, 128.08 FEET;

THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 389.42 FEET, AN ARC LENGTH OF 44.47 FEET, A CENTRAL ANGLE OF 28°22'47", A CHORD DISTANCE OF 44.43 FEET, AND A CHORD BEARING OF N48°37'22"E;

THENCE N52°33'13"E, 76.24 FEET;

THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 125.84 FEET, AN ARC LENGTH OF 110.71 FEET, A CENTRAL ANGLE OF 50°29'18", A CHORD DISTANCE OF 107.18 FEET, AND A CHORD BEARING OF N27°18'34"E;

THENCE N39°38'45"W, 20.84 FEET;

THENCE N50°21'24"E, 108.80 FEET;

THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 433.00 FEET, AN ARC LENGTH OF 286.66 FEET, A CENTRAL ANGLE OF 37°55'48", A CHORD DISTANCE OF 281.44 FEET, AND A CHORD BEARING OF N68°39'00"E;

THENCE N23°03'37"E, 116.58 FEET;

THENCE N01°31'17"E, 17.80 FEET;

THENCE S88°123'7"E, 183.47 FEET;

THENCE N44°55'10"E, 152.52 FEET;

THENCE N00°20'58"E, 17.00 FEET;

THENCE N89°49'03"W, 22.42 FEET;

THENCE N00°21'06"E, 20.00 FEET;

THENCE N89°49'03"W, COINCIDENT WITH THE SAID NORTH BOUNDARY LINE OF PLAT BOOK 70, PAGES 30 AND 31, 11.44 FEET TO THE POINT OF BEGINNING;

CONTAINING 1.79 ACRES OF LAND, MORE OR LESS.



Attachment: Clam Bayou May Exhibit MinTraq (4336 : Clam Bayou)



Prepared by:

CITY OF ST. PETERSBURG, FL
ENGINEERING & CAPITAL IMPROVEMENTS
DEPARTMENT
P.O. BOX 2842
ST. PETERSBURG, FL 33731

MATTHEW D. PICKEL
FLORIDA PROFESSIONAL SURVEY AND MAPPER #6125

DATE

Project Name:

CLAM BAYOU RECREATIONAL TRAIL PHASE 2

EXHIBIT "A"

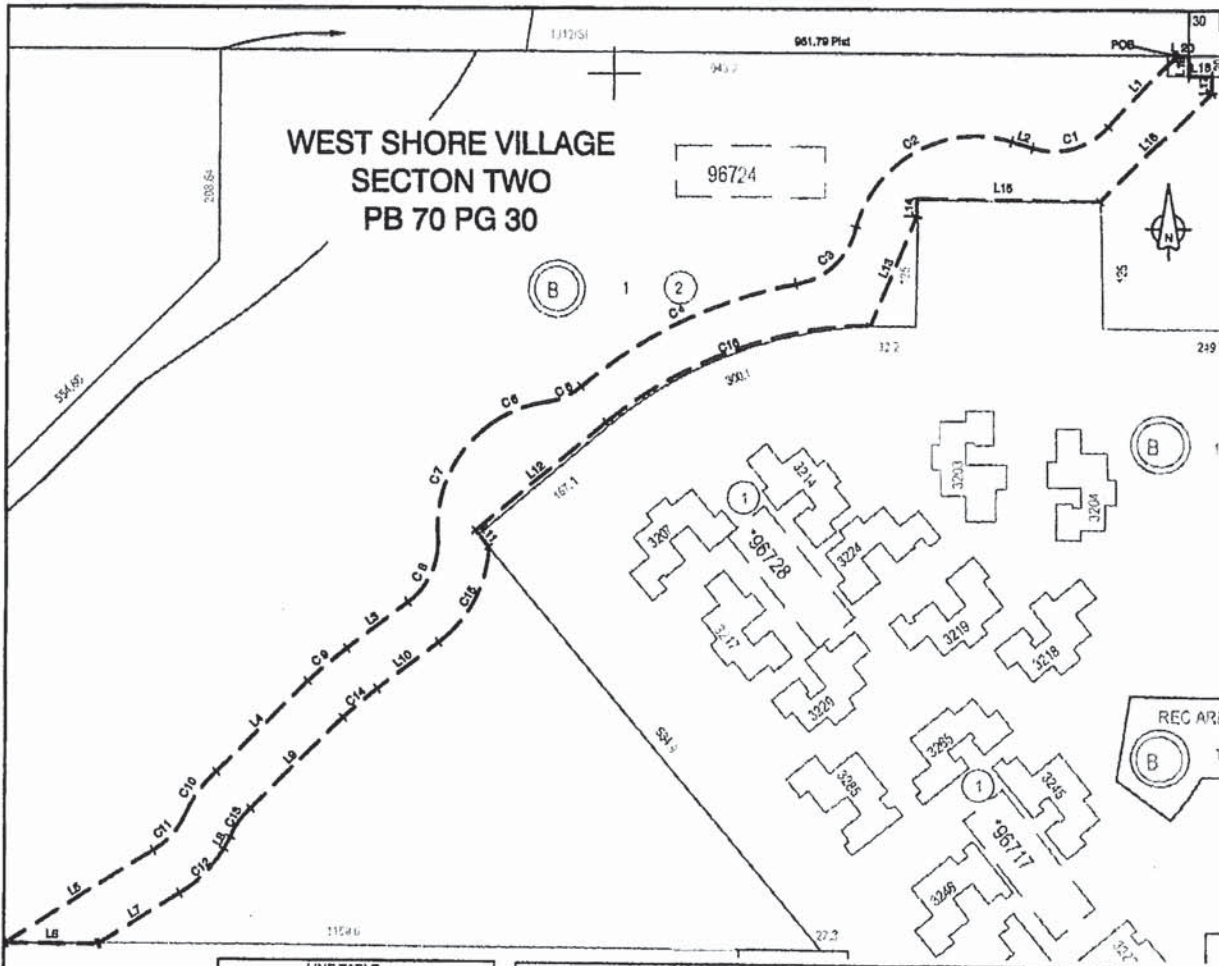
EASEMENT 3

in:

SECTION 34 TOWNSHIP 31 RANGE 16
PINELLAS COUNTY, FLORIDA

PROJECT No. 07075-112 SHEET 8 OF 7

Exhibit A



LINE TABLE		
LINE	LENGTH	BEARING
L1	97.29	S42°33'33"W
L2	21.75	N79°27'14"W
L3	76.13	S52°33'13"W
L4	125.33	S45°11'45"W
L5	172.14	S57°51'44"W
L6	92.75	S58°11'21"E
L7	93.33	N57°31'44"E
L8	13.77	N27°12'18"E
L9	129.00	N45°11'40"E
L10	70.24	N52°33'13"E
L11	20.24	N39°35'45"W
L12	100.60	N50°21'24"E
L13	116.55	N23°03'31"E
L14	17.50	N01°31'17"E
L15	183.47	S80°12'37"E
L16	152.52	N44°52'10"E
L17	17.00	N00°23'05"E
L18	22.42	N88°49'03"W
L19	20.00	N00°21'08"E
L20	11.44	N88°49'03"W

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA ANGLE	TANGENT	CORD	CORD BEARING
C1	75.00	83.12	83°30'05"	45.41	75.00	N74°47'42"E
C2	125.00	195.00	90°04'01"	125.15	175.55	S51°30'45"W
C3	73.54	83.15	88°24'14"	50.18	83.01	N46°37'12"E
C4	483.71	230.73	25°37'18"	122.51	237.07	S54°21'03"W
C5	70.51	80.00	52°23'37"	20.45	80.23	N66°23'07"E
C6	125.14	60.19	27°33'25"	30.00	58.61	S57°50'01"W
C7	125.00	133.71	80°49'55"	73.93	127.51	S23°37'17"W
C8	75.54	60.44	52°39'17"	37.30	57.03	N26°16'05"E
C9	449.42	50.45	8°28'00"	25.27	50.45	S45°34'45"W
C10	125.51	54.50	24°54'07"	27.53	54.50	S58°22'02"W
C11	75.54	45.57	35°20'45"	24.11	45.93	N41°47'52"E
C12	125.31	68.00	28°45'23"	32.16	62.34	N44°41'30"E
C13	75.51	35.12	29°18'13"	17.55	34.82	S39°24'53"W
C14	250.42	44.47	8°22'47"	22.20	44.45	S45°37'22"W
C15	125.54	110.71	50°23'18"	59.24	107.15	N27°18'54"E
C16	433.00	255.05	87°50'45"	148.80	251.44	S08°39'00"W



Prepared by:
CITY OF ST. PETERSBURG, FL
ENGINEERING & CAPITAL IMPROVEMENTS
DEPARTMENT
P.O. BOX 2842
ST. PETERSBURG, FL 33731

Project Name:
CLAM BAYOU RECREATIONAL TRAIL PHASE 2
EXHIBIT "A"
EASEMENT 3
 In: SECTION 34 TOWNSHIP 31 RANGE 16
 PINELLAS COUNTY, FLORIDA
 PROJECT No. 07075-112 SHEET 7 OF 7

MATTHEW D. PICKEL
 FLORIDA PROFESSIONAL SURVEY AND MAPPER #6125

DATE

Exhibit B

Original file name: Osgood
Trail_Description and
Sketch_v3.pdf rec'd via email

Description and Sketch (NOT A SURVEY)

DESCRIPTION:

A portion of LOT 1, BLOCK A, WEST SHORE VILLAGE, SECTION ONE of PLAT BOOK 70, PAGE 29 together with a portion of parcel 3 described in OFFICIAL RECORDS BOOK 10677, PAGE 1228 of the Public Records of Pinellas County, FL. Also referenced as Southwest Florida Water Management District (SWFWMD) parcel number 16-728-127X. Being more particularly described as follows:

AREA #1

COMMENCE at the southwest corner of LOT 1, BLOCK A, WEST SHORE VILLAGE, SECTION ONE per said plat book and page, being POINT OF BEGINNING #1; thence N00°01'50"E, 621.68 feet along the westerly boundary line of said LOT 1, BLOCK A to the northerly boundary line of said LOT 1, BLOCK A; thence S89°46'24"E, 979.63 feet along said northerly boundary line to the easterly boundary line of said LOT 1, BLOCK A; thence S00°17'26"W, 75.00 feet along said easterly boundary line; thence N89°46'24"W, 75.00 feet; thence N00°17'26"E, 25.00 feet; thence N89°46'24"W, 769.40 feet; thence S00°01'50"W, 75.00 feet; thence N89°46'24"W, 85.00 feet; thence S00°01'50"W, 496.78 feet to the northerly right-of-way line of 26TH AVENUE SOUTH per said PLAT BOOK 70, PAGE 29 also being the southerly boundary line of LOT 1, BLOCK A; thence N89°39'31"W, 50.00 feet along said northerly right-of-way line to the POINT OF BEGINNING.

Containing 85,812 square feet or 1.97 acres ±.

Together with:

AREA #2

COMMENCE at the northwest corner of parcel 3 described in said OFFICIAL RECORDS BOOK 10677, PAGE 1228 as POINT OF BEGINNING #2; thence S89°39'31"E, 75.00 feet along the northerly boundary line of said parcel, also being the southerly right-of-way line said 26TH AVENUE SOUTH; thence S00°01'50"W, 50.00 feet; thence N89°39'31"W, 75.00 feet to the westerly boundary line of said parcel; thence N00°01'50"E, 50.00 feet along said westerly boundary line to POINT OF BEGINNING #2.

Containing 3,750 square feet or 0.09 acres ±.

Surveyor's Notes:

1. This Description and Sketch was requested by the Stormwater and Environmental Division of the Engineering and Capital Improvements Department. The proposed trail, boundary and right-of-way information contained in this Description and Sketch was provided by Cardno and Charles Tolton and Associates, Inc. Information from the Pinellas County Property Appraiser was used to reference official records.
2. Bearings are based on information provided by the City's consultant, the westerly boundary line of Lot 1, Block A of Westshore Village, Section One bearing S00°01'50"W per the provided information.
3. City Atlas Sheet L-13.
4. This Description and Sketch does not certify or warranty: title, zoning, easements, or freedom from encumbrances.
5. This Description and Sketch was prepared without the benefit of an abstract of title or boundary survey and may be subject to easements, restrictions, rights-of-way and other matters of record.
6. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
7. Not valid without accompanying sheet.

Timothy R. Collins

10/17/2018

Timothy R. Collins
Professional Surveyor and Mapper
Florida Registration Number 6882

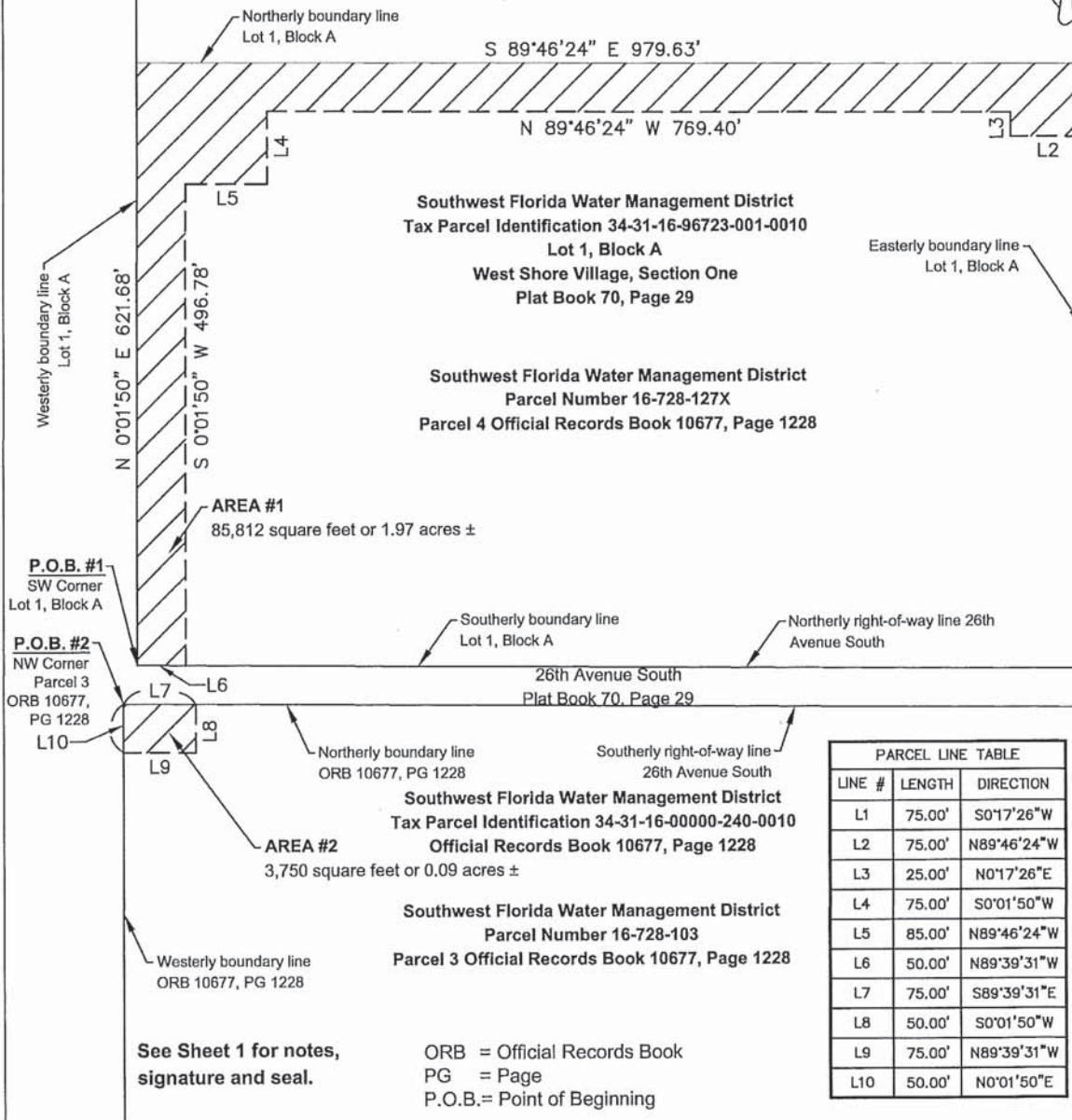
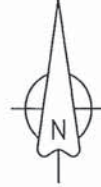
Date

REVISIONS			OSGOOD TRAIL	
BY	DATE			
TRC	10/14/18			
		ENGINEERING AND CAPITAL IMPROVEMENT DEPARTMENT CITY of ST. PETERSBURG	SECTION 34 TOWNSHIP 31 SOUTH RANGE 16 EAST	DATE: SEP 18, 2018 SHEET No. 1 OF 2
		NOT TO SCALE		

Exhibit B

Description and Sketch

(NOT A SURVEY)




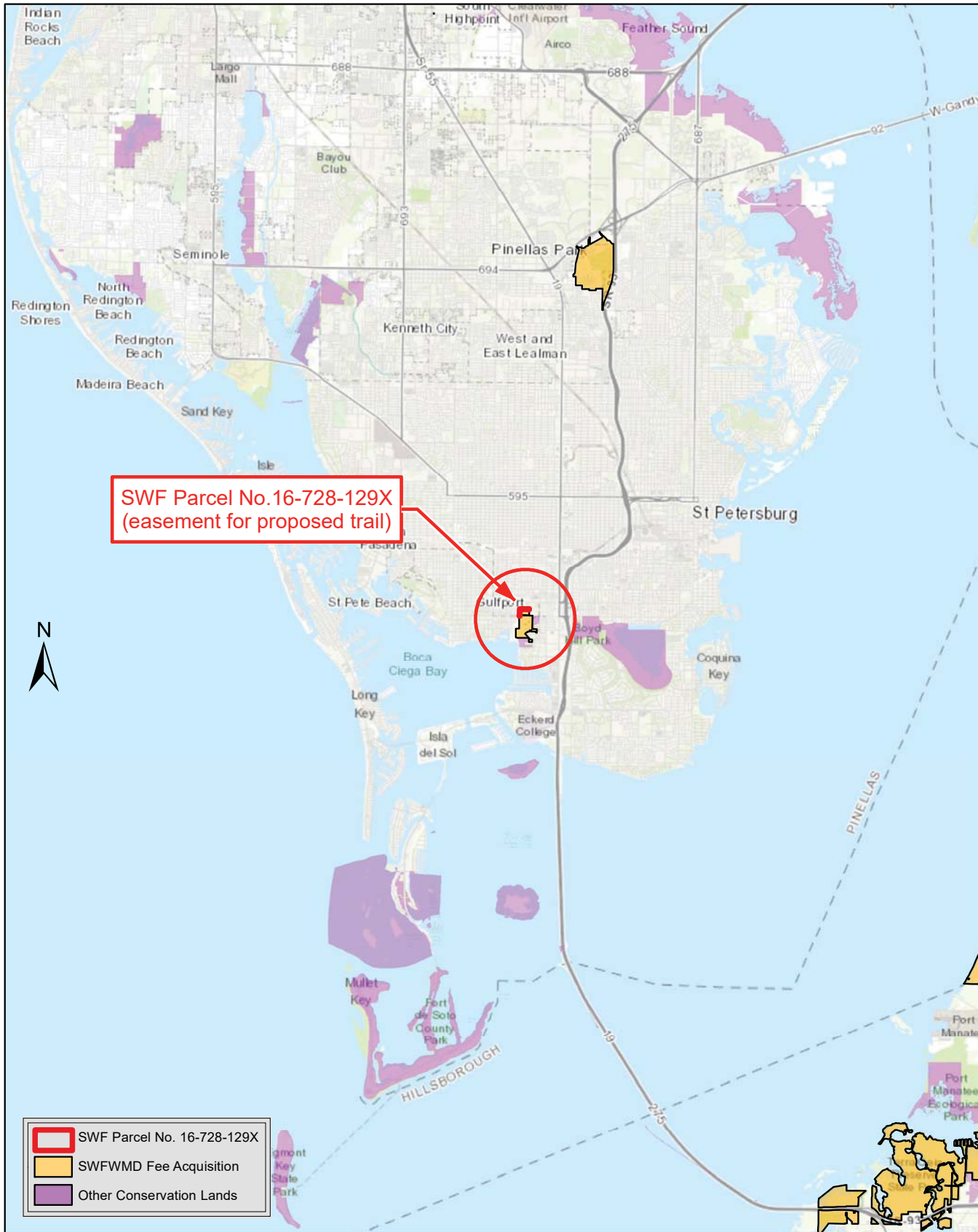
REVISIONS		 ENGINEERING AND CAPITAL IMPROVEMENT DEPARTMENT CITY OF ST. PETERSBURG	OSGOOD TRAIL	
BY	DATE		SECTION 34	
TRC	10/14/18		TOWNSHIP 31 SOUTH	
			RANGE 16 EAST	
			DATE: SEP 18, 2018	
		NOT TO SCALE		SHEET No. 2 OF 2

Exhibit 2

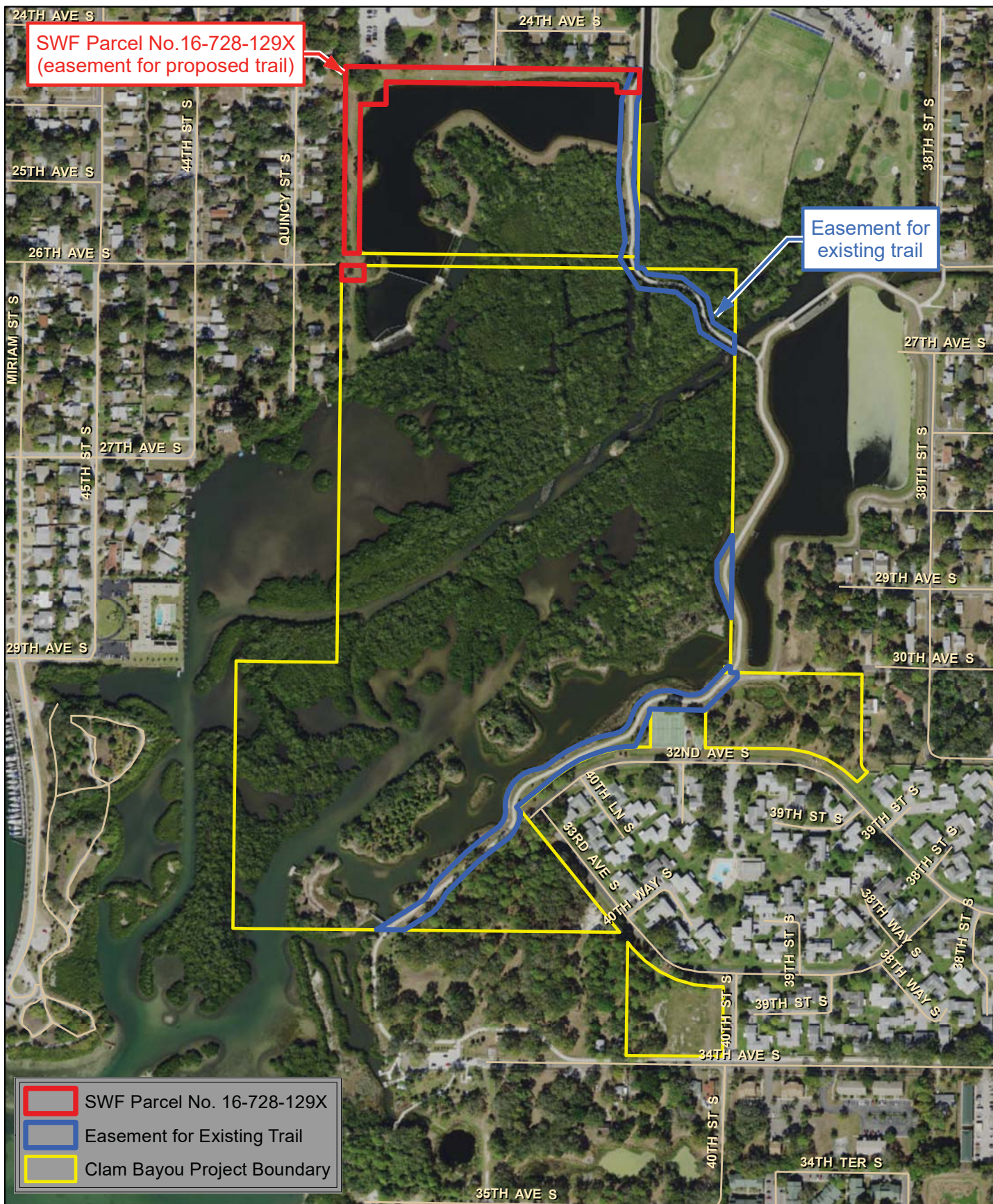
Clam Bayou - SWF Parcel No. 16-728-129X



Date: 4/5/2019

Attachment: Clam Bayou May Exhibit MinTraQ (4336 : Clam Bayou)

Exhibit 3 - Clam Bayou - SWF Parcel No. 16-728-129X



Date: 3/6/2019

Attachment: Clam Bayou May Exhibit MinTraQ (4336 : Clam Bayou)

REGULATION COMMITTEE

May 21, 2019

Consent Agenda

WUP No. 20012523.004 - IFAS Research Center (Balm) / UF Institute of Food and Agricultural Sciences (Hillsborough County)

This is a modification of an existing water use permit for agricultural use. The authorized quantities have changed from the previous permit. This permit authorizes an increase in the annual average and drought annual average quantity from 345,200 gallons per day (gpd) to 598,200 gpd, an increase in the peak month quantity from 921,700 gpd to 2,349,300 gpd, and a decrease in the crop protection from 6,516,400 gpd to 6,210,700 gpd. There is no change in use type from the previous revision. The annual average increase of 253,000 gpd were offset through Net Benefit Retirements from Water Use Permit Nos. 2001142.007, 2001447.006, 2002619.006, 2002881.005, 2007622.005, and 2007719.006 totaling an annual average quantity reduction in the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA) of 512,900 gpd. Increases in annual average and peak month are due to the agricultural research acreage increasing from 207.5 acres to 341 acres. The decrease in crop protection is due to a correction of pump capacities. Quantities are based on the District's irrigation allotment calculation program, AGMOD. This permit is located within the MIA of the SWUCA in Hillsborough County. The Permittee is not using Alternative Water Supply (AWS) sources because none can be used with the crop types being grown at this time.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from District ID Nos. 3, 5, 6, and 7, modify the permit to reflect incorporation of any new alternative sources of water, perform meter accuracy tests every five years and submit meter accuracy test reports, record and report seasonal crop reports for District ID Nos. 3, 5, & 7, immediately implement the updated water conservation plan, submit an overpumpage report upon District request, and adhere to 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 012523.004**

PERMIT ISSUE DATE: May 21, 2019

EXPIRATION DATE: November 07, 2034

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: UF Institute of Food & Agricultural Sciences
P.O. Box 110200
Gainesville, FL 32611

PROJECT NAME: IFAS Research Center (Balm)

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

COUNTY: Hillsborough

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

ANNUAL AVERAGE	598,200 gpd
PEAK MONTH ¹	2,349,300 gpd
DROUGHT ANNUAL AVERAGE ²	598,200 gpd
CROP PROTECTION/MAXIMUM ³	6,210,700 gpd

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

ABSTRACT:

This is a modification of an existing water use permit for agricultural use. The authorized quantities have changed from the previous permit. This permit authorizes an increase in the annual average and drought annual average quantity from 345,200 gallons per day (gpd) to 598,200 gpd, an increase in the peak month quantity from 921,700 gpd to 2,349,300 gpd, and a decrease in the crop protection from 6,516,400 gpd to 6,210,700 gpd. There is no change in use type from the previous revision. The annual average increase of 253,000 gpd were offset through Net Benefit Retirements from Water Use Permit Nos. 2001142.007, 2001447.006, 2002619.006, 2002881.005, 2007622.005, and 2007719.006 totaling an annual average quantity reduction in the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA) of 512,900 gpd. Increases in annual average and peak month are due to the agricultural research acreage increasing from 207.5 acres to 341 acres. The decrease in crop protection is due to a correction of pump capacities. Quantities are based on the District's irrigation allotment calculation program, AGMOD. This permit is located within the MIA of the SWUCA in Hillsborough County. The Permittee is not using Alternative Water Supply (AWS) sources because none can be used with the crop types being grown at this time.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from District ID Nos. 3, 5, 6, and 7, modify the permit to reflect incorporation of any new alternative sources of water, perform meter accuracy tests every five years and submit meter accuracy test reports, record and report seasonal crop reports for District ID Nos. 3, 5, & 7, immediately implement the updated water conservation plan, submit an overpumpage report upon District request, and adhere to 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>	<u>CROP PROTECTION /MAXIMUM</u>
Agricultural	598,200	2,349,300	598,200	6,210,700

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Lawn & Landscape Irrigation	7.00	Sprinkler Over Plant	29.38"/yr.	29.38"/yr.
Research	65.00	Drip With Plastic	14.39"/yr.	14.39"/yr.
Research	30.00	Drip With Plastic	15.50"/yr.	15.50"/yr.
Research	239.00	Drip With Plastic	26.85"/yr.	26.85"/yr.
Fire Suppression				
Personal Sanitary Use				

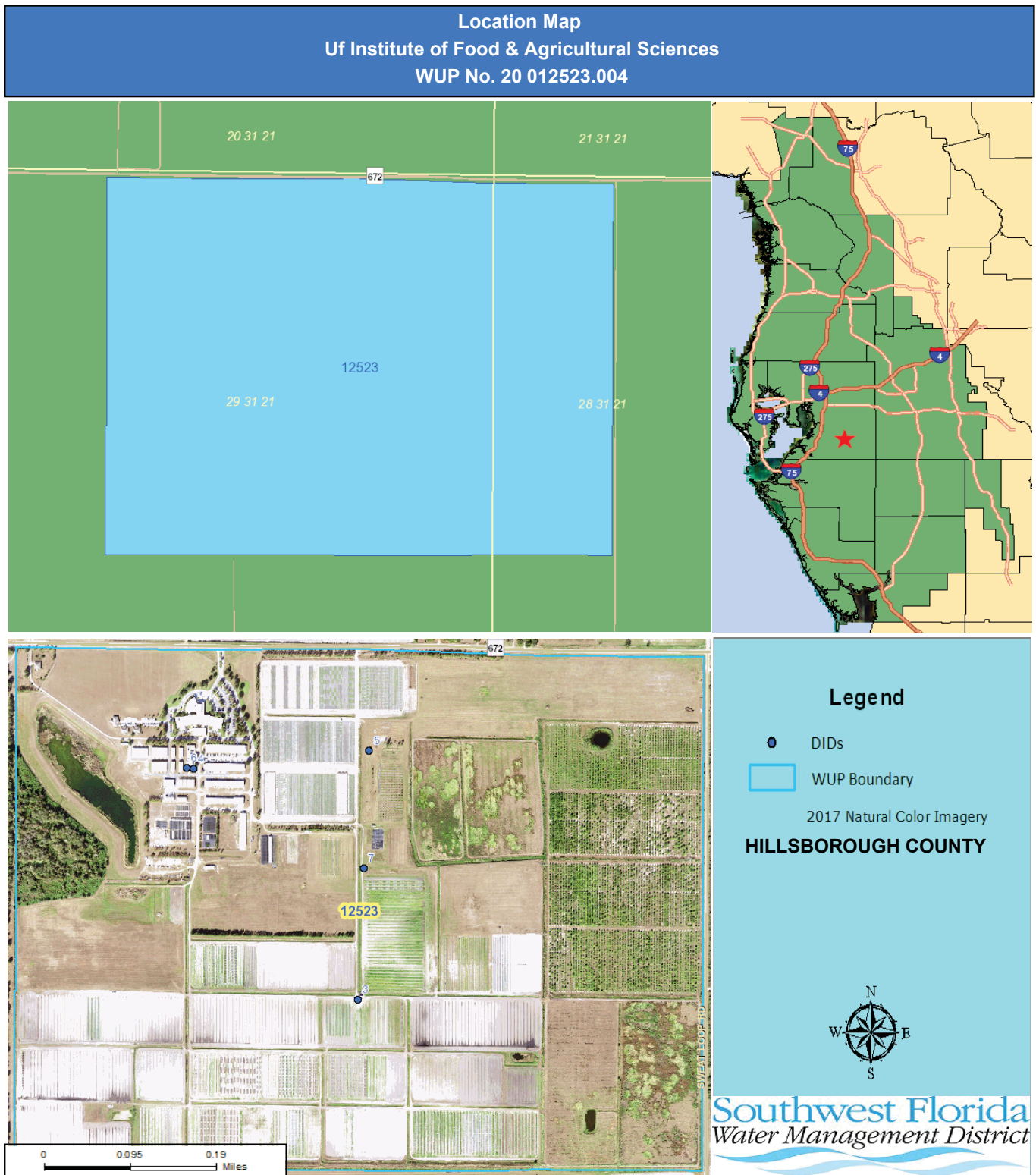
WITHDRAWAL POINT QUANTITY TABLE

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>
5 / 3	12	1,006 / 245	Irrigation	477,400	1,888,500	2,880,000
6 / 4	12	890 / 336	Fire Suppression	100	200	N/A
7 / 5	12	930 / 336	Irrigation	69,600	322,200	2,880,000
8 / 6	6	200 / 150	Irrigation	16,500	30,500	N/A
9 / 7	6	730 / 330	Irrigation	34,600	107,900	450,700

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
3	27° 45' 19.20"/82° 13' 27.30"
4	27° 45' 36.50"/82° 13' 41.40"
5	27° 45' 37.90"/82° 13' 26.40"
6	27° 45' 36.58"/82° 13' 41.95"
7	27° 45' 29.08"/82° 13' 26.88"



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 14, 2018 that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted by 12/1/2024.(449)
10. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for seasonal crops for each permitted irrigation withdrawal point, District ID. Nos. 3, 5, & 7, Permittee ID Nos. 5, 7, & 9:
 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 Nos. 3, 5, 6, & 7, Permittee ID Nos. 5, 7, 8, & 9. 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)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

1. With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, collect samples, take measurements, observe permitted and related facilities and collect and document any information deemed necessary to determine compliance with the approved plans, specifications and conditions of this permit. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
3. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.
4. The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:
 - A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - B. Damage to crops and other vegetation causing financial harm to the owner; and
 - C. Damage to the habitat of endangered or threatened species.
5. The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:
 - A. A reduction in water levels which impairs the ability of a well to produce water;
 - B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.
6. Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
7. All withdrawals authorized by this WUP shall be implemented as conditioned by this permit, including any documents submitted as part of the permit application incorporated by reference in a permit condition. This permit is subject to review and modification, enforcement action, or revocation, in whole or in part, pursuant to Section 373.136 or 373.243, F.S.
8. This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
9. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.
10. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
13. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data are found to be untrue and inaccurate, the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. Within the Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the District, upon reasonable notice to the Permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact, but only after an opportunity for the Permittee to resolve or mitigate the change or impact or to request a hearing.
17. All permits are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

Exhibit B
Instructions

METERING INSTRUCTIONS

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

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

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

by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

2. **Accuracy Test Requirements:** The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:
 - A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
 - B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
 - C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
 - D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:
 - A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

- B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;
- C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;
- D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.
- E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.
- F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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

GENERAL COUNSEL'S REPORT

May 21, 2019

Consent Agenda

Authorization to Issue Administrative Complaint and Order – Overpumpage – Kelly Family Holdings, LLC – WUP No. 20002588.010 – CT No. 390610 – Charlotte County

Kelly Family Holdings, LLC (“Permittee”) is the owner of three contiguous parcels of real property in Charlotte County located north of State Road 74 in the city of Punta Gorda (“Property”). On January 21, 2012, the Southwest Florida Water Management District (“District”) issued Water Use Permit No. 20002588.010 (“Permit”) to the Permittee authorizing groundwater withdrawals in the amount of 704,600 gallons per day (“gpd”) on an annual average basis for agricultural irrigation and water-based recreation.

On March 31, 2017, District staff issued the Permittee a Notice of Potential Non-Compliance/Overpumpage letter (“First Notice”) advising that an annual average quantity of 950,029 gpd had been pumped under the Permit for the 12-month period ending in February 2017. On June 8, 2017, District staff issued the Permittee a Second Notice of Potential Non-Compliance/Overpumpage letter (“Second Notice”) advising that an annual average quantity of 1,580,838 gpd had been pumped under the Permit for the 12-month period ending in April 2017. On August 28, 2017, District staff issued the Permittee a Third Notice of Potential Non-Compliance/Overpumpage letter (“Third Notice”) advising that an annual average quantity of 1,546,962 gpd had been pumped under the Permit for the 12-month period ending in July 2017. All three Notices advised the Permittee of potential options for bringing the Permit into compliance without the need for further enforcement action.

From August 2017 to May 2018, the Permittee worked with District staff to obtain a modification to the Permit to increase the annual average quantities as a result of changes to the irrigated acreage and crop type at the Property. On May 23, 2018, the District issued Water Use Permit No. 20002588.012 (“Permit Modification”) to the Permittee authorizing groundwater withdrawals in the amount of 1,043,600 gpd on an annual average basis. However, from May 2018 to September 2018, the Permittee continued to exceed the quantities authorized by the Permit Modification by nearly 25% on a monthly basis. On November 21, 2018, District staff issued the Permittee a Notice of Violation and proposed Consent Order offering to resolve the compliance issue through payment of an administrative penalty and enforcement costs in the amount of \$64,126.00 and submission of a compliance plan designed to bring groundwater pumping into compliance with the Permit Modification.

The Permittee did not respond to the District’s November 21, 2018 Notice of Violation and proposed Consent Order. District staff re-issued the Notice of Violation and proposed Consent Order to the Permittee on March 28, 2019, and the Permittee’s representative signed the certified mail return receipt on April 3, 2019. To date, the Permittee has not responded to the Notice of Violation and proposed Consent Order.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and Order to the Permittee, and any other necessary parties, to obtain compliance with the terms and conditions of the Permit Modification.
2. Authorize District staff to temporarily revoke Water Use Permit No. 20002588.012 until the Permittee complies with the Administrative Complaint and Order for the Permittee's willful violation of the conditions of the Permit Modification.
3. Authorize District staff to initiate an action in Circuit Court to enforce the permit revocation and terms of the Administrative Complaint and Order, recover an administrative fine/civil penalty, and recover District enforcement costs, litigation costs, and attorneys' fees, if appropriate.

Presenter: Christopher A. Tumminia, Deputy General Counsel

GENERAL COUNSEL'S REPORT

May 21, 2019

Consent Agenda

Authorization to Issue Administrative Complaint and Order – Unauthorized Activities – Seagrass Resort – CT No. 395970 – Citrus County, Florida

This enforcement matter involves the repeat violations of state law and the District's rules related to unauthorized activities.

On December 19, 2011, Seagrass Resort, LLC ("Resort") applied for an exemption from the Environmental Resource Permit ("ERP") requirements. On January 9, 2012, the Resort submitted construction plans which depicted proposed improvements that would increase the total net impervious surface by 7,536 square feet ("Plans"). The Plans included the removal of two buildings, the construction of a new 6,500 square foot bar and restaurant building, paved handicap parking facilities, the relocation of an existing boat ramp, a new seawall where the relocated boat ramp previously existed, and a new concrete cap over the existing seawall. The Plans also included the addition of two stormwater pond systems (the East Pond and West Pond) to eliminate direct discharge into the Homosassa River. The Plans met the criteria for an exemption, pursuant to Rule 40D-4.051(15), Florida Administrative Code (F.A.C.), which allowed for less than 4,000 square feet of impervious area subject to vehicular traffic and less than 9,000 square feet of total net impervious area. On January 11, 2012, the District granted the exemption stating that an ERP would not be required for the proposed site improvements, as depicted on the Plans ("First Exemption").

On March 18, 2014, the District received a flooding complaint from a land owner adjacent to the Resort. During site visits on March 19, 2014, March 28, 2014, April 30, 2014 and January 28, 2014, the District's staff observed that the improvements constructed on the Property were not in accordance with the Plans which qualified for the First Exemption. Specifically, staff observed a net increase in impervious area of over 11,661 square feet, including the following deviations from the Plans: (a) installation of an exfiltration system underneath the parking lot with impervious materials above the system, rendering it inoperable and creating standing water inside multiple inlets placed in the parking lot and resulting in runoff flowing directly into the Homosassa River; (b) construction of the restaurant below flood elevation; (c) construction of additional parking resulting in unpermitted impervious areas; (d) replacement of the existing 1,932 square foot restaurant with a 6,500 square foot building plus deck that extends beyond the seawall; (e) removal of the ditch along the eastern portion of the parking lot that had previously conveyed water away from the adjacent property; and (f) construction of three additional concrete patios which are approximately 3,375 square feet in total area.

On July 19, 2016, the District issued the Resort a Notice of Violation and Proposed Consent Order. The Resort responded to the Notice of Violation and Proposed Consent Order, and on August 15, 2016 representatives of the Resort met with District staff to discuss how to bring the Project into compliance. From August to October 2017, District staff worked with the Resort to address disputed issues raised in response to the Notice of Violation and Proposed Consent Order. On March 17, 2017, the Resort applied for an exemption for a proposed project ("New Project") that would include the removal of approximately 4,028 square feet of impervious area to bring the matter into compliance.

On September 19, 2017, the District issued a second exemption for the improvements shown on construction plans submitted to the District on August 29, 2017 ("Second Exemption"), pursuant to 373.406, Florida Statutes, and 62-330, F.A.C. The proposed improvements included the removal of approximately 4,028 square feet of impervious surface and conversion to grass/pervious surface; the removal of fencing along the property boundary and grading to accept runoff from offsite properties to the north; and the installation of flapper valves at the outfall pipe to the Homosassa River. The Second Exemption also required that the proposed improvements be completed within sixty (60) days of issuance of the exemption.

On November 29, 2017, District staff conducted a site inspection and observed the following: (1) the removal of 4,028 square feet of impervious area and conversion to grass area had not occurred; (2) the construction of the fencing and grading to accept runoff from offsite properties to the north had not occurred; and (3) the flapper valves at the outfall pipe which flows into the Homosassa River had not been installed. On May 7, 2018, a Notice of Violation was sent to the Resort along with a Proposed Consent Order. The Notice of Violation informed the Resort that penalties in the amount of \$18,425 as well as District enforcement costs in the amount of \$6,600, accrued based on the above noted deviations from the Second Exemption, for a total of \$25,025.

District staff conducted another field visit on January 17, 2019, and confirmed the improvements approved in the Second Exemption remain outstanding. The Resort has failed to execute the Proposed Consent Order and failed to complete the Second Exemption activities within the sixty (60) day time frame as provided by the District on September 19, 2017. As a result, District staff seek authorization to issue an Administrative Complaint and Order to achieve compliance.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and Order to the Resort, and any other necessary parties, to obtain compliance with the terms and conditions of the Second Exemption.
2. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, recover an administrative fine/civil penalty, and recover District enforcement costs, litigation costs, and attorneys' fees, if appropriate.

Presenter: Anne Witherup, Staff Attorney

EXECUTIVE DIRECTOR'S REPORT

May 21, 2019

Consent Agenda

Approve Governing Board Minutes - April 23, 2019

Staff Recommendation:

Approve Minutes as presented.

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

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

HAINES CITY, FLORIDA

APRIL 23, 2019

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 10:00 a.m., on April 23, 2019, at the Haines City Lake Eva Event Center. The following persons were present:

Board Members Present

Jeffrey M. Adams, Chair
Ed Armstrong, Vice Chair * Via Phone
Bryan Beswick, Secretary
Michelle Williamson, Treasurer
H. Paul Senft, Member
Randall S. Maggard, Member
John Henslick, Member
Kelly S. Rice, Member
Mark Taylor, Member
Joel Schleicher, Member
Rebecca Smith, Ph.D., Member
James G. Murphy, Member
Scott Wiggins, 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, Acting Division Director
Alba E. Más, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director

Board Administrative Support

Caroline Browning, Board & Executive Services Manager
Lori Manuel, Administrative Assistant

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 Adams called the meeting to order and opened the public hearing. Secretary Beswick stated a quorum was present.

Mr. Deric Feacher, Haines City manager, welcomed the Board to Haines City.

Mr. Brian Armstrong, executive director, introduced the acting Operations, Lands and Resource Monitoring Division director, Brian Starford.

2. Invocation and Pledge of Allegiance

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

Chair Adams 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 Adams 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 Adams 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 Adams recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Tom Hail, Andy Frazier, Frank Gargano, Don Everson, Kim Cash and Kerri Meadors.

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated there were no additions or deletions to the agenda.

Board Member Wiggins requested the following items be moved to Discussion:

11. FARMS – Bethel Farms, LLLP – Phase 3 (H777), DeSoto County

13. Individual Water Use Permits Referred to the Governing Board

- a. WUP No. 20020789.001 - Nucor Steel Florida Inc. / Nucor Steel Florida Inc. (Polk & Highlands Counties)
- b. WUP No. 20020802.000 - S-161 LHR Augmentation / City of Tampa (Hillsborough County)
- c. WUP No. 20020664.001 - Hog Island Grove / North Joshua Grove, LLC (DeSoto County)

Chair Adams said there is good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, which was seconded. The motion carried unanimously. (00:09:53)

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

Mr. David Ballard Geddis, Jr., spoke regarding excessive withdrawals from the aquifer.

Chair Adams stated that at the March Board meeting, Vice Chair Ed Armstrong declared a voting conflict for the following item and read the required statement from Vice Chair Armstrong.

10. Approve the Release of Conservation Easement for Clearwater Christian College Expansion – ERP No. 44004951.013 – Pinellas County

Consent Agenda

Finance/Outreach & Planning Committee

6. Water Conservation Month

Staff recommended the Board approve and execute Resolution No. 19-06 declaring April 2019 as "Water Conservation Month."

7. Budget Transfer Report

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

Resource Management Committee

8. Pasco County Bexley South Reclaimed Water Transmission System – Scope Change (N778)

Staff recommended the Board approve the scope and cost changes for the Pasco County Bexley South Reclaimed Water Transmission System - Phase 2 (N778) to include:

1. Decrease the length of reclaimed water transmission mains to approximately 2,000 feet.
2. Decrease the total project cost to \$149,850.

3. Decrease the measurable benefit to 132,000 gallons per day

9. Braden River Utilities Soil Moisture Retrofit Program Phase 2 - Scope Change (Q020)

Staff recommended the Board Approve the scope change for the Braden River Utilities Soil Moisture Sensor Retrofit Program-Phase 2 (Q020) to make available approximately 1,015 SMS devices increasing the project benefit to an estimated 93,000 gpd of water conserved with no change in total project cost.

10. Recommended FY2020 Springs Projects for FDEP Funding Consideration

Staff recommended the Board approve the list of 15 springs projects for submittal to the Florida Department of Environmental Protection.

11. FARMS – Bethel Farms, LLLP – Phase 3 (H777), DeSoto County

Staff recommended the Board:

1. Approve the Bethel Farms, LLLP – Phase 3 project for a not-to-exceed project reimbursement of \$448,500 with \$448,500 provided by the Governing Board;
2. Authorize the transfer of \$448,500 from fund 010 H017 Governing Board FARMS Fund to the H777 Bethel Farms, LLLP – Phase 3 project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

12. Acceptance of Easement Donations – Three Well Sites for the Rainbow Springs Basin Management Action Plans (BMAPs), Goethe State Forest, SWF Parcel No. 19-020-122, 19-020-123 & 19-020-124

Staff recommended the Board:

- Accept the donation of well site easements from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and authorize the Executive Director to execute the easement.
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

13. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20020789.001 – Nucor Steel Florida Inc. / Nucor Steel Florida Inc. (Polk & Highlands Counties)

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

b. WUP No. 20020802.000 – S-161 LHR Augmentation / City of Tampa (Hillsborough County)

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

c. WUP No. 20020664.001 – Hog Island Grove / North Joshua Grove, LLC (DeSoto County)

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

General Counsel's Report

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

a. Interagency Agreement Between SJRWMD and SWFWMD – Designation of Regulatory Responsibility – Sumter County Commercial Center – Sumter County

Staff recommended the Board approve the Interagency Agreement designating regulatory responsibility over the Sumter County Commercial Center to the St. Johns River Water Management District.

15. Rulemaking – None

Executive Director's Report

16. Approve Governing Board Minutes - March 26, 2019

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (00:14:01)

Chair Adams relinquished the gavel to the Finance/Outreach & Planning Committee Chair Williamson, who called the meeting to order. (00:14:21)

Finance/Outreach & Planning Committee

Discussion

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

18. Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, provided a presentation on the quarterly investment strategy from January 1, 2019 to March 31, 2019. This presentation included an economic update and yield curve analysis. Housing prices are maintaining a slow upward trend. Unemployment ended at 3.8% in February. Mr. Grady provided a graph that displayed the federal funds rate hike current cycle and Federal Open Market Committee (FOMC) rate projections.

Mr. Grady provided a comparison summary of all District short-term and long-term aggregate investment assets.

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

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:27:10)

Submit & File Reports

19. Inspector General Quarterly Update - January 1, 2019 to March 31, 2019

20. Self-Funded Health Insurance Plan - 2018 Annual Update

21. Legislative Update

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 Williamson relinquished the gavel to the Resource Management Committee Chair Rice, who called the meeting to order. (00:27:23)

Resource Management Committee

Discussion

26. Consent Item(s) Moved for Discussion

11. FARMS – Bethel Farms, LLLP – Phase 3 (H777), DeDoto County

Board Member Wiggins stated he requested this item be moved to allow for a vote.

Board Member Wiggins and Board Member Schleicher expressed their opposition regarding this project.

Staff recommended the Board:

1. Approve the Bethel Farms, LLLP - Phase 3 project for a not-to-exceed project reimbursement of \$448,500 with \$448,500 provided by the Governing Board;
2. Authorize the transfer of \$448,500 from fund 010 H017 Governing Board FARMS Fund to the H777 Bethel Farms, LLLP - Phase 3 project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion carried with eleven in favor and two opposed. (00:29:06)

27. City of Tampa – Cypress Street Outfall Regional Stormwater Improvements (N773)

Mr. JP Marchand, Water Resources Bureau chief, provided a presentation on the Cypress Creek outfall regional stormwater improvements. Mr. Marchand provided an overview of the project, project benefits, third-party review results, project evaluation and staff recommendations.

Board Members expressed water quality concerns regarding untreated water.

Mr. Marchand responded that, although not required, water quality components will be utilized. These components will include pervious pavement and baffle boxes.

Board Members asked about funding costs and the possibility of additional costs that may be associated with this project. Ms. Jennette Seachrist responded that the City of Tampa is responsible for any additional costs.

Board Member Taylor asked if cooperative funding was not provided, would the project still proceed. Mr. Al Hoel, representing the City of Tampa, responded in the affirmative. He also responded to the Board's questions regarding water quality concerns and funding costs.

Board Member Schleicher asked if staff has reviewed the effectiveness of baffle boxes. Mr. Marchand responded in the affirmative.

Board Member Henslick expressed concerns regarding the use of baffle boxes. Mr. Marchand stated that design storm events are utilized. Board Member Henslick suggested that small storm event pollutant loading be included in the design phase.

Board Member Smith suggested the use of direct purchase be included as a standard performance requirement in cooperative funding projects.

Staff recommended the Board:

1. Approve the City's request to move forward with final design and construction of the Cypress Street Outfall Regional Stormwater Improvements Project (N773).
2. Authorize staff to enter into an amendment for the project with a total project budget of \$34,516,215 with the District funding a total of \$17,258,107.50.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (01:21:23)

28. Scope of Work Changes to Three Polk Regional Water Cooperative Projects, Addition of a Fourth Project, and Modifications to Governing Board Resolution 18-06

Mr. Eric DeHaven, Resource Management assistant director, provided a presentation outlining requested changes to the proposed alternative water supply projects. Mr. DeHaven stated the changes were approved by the Polk Regional Water Cooperative (PRWC) at its March 2019 Board meeting.

Mr. DeHaven provided a historical background regarding the PRWC. He provided an update regarding resolutions, funding and projects associated with resolutions.

Mr. DeHaven explained that the scope of work requested would add the Peace River land use transition withdrawal project Q133. He stated the project cost is \$961,100. Mr. DeHaven explained the project funding will come from the reduction in scope of work and cost savings for the following projects: West Polk (N882); SE Wellfield (N905); and Peace Creek (N928). No additional funds will be requested. Mr. DeHaven provided an overview of project Q133.

Mr. DeHaven explained that Resolution 18-06 will require the following amendments: 1) the addition of project Q133 to Fiscal Year (FY) 2020-2021 existing milestones; 2) the completion of a conceptual water use and feasibility report for project Q133 for FY22; and 3) the addition of project Q133 to FY23 existing milestones. He explained that no additional funds will be required. Mr. DeHaven responded to questions from the Board.

Mr. Tim Pospichal, representing PRWC, provided information from the March PRWC Board meeting.

Mr. Pat Lehman, representing Polk County Regional Water Supply Authority, provided additional information to the Board.

Mr. Brian Armstrong, executive director, explained the time frame for this request. He stated the settlement agreement between the PRWC and the Peace River Manasota Water Supply Authority (PRMWSA) has placed a time frame of ten years to accomplish what was agreed.

Staff recommended the Board:

1. Change the Scopes of Work and funding for the West Polk Lower Floridan Aquifer Deep Wells Project (N882), the Southeast Wellfield Project (N905), and the Peace Creek Integrated Water Supply Plan Project (N928);
2. Add the fourth feasibility project to the three existing projects - Peace River/Land Use Transition Treatment Facility and Reservoir Project (Q133);
3. Amend Governing Board Resolution 18-06 to add the fourth project and necessary milestones;
4. Transfer funds between the four projects as follows:
 - a. \$40,125 from the West Polk LFA Deep Wells project (N882) to the Peace Creek Integrated Water Supply Plan (N928) project;
 - b. \$139,508 from the West Polk LFA Deep Wells project (N882) to the Peace River/Land Use Transition Treatment Facility and Reservoir Project (Q133);
 - c. \$341,042 from the Southeast Wellfield (N905) to the Peace River/Land Use Transition Treatment Facility and Reservoir Project (Q133).

A motion was made and seconded to approve staff's recommendation. The motion carried with ten in favor and three opposed. (02:06:20)

Submit & File Reports - None

Routine Reports

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

29. Minimum Flows and Levels Status Report

30. Significant Water Resource and Development Projects

Committee Chair Rice relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard, who called the meeting to order. (02:06:58)

Operations, Lands and Resource Monitoring Committee Discussion

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

Submit & File Reports

32. Hydrologic Conditions Report

Routine Reports

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

33. Surplus Lands Update

34. Structure Operations

35. Significant Activities

Committee Chair Maggard relinquished the gavel to the Regulation Committee Chair Taylor, who called the meeting to order. (02:07:25)

Regulation Committee

Discussion

36. Consent Item(s) Moved for Discussion

13. Individual Water Use Permits Referred to the Governing Board

Board Member Wiggins stated he requested these items be moved to allow for a vote.

a. WUP No. 20020789.001 - Nucor Steel Florida Inc. / Nucor Steel Florida Inc. (Polk & Highlands Counties)

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

A motion was made and seconded to approve staff's recommendation. The motion carried with eleven in favor and one opposed. (02:11:30) (Board Member Henslick left before this vote)

b. WUP No. 20020802.000 - S-161 LHR Augmentation / City of Tampa (Hillsborough County)

Mr. Darrin Herbst, Water Use Permit Bureau chief, provided a presentation that presented background information. He stated the District has been issued a permit by the Florida Department of Environmental Protection (FDEP), but once ownership control of withdrawal points are transferred to the City of Tampa, that permit will be cancelled. Mr. Herbst responded to questions from the Board Members.

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

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (02:12:10)

c. WUP No. 20020664.001 - Hog Island Grove / North Joshua Grove, LLC (DeSoto County)

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

A motion was made and seconded to approve staff's recommendation. The motion carried with eleven in favor and one opposed. (02:12:28)

37. 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.

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

Committee Chair Taylor relinquished the gavel to the Chair Adams. (02:13:00)

General Counsel's Report

Discussion

- 41. Consent Item(s) Moved for Discussion - None**

- 42. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Barton Andrews Contractor's License Number 2690 – CT Nos. 399374, 399408, 399409, 401996, 402024 – Hernando County, Sumter County, and Hillsborough County, Florida**

Ms. Elizabeth Fernandez, staff attorney, provided a presentation that included outlining the disciplinary guidelines, background information of violations for this contractor and an overview of some communications that have occurred with this contractor.

Board Member Williamson asked if Mr. Andrews could obtain another well driller license through the creation of another legal entity. Ms. Fernandez responded that licenses are issued to individuals. Mr. Andrews would be able to construct wells under the use of another well driller's license.

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Mr. Andrews to obtain compliance, recover an administrative fine/civil penalty, permanently revoke his License, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (02:23:39)

Submit & File Reports - None

Routine Reports

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

- 43. April 2019 Litigation Report**
44. April 2019 Rulemaking Update

Committee/Liaison Reports

- 45. Environmental Advisory Committee**

A copy of the April 9 meeting summary was provided.

- 46. Other Committee/Liaison Reports**

A copy of the April 10 Well Driller's meeting summary was provided.

Executive Director's Report

- 47. Executive Director's Report**

Mr. Armstrong reminded the Board of the alternative water supply workshop scheduled for the August meeting.

Mr. Armstrong provided an update regarding a Withlacoochee Regional Water Supply Authority (WRWSA) Board meeting he attended on April 17. He provided background information regarding the creation of the WRWSA which was funded solely by the District. Mr. Armstrong stated there is discussion regarding selling the WRWSA wellfield. He stated that he has directed general counsel

to evaluate the distribution of proceeds if the wellfield is sold. He explained the importance of cooperation for regional water supply planning.

Chair's Report

48. Chair's Report

Chair Adams emphasized the importance of the agreements between the District and regional authorities. He expressed disappointed regarding the consideration to sell the WRWSA wellfield.

Chair Adams stated the next meeting is scheduled for May 21 at the District's Tampa Office.

49. Other

50. Employee Milestones

The meeting was adjourned at 12:47 p.m.

Attest:

Chair

Secretary

**Governing Board Meeting
May 21, 2019**

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

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19. Fiscal Year 2019-2020 Cooperative Funding Update	58
20. Lake Hancock Outfall Treatment Project (H014)	60

Submit & File Reports – None

Routine Reports

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RESOURCE MANAGEMENT COMMITTEE

May 21, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

RESOURCE MANAGEMENT COMMITTEE

May 21, 2019

Discussion Item

Fiscal Year 2019-2020 Cooperative Funding Update

Purpose

To provide the Board an update on fiscal year 2019-20 Cooperative Funding projects that have been recommended by all four Regional Subcommittees, to review the remaining Cooperative Funding process and timeline, and to review three projects the Regional Subcommittees recommended for full Governing Board consideration.

Background

The Cooperative Funding Initiative application deadline was Friday, October 5, 2018 and 139 applications were initially received. Staff evaluated all 139 applications totaling \$112,000,000 in District funding requests. Eight Regional Subcommittee meetings have been completed to review these projects.

During the first round of Subcommittee meetings held in February, staff presented preliminary project evaluations and rankings. Additional information requested by Subcommittee members during these first meetings was provided during the second round of Subcommittee meetings held in April. In addition, staff presented the final project rankings and recommendations.

Discussion

A compilation of evaluations for the projects recommended by all four Regional Subcommittees has been developed and has been provided to the Governing Board. This has been done to allow Board members an opportunity to review projects approved by the other Subcommittees prior to the presentation of the Recommended Annual Service Budget (RASB) in June. The Tampa Bay Subcommittee recommended a medium ranked project, Q096 - Conservation - St. Petersburg Clothes Washer Rebate Phase 2, not be funded. The Southern Subcommittee requested a full board discussion of Q080 - DeSoto County - Stormwater Improvement - Flood Protection - Spring Lake Stormwater Improvements. The Northern Subcommittee requested discussion on funding for wastewater projects related to a low ranked project, Q065 - Hernando County - Springs - Airport Wastewater Treatment Plant Advanced Wastewater Treatment. Staff will provide an overview of these three projects as a part of this presentation. A summary of staff final project rankings, including projects Q096, Q080, and Q065, is listed below.

PLANNING REGION	RECOMMENDED	NOT RECOMMENDED
Northern	\$8.1M (23)	\$8.8M (8)
Tampa Bay	\$30.6M (49)	\$16.8M (6)
Heartland	\$4.7M (16)	\$1.4M (2)
Southern	\$4.7M (18)	\$6.5M (6)
Total	\$48.0M (106)	\$33.5M (22)

Item 19

Staff Recommendation:

- 1) Consider the Tampa Bay Regional Subcommittee request to not fund Q096 - Conservation - St. Petersburg Clothes Washer Rebate Phase 2.
- 2) Approve staff recommendation to fund Q080 - DeSoto County - Stormwater Improvements - Flood Protection - Spring Lake Stormwater Improvements.
- 3) Approve staff recommendation to not fund Q065 - Hernando County - Springs - Airport Wastewater Treatment Plant Advanced Wastewater Treatment.
- 4) Approve staff recommendation to include 1A, High and Medium ranked projects in the District's recommended annual service budget for Fiscal Year 2019-20.
- 5) Approve staff recommendation to eliminate all Low ranked projects from further funding consideration.

Presenter: Vivianna Bendixson, Project Manager, Project Management Office

RESOURCE MANAGEMENT COMMITTEE

May 21, 2019

Discussion Item

Lake Hancock Outfall Treatment Project (H014)

Purpose

The purpose of this item is to provide the Board an update on the Lake Hancock Outfall Treatment Project.

Background/History

The goal of the Lake Hancock Outfall Treatment Project is to improve water quality discharging from Lake Hancock through Saddle Creek to the Peace River. Water quality treatment of discharges from Lake Hancock was identified as the most cost-effective means of reducing nitrogen loads into the Peace River and Charlotte Harbor, a Surface Water Improvement and Management (SWIM) priority water body. The project consists of creating a 1,000-acre constructed wetland to reduce nitrogen loads by 27 percent annually in discharges from the lake to the Peace River. The project was approved by the Board in February 2006. Design was completed in 2010. Construction commenced in 2011 and was completed in 2014. Operation of the system to date has focused on wetland vegetation recruitment and water quality monitoring.

The design objective of the project was to construct an emergent marsh on land owned by the District located near the lake's outlet to South Saddle Creek. The property was once a waste clay settling area associated with phosphate mining. The remnant footprint of containment dikes was used in the design of the treatment wetland cells. The design sought to balance cut and fill of soil in the cells to create a level surface for the marsh system. To accomplish this, it was estimated over 1.8 million cubic yards of soil material would be worked in the cells during construction.

The District procured a construction contractor via request for bid in July 2011. Construction commenced in September 2011. In November 2011, the contractor reported an issue to the District related to a deficit of material. It became apparent that there was not enough soil material available for cut to the design elevation to provide sufficient soil material for fill of the deep areas in the cells. The deficit of material would leave deep areas that could not support emergent wetland vegetation. During construction, the design engineer specified revised elevations for the cell bottoms in an effort to mitigate the imbalance of cut and fill. A change order with the contractor was negotiated and work proceeded. However, as earthwork neared completion in 2013 it was determined that there was still a deficit resulting in 128 acres of deep areas that could not support wetland emergent vegetation. From 2013 to 2016, the District pursued legal action against the design consultant. In February 2016, the Board approved a mediated settlement of \$2.0 million to resolve the litigation.

Operation to date has focused on establishment and recruitment of wetland vegetation and water quality monitoring. Results from water quality monitoring in the wetland cells have shown decreases in nitrogen concentrations as expected. However, additional monitoring has indicated the phosphorus concentrations are higher in the unfilled open water areas than in the emergent marsh areas.

Item 20

To evaluate phosphorus management options, the District hired a consultant to complete further testing and analysis regarding the source of the phosphorus and how it can be reduced. The study looked at applying surface treatments, such as sand, sediments from other sources, and a proprietary product to cap the sediments. The proprietary product proved to be the most effective, both from a performance and cost standpoint. In March 2019 the District implemented a pilot scale project and applied the proprietary product to a 2.8-acre area of open water. Results have shown substantial reductions in phosphorus concentrations in the pilot scale project area. District staff are continuing to evaluate the performance and long-term effectiveness of the pilot scale project. It is estimated that an application over the open water areas will cost \$1,400,000. District staff have requested these funds in the Fiscal Year 2020 budget.

Staff Recommendation:

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

Presenter: Janie Hagberg, P.E., Chief Professional Engineer, Natural Systems & Restoration

RESOURCE MANAGEMENT COMMITTEE

May 21, 2019

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 2019 is summarized below. Data collection and analyses for priority water bodies scheduled for MFLs adoption in 2020 through 2027 is also ongoing, but is not summarized in this current 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 2019
(Recent Status Changes Highlighted)**

Water Body	Draft MFLs Report	Independent, Scientific Peer Review	Public Workshop	Final MFLs Report	Rulemaking
Allen, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Brant Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Dosson, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Harvey, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Sunshine, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Virginia, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Pierce, Lake ^a	Completed	Completed ^b	Completed	Approved	Approved
Calm Lake		Completed ^b			
Charles, Lake		Completed ^b			
Church Lake		Completed ^b			
Echo Lake		Completed ^b			
Linda, Lake		Completed ^b			
Pasco Lake		Completed ^b			
Sapphire, Lake		Completed ^b			
20 Northern Tampa Bay Wetlands		Completed ^b			
Chassahowitzka River	Completed	Initiated			
Chassahowitzka Spring Group	Completed	Initiated			
Blind Spring	Completed	Initiated			
Homosassa River	Completed	Initiated			
Homosassa Spring Group	Completed	Initiated			
Rainbow River	Completed	Completed	Completed	Approved	Initiated
Rainbow Spring Group	Completed	Completed	Completed	Approved	Initiated

^a Scheduled for completion in 2018.

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

Item 21

Staff Recommendation:

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

Presenter: Doug Leeper, MFLs Program Lead, Springs and Environmental Flows Section

RESOURCE MANAGEMENT COMMITTEE**May 21, 2019*****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 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 continues work on the design and permitting of the diversion infrastructure. ***New Activities Since Last Meeting:*** No changes since the last meeting. ***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 applied for a Water Use Permit 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 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 District and the COT continue to work cooperatively to determine how the MFL will be impacted through the proposed COT TAP. The COT has met with District staff and is pursuing additional coordination regarding minimum flow requirements to support the updating of their minimum flow operating procedures. A draft of the Five-Year Assessment of the LHR Recovery Strategy was submitted on December 14, 2018 and was reviewed by District staff. The second draft for the Five-Year Assessment was received on March 5, 2019 and District staff provided comments on March 18. A third draft of the Five-Year Assessment was received by the District on March 29, 2019 and is being revised for circulation to stakeholders in May. The Task Work Assignment (TWA) for the FY2019 Morris Bridge Sink Environmental Monitoring required by the WUP (H404) has been approved. The annual report for compliance with the S-161 WUP No.20020575 has been drafted and was submitted to Florida Department of Environmental Protection on February 28, 2019. The annual report for compliance with WUP No.20020574 for the Morris Bridge Sink Environmental Monitoring has been drafted and submitted to Florida Department of Environmental Protection on April 1, 2019. ***New Activities Since Last Meeting:*** Revisions to the Five-Year Assessment are in progress and the document is anticipated to be circulated to stakeholders after receiving approval from Executive Staff. Executive Staff will be briefed on April 29, 2019 about the Five-Year Assessment reports major findings and recommendations. Vegetation and wildlife monitoring required for WUP No.20020574 associated with the Morris Bridge Sink is planned to occur in June 2019. ***Project Managers:*** Barbara Nordheim-Shelt; Nicole Ortega

Aquifer Recharge Projects

City of Clearwater - Groundwater Replenishment Project - Phase 3

This ongoing project is temporarily on hold. Work was previously completed on an advanced water purification pilot plant test and one groundwater recharge injection site. Results from the water purification plant pilot tests and injection well testing demonstrated that this project would be successful in allowing the City to increase their reclaimed water utilization, reducing surface discharges; and improving groundwater levels in the Northern Tampa Bay Water Use Caution Area. Phase 3 of this project is the design, third-party review, permitting and construction of the full-scale water purification plant and the injection and monitor well systems to recharge the Upper Floridan aquifer with 2.4 mgd annual average of purified recycled water at Clearwater's Northeast Water Reclamation Facility. Public outreach is also a critical function throughout the design and construction of this project. The original CFI contract with the City for this project was executed in January 2016. An increase in the total project cost from \$28,680,000 to \$32,716,000, was requested at the District's September 27, 2016 Governing Board Meeting based on results of a 30 percent design and third-party review. The Board approved the City's request to move forward with final design and construction and authorized a contract amendment for the project (current budget of \$32,716,000 with the District funding a total of \$16,358,000). This contract amendment was executed on March 6, 2017. Of the District's contribution, \$1,554,000 was approved in FY2015, \$2,131,600 was approved in FY2016, and

\$8,000,000 was approved in FY2018. The remaining \$4,672,400 is to be requested in future funding applications. The final design is complete. Three public meetings were conducted by the City between November 2016 and May 2017. The Florida Department of Environmental Protection (FDEP) permits for the advanced water purification plant and recharge and concentrate injection wells were issued on March 30, 2018 and August 17, 2018, respectively. Site development permits, including the FDEP Environmental Resource Permit, Florida Department of Transportation permit, City and County permits are also complete and issued except for naming the chosen general construction contract engineer. This process can only be completed following completion of the project bidding procedures. As of November 2018, the City decided to delay the Groundwater Replenishment Project due to rising cost estimates and to complete a master plan of its water supply system. The project could be delayed up to two years to complete the water master plan. **New Activities Since Last Meeting:** No changes since the last meeting. *Project Manager: Robert Peterson*

Pasco County - Reclaimed Water Natural Systems Treatment and Restoration 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 total project cost (N666), split equally between County and the District, was \$14,300,966. 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. Furthermore, it is expected that the infiltration that can be achieved is a function of the water level in each cell which provides driving hydraulic head for infiltration into the groundwater. The need for recharge together with the need to maintain healthy wetland vegetative communities must be balanced and optimized to ensure project success and achieve the most benefit out of this facility.

Except for ongoing work to correct problems in the SCADA system used to automate cell operation, the facility's construction was completed in October 2017. Reclaimed water has been applied to all the cells since April 2017, and the long-term mid-summer 2018 average rate of water application has been approximately 3 MGD, with a maximum rate of approximately 8 MGD. As expected, the facility can typically handle higher rates during dry periods, and much lower rates during high rainfall periods.

A follow-up three-year project (N943), began in 2018 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 District has issued a no-cost time extension for the

construction Agreement through March 31, 2019 to give the County additional time to resolve the SCADA issues. The County continues to work on resolving the SCADA issue with the facility. Meanwhile, the first tasks of the optimization project have been ongoing, including the recalibration of the groundwater model. Groundwater models, files and information collected during the spring vegetative monitoring has been received by the District. While the final deliverable and sign-off on construction is expected any day, a no-cost time extension is being processed to assure the current Agreement deadline is not reached (March 31, 2019). The optimization effort (N943) is on schedule and moving forward. The annual progress technical memo has been received and is being reviewed. The completion letter for the 4G Ranch recharge facility construction was received on March 25, 2019, and the invoice for the final payment on N666 will be processed. District comments and questions were sent to the County on the annual progress report for N943 and have been addressed by the County's consultant.

New Activities Since Last Meeting: No changes since last month. ***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 possible slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses 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 March and April. The total injected volume for March was approximately 60 MG for the month. Estimated injection volume for April was not available at the time (April 26th) this update was prepared. Total recharge volume through April is approximately 2.7 billion gallons since the beginning of the project. ***Project Manager:*** Don Ellison

City of Tampa, Tampa Augmentation Project (TAP)

This project is a study that will explore the cost and feasibility of two options to beneficially use reclaimed water from the Howard F. Curren Advanced Wastewater Treatment Plant. 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. **New Activities Since Last Meeting:** 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. *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. Funds budgeted for FY2019 total \$50,000 and will allow for a minimum of three projects to receive funding. A communications plan has been developed to help promote the new program. Funds are still available and outreach is ongoing. **New Activities Since Last Meeting:** To date, one application has been received. The application from Ringling College is under review and awaiting additional information from the applicant. Many phone calls and email inquiries have been fielded since the last update, but no new applications have been received. *Project Manager: Josh Madden*

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
May 21, 2019**

FINANCE/OUTREACH & PLANNING COMMITTEE
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FINANCE/OUTREACH & PLANNING COMMITTEE

May 21, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

FINANCE/OUTREACH & PLANNING COMMITTEE

May 21, 2019

Discussion Item

Fiscal Year 2020 Ad Valorem New Growth Projections

Purpose

To present the updated New Construction Ad Valorem Planning Model.

Background

The general budget assumptions were presented and approved at the October 23, 2018 Governing Board meeting for development of the fiscal year (FY) 2020 preliminary budget. This included the millage rate based on a rolled-back millage model and revenue based on 2.57 percent increase in new unit construction.

Discussion

The New Construction Ad Valorem Model has been updated with the most recent market trends and the results will be presented today. The ad valorem rolled-back millage rate will be adjusted in July based on the new construction values provided by the 16-County Property Appraisers for preparation of the District's FY2020 tentative budget.

Staff Recommendation:

Approve the ad valorem tax revenue assumption based on the updated new unit construction projection for development of the FY2020 Recommended Annual Service Budget.

Presenter: John J. Campbell, Division Director, Management Services and
Melisa J. Lowe, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

May 21, 2019

Discussion Item

Knowledge Management: Travel Governing Board Policy

Purpose

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

Background/History

The District's Knowledge Management initiative was launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

Staff performed a review of the Travel Governing Board Policy and deemed it necessary to update the policy. The revised policy has been provided as an attachment. The minor modifications include adding language clarifying that the Executive Director can delegate the authorization and approval of staff travel and to remove procedural language that is included in the District's Travel Procedure.

Benefits

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

Staff Recommendation:

This item is presented for the Board's information and no action is requested. The attached revised Travel Policy will be included as a consent item in the June 2019 Board packet and approval will be requested at that time.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Travel**Document Owner:** Finance Bureau Chief**Approved By:** Bryan Beswick, Board Chair**Effective Date:** 06/25/2019**Last Review Date:** 02/01/2019

PURPOSE

Establishment of a District Travel Policy in accordance with Chapter 112, Part 1, Florida Statutes (F.S.).

SCOPE

This policy applies to all persons authorized to travel for official District business or for a public purpose beneficial to the District. Travelers may include Governing Board members, executive staff, District employees, Advisory Committee members, consultants and advisors, and certain employment candidates.

AUTHORITY

This policy is authorized by Chapter 112, Part 1, F.S.

DEFINITIONS

N/A

STANDARDS

N/A

POLICY

It is the policy of the District to comply with the provisions of Chapter 112, Part I, F.S., with respect to the per diem and travel expenses of the District's officers, employees, and all other authorized persons when incurred for official District business or for a public purpose beneficial to the District.

This policy authorizes the Executive Director to direct and adopt necessary and appropriate procedures to ensure compliance with all applicable statutory provisions. All travel must be authorized and approved by the Executive Director or their delegate.

DISTRIBUTION

This policy will be stored in the designated Governing Board Policy repository.

REFERENCES

Chapter 112, Part I, F.S.

District Procedure, Travel

PERIODIC REVIEW

This policy will be reviewed every five years by the Finance Bureau Chief or their delegate.

FINANCE/OUTREACH & PLANNING COMMITTEE

May 21, 2019

Discussion Item

Legislative Update

The regular 2019 Legislative Session began on Tuesday, March 5 and ended Friday, May 3. The legislature extended session through Saturday, May 4 for approval of the budget.

Throughout session, District staff tracked activities, especially focusing on proposed legislation that could impact the water resources or District activities.

Staff will provide a legislative wrap-up of the outcomes of proposed legislation and budget items affecting the District.

Staff Recommendation:

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

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

FINANCE/OUTREACH & PLANNING COMMITTEE

May 21, 2019

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 April 30, 2019, 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).

The Treasurer's Report exhibit will be provided under a separate cover.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

May 21, 2019

Routine Report

Monthly Financial Statement

Purpose

Presentation of the April 30, 2019, 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 Seventh Month Ended April 30, 2019."

Exhibit will be provided under a separate cover.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

May 21, 2019

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 April 30, 2019.

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.

Exhibit will be provided under a separate cover.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

May 21, 2019

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 May 02, 2019

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Arcadia 19-1	ESR	4/15/2019		Map amendments.	<input type="checkbox"/>
Auburndale 19-1	ESR	2/5/2019	3/1/2019	Comments addressed floodplains and existing WUP/wells. Also encouraged coordination with ERP staff and advised of technical assistance for the Water Supply Work Plan.	<input type="checkbox"/>
Bartow 19-1	ESR	3/11/2019	4/10/2019	Comments addressed statutory requirements for water supply planning, an existing well and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Charlotte 19-1	ESR	3/11/2019	4/10/2019	Comments addressed requirements for a potable water analysis, reuse, conservation and existing WUP/wells. Also commended applicant for designing the development to preserve most on-site wetlands and encouraged scheduling a preapplication ERP meeting.	<input type="checkbox"/>
Citrus 19-1	ESR	2/21/2019	3/20/2019	Comments addressed water supply availability and water conservation and encouraged implementation of LID strategies to help minimize and/or avoid impacts to floodprone and wetland areas and early coordination with regulatory for the ERP issuance.	<input type="checkbox"/>
Davenport 19-1	ESR	3/5/2019	3/20/2019	No substantive comments.	<input type="checkbox"/>
DeSoto 19-1	ESR	2/5/2019	3/1/2019	Comments addressed statutory requirements for a water supply availability analysis, reuse, conservation, floodplains, wetlands, existing wells and encouraged continued coordination with ERP staff.	<input type="checkbox"/>
Dundee 19-1	ESR	3/1/2019	4/1/2019	Comments addressed statutory requirements for a potable water analysis, wetlands, an existing well, District data collection sites and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Haines City 19-1	ESR	2/26/2019	3/21/2019	Advised District staff is available to provide technical assistance for overdue 10-Year Water Supply Facilities Work Plan update.	<input type="checkbox"/>
Highlands 19-1	ESR	3/5/2019	4/5/2019	Comments addressed statutory requirements for verification of potable water supply from Town of Lake Placid, reuse, conservation, floodplains, wetlands, existing WUP/wells and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Highlands 19-2	ESR	4/2/2019	4/12/2019	No substantive comments.	<input type="checkbox"/>

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Lake Alfred 19-1	ESR	3/1/2019	4/1/2019	Comments addressed statutory requirements for a potable water analysis, reuse, conservation, existing WUP/wells and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Manatee 19-1	ESR	4/19/2019		Text amendments.	<input type="checkbox"/>
Manatee 19-2	ESR	4/19/2019		Map amendment.	<input type="checkbox"/>
Palmetto 19-1	ESR	3/14/2019	4/12/2019	No substantive comments.	<input type="checkbox"/>
Pasco 19-4	ESR	2/5/2019	3/7/2019	No substantive comments.	<input type="checkbox"/>
Pasco 19-5	ESR	4/4/2019		Map and text amendments.	<input type="checkbox"/>
Pasco 19-7	ESR	4/25/2019		Text amendment.	<input type="checkbox"/>
Pasco 19-8	ESR	4/25/2019		Map amendment.	<input type="checkbox"/>
Pinellas 19-1	ESR	4/2/2019	4/26/2019	No substantive comments.	<input type="checkbox"/>
Plant City 19-1	ESR	2/5/2019	3/7/2019	Comments addressed statutory water supply availability analysis, identified strategies to avoid/minimize encroachment into the flood prone/wetland areas and encouraged water conservation implementation and coordination with ERP staff.	<input type="checkbox"/>
Polk 19-1ESR	ESR	3/7/2019	3/12/2019	Comments addressed reuse, conservation, existing wells and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Polk 19-2ACSC	Regular	2/11/2019	3/5/2019	No substantive comments.	<input type="checkbox"/>
Polk 19-3ACSC	Regular	3/5/2019	3/20/2019	Text amendments.	<input type="checkbox"/>
Polk City 19-1ACSC	Regular	2/4/2019	2/21/2019	Comments addressed statutory requirements for a water supply availability analysis and encouraged coordination with ERP staff.	<input type="checkbox"/>
Redington Beach 19-1	Regular	3/11/2019	4/9/2019	Advised District staff is available to provide technical assistance for overdue 10-Year Water Supply Facility Work Plan update.	<input type="checkbox"/>
Tampa 19-1	ESR	2/12/2019	3/11/2019	No substantive comments.	<input type="checkbox"/>
Tampa 19-2	ESR	3/7/2019	4/5/2019	Comments addressed water supply availability.	<input type="checkbox"/>
Wildwood 19-1	ESR	2/4/2019	3/1/2019	Comments addressed statutory requirements for a water supply availability analysis, encouraged water conservation implementation and coordination with ERP staff.	<input type="checkbox"/>

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Winter Haven 19-1	ESR	2/5/2019	2/21/2019	Comments addressed reuse, conservation, floodplains, existing WUP/wells and encouraged coordination with ERP staff.	<input type="checkbox"/>
Zephyrhills 19-1	ESR	3/25/2019	4/19/2019	No substantive comments.	<input type="checkbox"/>

Abbreviations:

ACSC Area of Critical State Concern
ESR Expedited State Review

FINANCE/OUTREACH & PLANNING COMMITTEE

May 21, 2019

Routine Report

Development of Regional Impact Activity Report

Purpose

This report is provided for the Committee's information and shows District activity in the review of Developments of Regional Impact (DRIs). Staff updates the report monthly.

Background/History

The water management districts participate with other state agencies in the review of DRIs, pursuant to Section 380.06, Florida Statutes. A DRI is defined as any development which, because of its character, magnitude or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county. A set of statewide guidelines and standards (thresholds) has been adopted by rule that is used in determining whether particular developments must undergo DRI review. A form has been adopted by rule that specifies the information that must be provided by the developer in the DRI Application for Development Approval (ADA).

The DRI review process is administered by the regional planning councils and oversight is provided by the Florida Department of Economic Opportunity (DEO). The District has also entered into memoranda of agreement with the Central Florida, Southwest Florida, Tampa Bay and Withlacoochee regional planning councils to more specifically outline the District's DRI review responsibilities. The District provides water resource management technical and policy information to the regional planning councils and local governments to assist them in making well-informed growth management decisions.

Benefits/Costs

The goals of the District's DRI review program are twofold: (1) to ensure regional planning councils and local government elected officials have sound water resource technical and policy information as they consider approval of large scale development proposals; and (2) to reduce the number and magnitude of issues that will need to be addressed during the District's regulatory review processes. District participation in this program helps to ensure that these proposed large-scale developments are compatible with the District's plans, programs and statutory directives. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

Staff Recommendation:

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

Presenter: Cara Martin, Government and Community Affairs Office Chief

**Governing Board Meeting
May 21, 2019**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE
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Discussion Items

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Submit & File Reports – None

Routine Reports

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OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

May 21, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Brian S. Starford, P.G., Acting Division Director, Operations, Lands, and Resource Monitoring

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**May 21, 2019*****Discussion Item*****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 April, 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 April 1-30 indicate amounts were within the normal range in all three regions of the District. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- Northern region rainfall averaged 3.45 inches, equivalent to the 73rd percentile
- Central region rainfall averaged 2.36 inches, equivalent to the 55th percentile.
- Southern region rainfall averaged 2.08 inches, equivalent to the 49th percentile.
- District-wide, average rainfall was 2.56 inches, equivalent to the 57th percentile.

Streamflow

Provisional streamflow data for April 1-29 indicate that flow decreased in all three regions of the District, compared to the previous month. Based on the three regional index rivers indicated below, streamflow conditions ended the month within the normal range in all three regions of the District. Normal streamflow is defined as flow that falls on or between the 25th and 75th percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 47th percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 38th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 49th percentile.

Groundwater Levels

Provisional groundwater data for April 1-30 indicates that levels in the Floridan/Intermediate 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 all three regions of the District. Normal groundwater levels are defined as those falling on or between the 25th and 75th percentiles.

- The average groundwater level in the northern region was in the 70th percentile.
- The average groundwater level in the central region was in the 72nd percentile.
- The average groundwater level in the southern region was in the 62nd percentile.

Lake Levels

Provisional water level data for April 1-22 indicates that regional lake levels decreased in all four lake regions within the District, 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 level ended the month below the base of the annual normal range. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the northern region decreased 0.18 foot and were 0.02 foot above the base of the annual normal range.
- Average lake levels in the Tampa Bay region decreased 0.19 foot and were 0.91 foot above the base of the annual normal range.
- Average lake levels in the Polk Uplands region decreased 0.18 foot and were 1.69 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.25 foot and were 0.35 foot below the base of the annual normal range.

Issues of Significance

April historically marks the seventh month of the 8-month (October through May) dry-season and provisional rainfall totals for April saw accumulations within the normal range in all three regions of the District. Analysis of “partial” dry-season rainfall, District-wide, indicates October through April totals to be approximately 2.2 inches above the historic average.

Rainfall during April was regionally variable, scattered and associated with seasonally transitional weather systems (i.e., mix of diminishing cold front systems and increasing sea breeze/convective thunderstorm activity). The District-wide 12-month cumulative rainfall total decreased, ending the month at approximately 8.1 inches above the long-term historic average, while the 24-month cumulative total increased, ending the month at 12.7 inches above the historic average.

Although rainfall accumulations during the month were within the normal range in all regions, hydrologic conditions throughout the District saw declines. Regional groundwater levels and streamflow conditions saw declines, while remaining within their historical normal ranges. Regional lake levels saw declines, ending the month within the annual normal range in the northern, Tampa Bay and Polk Uplands regions, while remaining at below-normal levels in the Lake Wales Ridge region. Major public surface water supply reservoirs remain at good levels. The risk of wildfire continues in some areas.

NOAA’s Climate Prediction Center’s three-month weather forecast, as of April 18, 2019, indicates “above-normal” chances for rainfall throughout the District during May through July 2019, based on weak El Niño conditions currently in the Pacific Ocean continuing throughout the upcoming spring and summer months.

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

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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

May 21, 2019

Routine Report

Surplus Lands Update

Purpose

This report provides a monthly status on the District's surplus lands program. Information is through April 15, 2019.

Background

In 2011, at the direction of the Governing Board (Board, the District began a regular surplus lands assessment. The table below shows the status of the parcels identified through the previous surplus lands' assessments.

Status	Acres	Parcels	Compensation
Sold, exchanged or transferred	1,520	32	\$8,169,184
Closing pending Includes Annutteliga Hammock (AH)	139	5	\$392,000
Listed with broker with approved minimum sale price	834	12	
Listed with broker without minimum sale price	301	43	
AH Project	547	996	
AH lots offered to adjacent owners	26	32	
Agency request	599	8	
Non-marketable	20	4	
On hold	1,098	13	
Grand Total	5,084	1,145	\$8,561,184

Annutteliga Hammock Small Lot (valued less than \$25,000) Sales

At the September 2018 Board meeting, the Board approved setting a minimum price for the sales of surplus lots within the Annutteliga Hammock Project that are valued less than \$25,000. Below is the status of the surplus sales process for this project. Currently there are three offers signed by the Governing Board Chair and closing is pending.

Activity from 3/26/2019 to 4/15/2019				
SWF Parcel No.	Date Closed	Acres	Contract Price	Appraised Value
15-228-1997S	4/3/2019	0.96	\$8,500.00	\$8,400.00
Total		0.96	\$8,500.00	\$8,400.00

Item 34

	Previous Month Activity Summary Report (9/25/2019 to 3/26/2019)	Activity Summary Report (9/25/2018 to 4/15/2019)
Parcels	9	10
Acreage	4.72 acres	5.68 acres
Appraised Values	\$32,500	\$40,900.00
	\$6,886 per acre	\$7,201 per acre
Contract Values	\$47,042 total sales	\$55,542.00 total sales
	\$9,967 per acre	\$9,779 per acre
Basis Values (Average of all parcels)	\$25,219 total purchase price	\$30,348 total purchase price
	\$5,343 per acre	\$5,343 per acre

Staff Recommendation:

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

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

May 21, 2019

Routine Report

Structure Operations

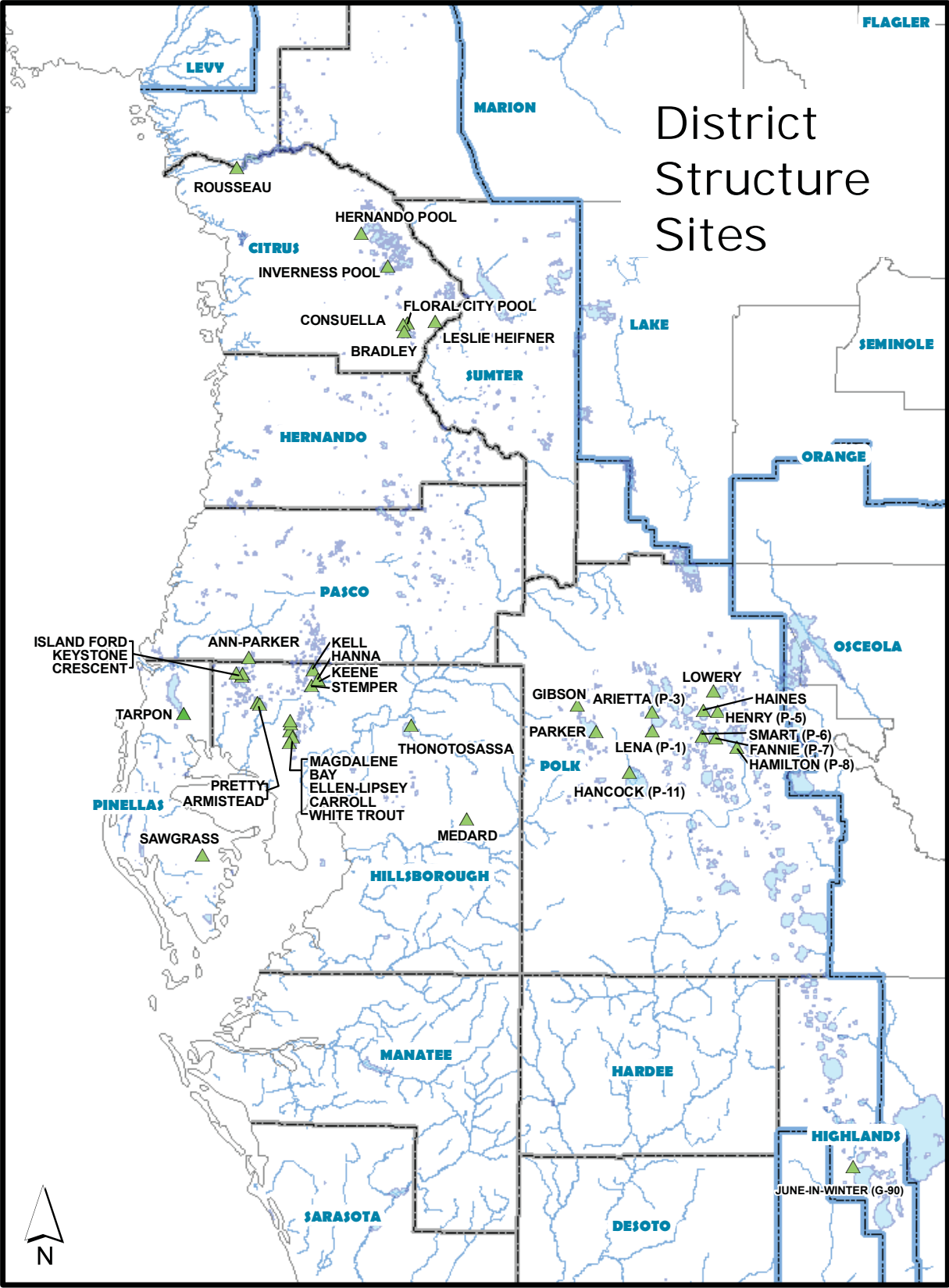
Summary of the operations made from April 1 through April 15, 2019. Refer to Exhibit A for District Structure Sites Location Map.

- Inglis Water Control Structures: The Inglis Bypass Spillway and Inglis Main were operated to provide flow to the lower Withlacoochee River while maintaining Lake Rousseau's water level. Lake Rousseau's monthly average elevation was of 27.56 feet National Geodetic Vertical Datum (NGVD). The recommended maintenance level for the lake is 27.50 feet NGVD.
- Withlacoochee River Watershed: Water control structures in the Tsala Apopka Chain of Lakes were operated to maintain water levels. The Wysong-Coogler Water Conservation main and the low flow gate were operated to aid in the regulation of the Lake Panasoffkee water level while providing flow to the Withlacoochee River downstream of the structure. The monthly average water level for Lake Panasoffkee was 39.84 feet NGVD.
- Alafia River Watershed: The Medard Reservoir structure was operated to maintain the water level. The monthly average water level for the Medard Reservoir was 58.27 feet NGVD, compared to the recommended maintenance level of 59.0 feet NGVD.
- Hillsborough River Watershed: The Thirteen Mile Run system and Flint Creek (Thonotosassa discharge) structure was closed to maintain water levels. The average monthly water level for Lake Thonotosassa was 36.21 feet NGVD, compared to the recommended maintenance level of 36.50 feet NGVD.
- Tampa Bay/Ancote Watershed: Structures in Rocky Creek and Sweetwater Creek were operated to maintain water levels. The Brooker Creek system was operated to maintain lake levels. Lake Tarpon is the outfall of the Brooker Creek system. Lake Tarpon's water control structure was operated to maintain the lake level. Lake Tarpon's monthly average water level for the month was 3.20 feet NGVD, compared to the recommended maintenance level of 3.20 feet NGVD.
- Peace River Watershed: Lake Hancock structure was operated to maintain the water level. The average monthly water level for Lake Hancock was 100.23 feet NGVD, compared to the recommended maintenance level of 100.10 feet NGVD.
- Lake Wales Ridge Watershed: Structure G-90 was closed to maintain the water level in Lake June-in-Winter. The average monthly water level for Lake June-in-Winter was 74.46 feet NGVD, compared to the recommended level of 74.50 feet NGVD.

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



OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

May 21, 2019

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 April 19, 2019 on significant Operations and Land Management projects and programs in which the Governing Board is participating in funding and otherwise may be of interest to the Board. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

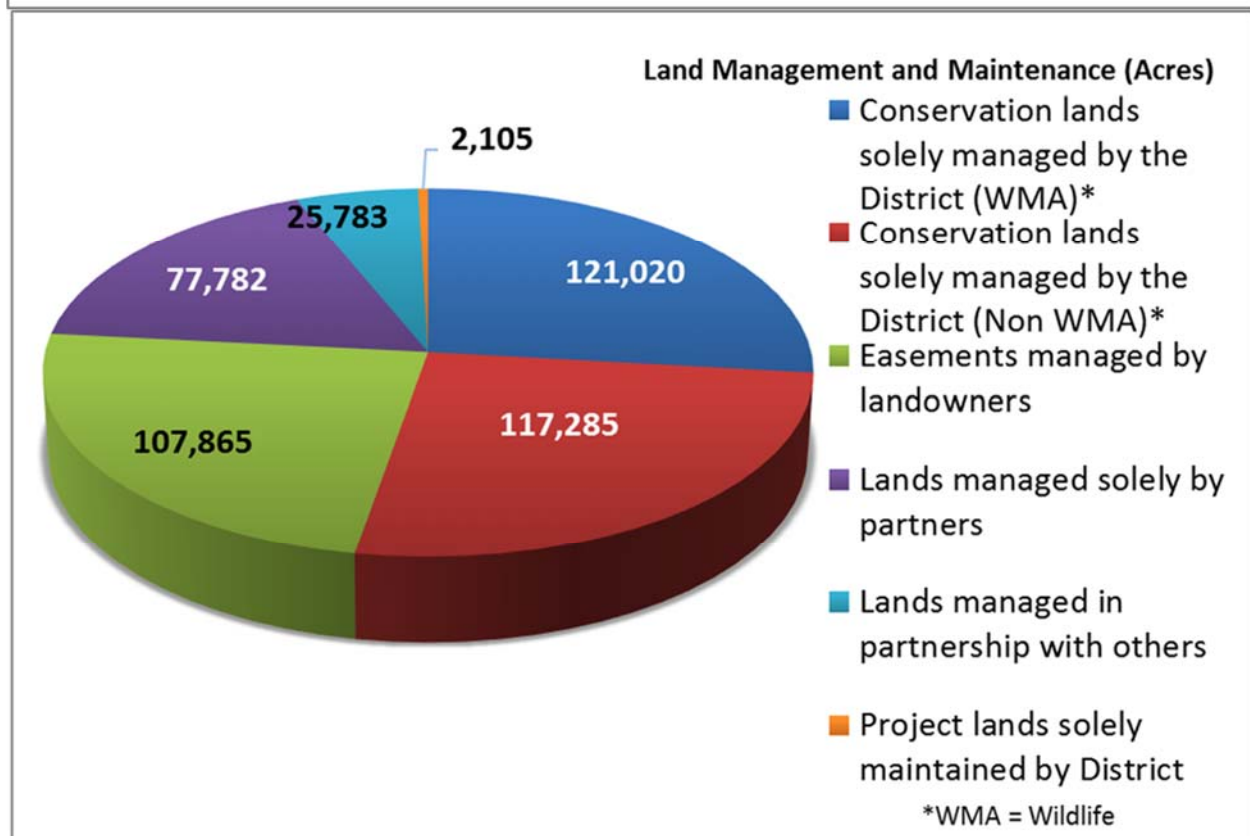
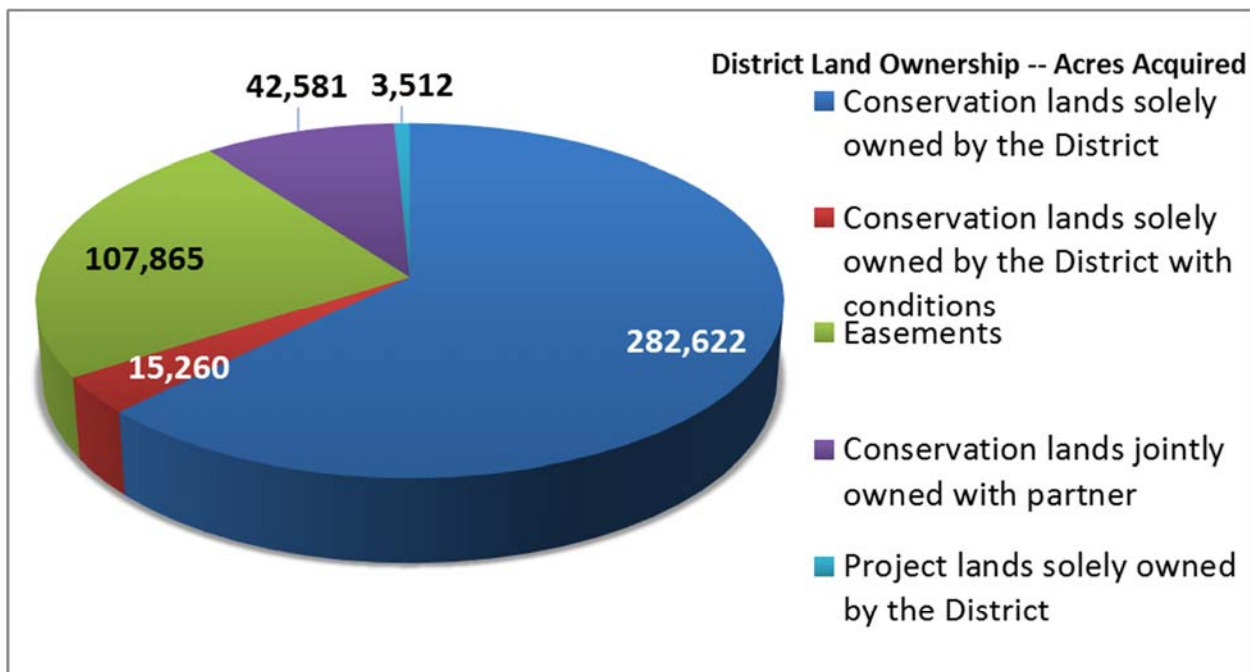
Land Management

- Staff have applied prescribed fire to 9,626 acres of conservation lands during FY2019.
- Staff continue to trap and conduct phased feral hog management hunts on District lands. There have been 766 feral hogs removed from District lands during FY2019.
- Vegetation Management staff have treated invasive exotic vegetation on 10,938 acres on District lands during FY2019.
- Land resource-based revenue to date this fiscal year is \$122,630.
- Staff continue to identify and mechanically treat hazard fuels within the wildland urban interface. Approximately 1.2 miles of fireline enhancements were completed on the Serenova tract this reporting period, bringing the total fiscal year boundary hazard mitigation to 12.2 miles.

Land Resources/Land Use and Protection

Issued Special Use Authorization to the following:

- FDEP for vehicle access for up to four participants from the State Park in coordination with members of the Friends of Colt Creek to inspect the campground pavilions as examples for possible future campground amenities for Colt Creek State Park.
- Volunteers provided 155 hours of service at a value of approximately \$3,651.80 to the District's conservation/recreation lands. Volunteer services included campground maintenance, trash removal, fence repair, and tree trimming.
- Processed 337 requests and provided 1,155 camping opportunities on District lands.
- The following is a breakdown of District land interests:



Staff Recommendation:

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

**Governing Board Meeting
May 21, 2019**

REGULATION COMMITTEE

Discussion Items

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Submit & File Reports – None

Routine Reports

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REGULATION COMMITTEE

May 21, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Alba Más, P.E., Division Director, Regulation

REGULATION COMMITTEE

May 21, 2019

Discussion Item

Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

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

Staff Recommendation:

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

Presenter: Alba Más, P.E., Division Director, Regulation

REGULATION COMMITTEE**May 21, 2019*****Routine Report*****Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program**

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 current contract was executed on November 14, 2013 and will be completed September 30, 2019. The second phase of work for ongoing maintenance and limited AMR installations will begin on October 1, 2019.

New Activities Since Last Meeting: As of May 1, 2019, a total of 538 flow meters have been installed (99 percent complete) with one meter left to install that the District received reimbursement paperwork prior to December 31, 2018 and 847 AMR units have been installed (97 percent complete). *Project Manager: Talia 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

May 21, 2019

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 February 2019

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<i>New From Previous Report</i>						
N/A	N/A	N/A	N/A	N/A	N/A	N/A

(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 February 2019

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<i>Continuing From Previous Report</i>						
3219.007	Gardinier Florida Citrus, Inc. ¹	Agriculture – Citrus	322,600 gpd	11/01/2018 376,121 gpd 16.59%	02/01/2019 403,515 gpd 25.08%	Bartow
368.010	The Heather Golf and Country Club ¹	Recreation - Lawn/Landscaping and Golf Course	59,700 gpd	11/01/2018 62,726 gpd 5.07%	02/01/2019 71,622 gpd 11.15%	Brooksville
10857.006	Burton Ranch, LLC ¹	Agriculture – Citrus	53,400 gpd	05/01/2018 116,887 gpd 118.89%	02/01/2019 87,747 gpd 58.70%	Bartow
3612.005	William K. and Elizabeth A. Durrance ¹	Agriculture – Citrus	111,600 gpd	04/01/2018 176,959 gpd 58.57%	02/01/2019 124,044 gpd 11.15%	Bartow
12900.002	Minto Bradenton LLC (Perico Island Development) ¹	Recreation - Lawn/Landscaping	130,500 gpd	11/01/2017 196,759 gpd 50.77%	02/01/2019 155,764 gpd 19.36%	Sarasota
696.006	Gardinier Florida Citrus, Inc. ¹	Agriculture – Citrus	210,600 gpd	05/01/2017 293,762 gpd 39.49%	02/01/2019 273,410 gpd 29.82%	Bartow
1156.012	Bay Laurel Center Public Water Supply System ³	Public Supply	2,555,000 gpd	09/01/2016 2,696,799 gpd 5.55%	02/01/2019 3,056,942 gpd 19.65%	Brooksville
2588.010	Kelly Family Holdings, LLC (Kelly Farms) ³	Agriculture – Potatoes and Pasture	1,043,600 gpd	11/01/2016 851,054 gpd 20.79%	02/01/2019 1,176,275 gpd 12.71%	Sarasota
7002.004	MHC FR Utility Systems, LLC ³	Public Supply	97,100 gpd	04/01/2015 104,929 gpd 8.06%	02/01/2019 171,551 gpd 76.67%	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)

REGULATION COMMITTEE

May 21, 2019

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: Alba Más, P.E., Division Director, Regulation

INDIVIDUAL PERMITS ISSUED: ERPS – MAY 2019

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43043605.002	VOSO Storm Water Earthworks Plan – Phase 4C	Sumter	Mass grading for future residential and commercial development	303.41	81.80	12.80	0.00
43028601.004	Spencer Creek Phase 1 & Phase 2	Hillsborough	Construction of 360 lots (Ph 1-229 and Ph 2-131 lots) for a single-family residential subdivision	177.08	40.19	8.65	9.48
43024580.008	Villages of Southern Oaks Mass Grading Phase 6C	Sumter	Mass grading for future residential subdivision	120.01	45.51	1.20	994.56
43043575.001	Fort Hamer Road Extension Segment A	Manatee	New road, 0.6 mile	143.50	12.73	10.71	0.00

Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.

INDIVIDUAL PERMITS ISSUED: WUPS – MAY 2019

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
20010700.006	Mulberry Cogeneration Facility	Polk	Renewal of water use permit for a cogeneration power facility	Industrial / Commercial	760,800	760,800	20

Attachment: May19 Routine Reports - Individual Permits Issued by Staff - 90 percent (4384 : Individual

**Governing Board Meeting
May 21, 2019**

GENERAL COUNSEL'S REPORT

Discussion Items

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43. Authorization to Issue Administrative Complaint and Order – Steven B. Zink – Unauthorized Construction at 5322 C-48, Bushnell – Sumter County, Florida	103
44. Approval of Consent Order – Failure to Comply with Permit Conditions – MGM of West Florida, LLC – ERP No. 44030586.000 – CT No. 370033 – Manatee County, Florida	105

Submit & File Reports – None

Routine Reports

45. May 2019 Litigation Report	118
46. May 2019 Rulemaking Update	127

GENERAL COUNSEL'S REPORT

May 21, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

May 21, 2019

Discussion Item

Authorization to Issue Administrative Complaint and Order – Steven B. Zink – Unauthorized Construction at 5322 C-48, Bushnell – Sumter County, Florida

Steven B. Zink (Owner) is the owner of real property located at 5322 C-48, Bushnell, Florida (Property). On December 5, 2016, the District received a complaint that construction waste debris was being disposed into wetlands and covered with fill dirt at the Property. After meeting with the Owner on site, District staff referred the complaint to the Florida Department of Environmental Protection (FDEP) pursuant to an operating agreement between the agencies. FDEP staff met with the Owner on site on February 20, 2017, and observed that approximately 22.05 acres of wetlands had been filled without authorization. Based on the Owner's statement that the fill was placed to create uplands for agricultural purposes, the complaint was returned to the District. In discussions with the District, the Owner admitted that perhaps thousands of truckloads of fill dirt had been placed into the wetlands over the course of several years.

District staff issued two Notices of Unauthorized Activities before referring the file to the Office of General Counsel (OGC). Thereafter, the District's Ag Team consulted with staff from the Florida Department of Agriculture and Consumer Services' Office of Agricultural Water Policy who confirmed that the Chapter 373.406(2), Fla. Stat., agricultural exemption was not applicable.

District staff determined that 17.56 acres of impacted wetlands, which represent a functional loss of 11.55 units according to the Uniform Mitigation Assessment Method, require restoration. The total penalty for these wetland impacts was calculated to be \$231,000.00, in addition to \$2,000.00 in District enforcement costs.

In an attempt to settle the matter, OGC staff issued a consent order proposing corrective actions for restoration and a penalty of \$100,000.00. The Owner has verbally agreed to complete the corrective actions and restore the Property to its pre-disturbed condition but has not agreed to pay a penalty. Accordingly, OGC staff is requesting authorization to issue this Administrative Complaint and Order (ACO).

The ACO requires the Owner to undertake corrective actions to restore the Property to its pre-disturbed condition. The ACO requires the fill to be removed within 365-days and allows for extensions for good cause shown. District staff will consult with the Owner and conduct site-visits every three (3) months to ensure progress is being made. Afterwards, the Owner will be subject to monitoring and maintenance requirements to ensure full restoration has been reached, pursuant to the Success Criteria included in the ACO.

Staff Recommendation:

- (1) Authorize District staff to issue an Administrative Complaint and Order to the Owner and any other necessary parties to obtain compliance with District rules.
- (2) Authorize District staff to initiate an action in Circuit Court against the Owner 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.

Presenter: James B. Fussell, Jr., Staff Attorney

GENERAL COUNSEL'S REPORT

May 21, 2019

Discussion Item

Approval of Consent Order – Failure to Comply with Permit Conditions – MGM of West Florida, LLC – ERP No. 44030586.000 – CT No. 370033 – Manatee County, Florida

This enforcement matter involves deviations from the conditions of Environmental Resource Permit (ERP) No. 44030586.000 ("Permit"), which was issued to MGM of West Florida, LLC, ("Permittee"). To remedy the Permit violations, District staff seeks approval of a Consent Order assessing penalties and fines, and requiring corrective construction to remediate for the deviations from the Permit.

On March 29, 2007 the District issued the Permit authorizing the construction of a surface water management system designed to serve a commercial project ("Project"). The Project is located within the Pearce Drain 100-year floodplain area. As a result of the planned filling of the floodplain area, the Permit required excavation of a floodplain compensation area comprising approximately 13.24 acres. Additionally, the permit required detention and effluent filtration to provide water quality and peak attenuation storage for 2.68 impervious acreage to be constructed at the project site.

On January 28, 2014, District staff inspected the Project and observed permit violations, including unpermitted fill within the excavated floodplain compensation area, and additional impervious areas not included in the Permit and not receiving appropriate water quality treatment or attenuation as required by the Permit.

On March 12, 2014, the District staff sent a Notice of Permit Condition Violation to the Permittee regarding the placement of fill and the additional impervious areas. On October 10, 2014, the Permittee applied for a permit modification (Application No. 717574), in which the Permittee sought to address the deviations from the Permit. Although the District and the Permittee worked together to address those concerns, ultimately the application was withdrawn on October 28, 2016. On February 3, 2017, a second application for modification (Application No. 741323) was sent to the District to address the deviations. On February 26, 2018, this application was also withdrawn. On May 1, 2018, another Notice of Violation was sent to the Permittee along with a proposed Consent Order. The Notice of Violation informed the Permittee that penalties in the amount of \$127,013.00, as well as District enforcement costs in the amount of \$3,000.00 had accrued based on the deviations from the Permit. The Consent Order asked the Permittee to agree to pay \$130,013.00 in addition to remediating for the deviations from the Permit. In response to the proposed Consent Order, additional information was submitted from the Permittee (see attached exhibit). In its communication, the Permittee asserts that despite the deviations, it has *de minimis* impacts to the floodplain. After a review of the additional information, a site visit was conducted on April 3, 2019 at the Permittee's request. At the site visit on April 3, 2019, the District determined that the Permittee continues to impact the floodplain compensation area, and would need to remediate for the deviations.

Despite these ongoing attempts at a resolution, the Permittee has been unable to come into compliance with the Permit. The Permittee submitted the two previously referenced applications for a modification to attempt to address any impacts from the fill in the compensation area.

Those applications were ultimately unsuccessful despite attempts by the Permittee and the District to work together to resolve any deviations. Further, in its letter, the Permittee indicated that it has been taking additional mitigation measures to alleviate any impacts, and it indicated that per its engineer, any impacts to the floodplain caused by the deviations from the Permit are *de minimis*. Although the Permittee maintains it has no impacts, it has taken several steps to meet the District's requirements for compliance with the Permit.

At the site visit on April 3rd, 2019 the Permittee informed the District that it had been in negotiations to purchase an additional parcel of land that would provide remediation for the unpermitted fill. On April 22nd, Permittee advised the District that it had come under contract on a parcel within the floodplain basin. On April 25th the Permittee informed the District that the Permittee's engineer had completed an initial review and was confident that the new parcel would remediate for deviations from the permit and would allow them to obtain a modification to the Permit. Despite there being no promised resolution to the enforcement action, the Permittee has repeatedly taken measures, requiring significant financial investment, to show the District it is working in good-faith to comply with the District's rules and regulations. The Permittee has also recently obligated itself to purchase a new parcel with the stated intention of bringing this matter into compliance. The District staff recommends a Consent Order that allows the Permittee to pursue this avenue for remediation of the deviations, however, the Permittee has informed the District that acquiring the new parcel would put the Permittee in a very difficult financial position. The Permittee expects to expend approximately \$935,000.00 to bring this matter into compliance, exclusive of the District's penalties and enforcement costs. On April 25th, the Permittee sent a proposal asking that the District reduce the financial penalty to \$15,000.00 in consideration of the costs expended by the Permittee to bring this matter into compliance.

After these communications from the Permittee, the District sent a revised Consent Order. The Consent Order provides Permittee the option to either obtain an ERP modification within 180 days, or to restore the impacted areas in accordance with the current permit within 180 days. The Permittee will owe \$130,013.00 and will pay \$15,000.00 in fines. Upon completion of the remediation, the remaining penalties and enforcement costs shall be waived. However, if Permittees fail to meet the 180 day deadline to remediate its impacts, absent a showing of good faith, the remaining penalties shall be due immediately upon written demand from the District. If either of these remediations fail, the District may take additional enforcement measures, including seeking additional damages for the unpermitted fill referenced herein. At this time, the District seeks an expedient remedy to the impacts caused by deviations from the Permit and therefore makes the following recommendation.

Staff Recommendation:

1. Approve the proposed Consent Order.
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms of the approved Consent Order, including proceeding to Circuit Court, if necessary.

Presenter: Elizabeth M. Fernandez, Staff Attorney

GRIMES GOEBEL

Grimes Hawkins Gladfelter & Galvano, P.L.

Attorneys at Law Est. 1922

Caleb J. Grimes
John D. Hawkins
Leslie Horton Gladfelter
Bill Galvano
Derin Parks
Sacha Ross
Kyle W. Grimes

May 22, 2018

Reply to: Bradenton

VIA FACSIMILE (813) 367-3054
and Regular Mail to:

Southwest Florida Water Management District
Office of the General Counsel
Attn: Vivian Arenas-Battles, Esq.
7601 U.S. Highway 301 North (Fort King Highway)
Tampa, FL 33637

RE: McLeod Commercial Site
Permit Number 44030586.000
CT No. 370033
Manatee County, Florida

RECEIVED
MAY 23 2018
OFFICE OF
GENERAL COUNSEL

Dear Ms. Arenas-Battles:

I am writing at this time in an abundance of caution in response to SWFWMD's letter dated May 1, 2018. As you may know, our client, by and through its land planner, Darendia Marvin, has been attempting to contact your office to discuss the above referenced notice and our client's continued efforts to bring this matter to final resolution. For your convenience, I am including a copy of Ms. Marvin's email dated May 15, 2018 to Mr. Lopes as **Attachment "1."** We certainly can appreciate how busy Mr. Lopes and SWFWMD must be and are therefore writing this more formal response due to the fact that we have not yet had a chance to speak directly with Mr. Lopes. Our client certainly has every intention and continues to make every effort to resolve this matter; therefore, we would ask that you please allow this letter to serve as a brief explanation of our client's continuing efforts to resolve these permitting issues as well as our formal request to discuss this matter with SWFWMD to help expedite a resolution.

Brief background regarding reason for recent Notice of Violation

By way of background, SWFWMD's recent May 1, 2018 notice appears to have been generated in response to the fact that our client recently withdraw its pending application for permit approval. As I understand it, our client has been and continues to work closely with Mr. Lopes who indicated that our client (which until very recently believed it was in compliance and would receive permit approval) would likely not receive approval of its previously pending permit due to some de minimus impacts that were indicated following its most recent ICPR modeling. Rather than proceeding with a formal review of our application that may be denied, our client (at Mr. Lopes' suggestion) elected to withdraw its pending application, promptly undertake additional remedial measures in an attempt to eliminate the de minimus results, and then promptly resubmit its application for review and approval.

Given the above continuing efforts of our client to resolve this matter, we are hopeful that the May 1, 2018 letter we received may have simply been a form letter generated by the withdrawal. Consequently, we would respectfully request that, given our client's continued efforts to promptly resolve this issue, SWFWMD refrain from proceeding with any formal administrative action and allow us to resubmit as our client and Mr. Lopes previously discussed.

MGM of West Florida, LLC's de minimus impact on flood plain

It is my understanding that, in response to SWFWMD's request for additional information regarding our client's recently withdrawn permit application, our client's professional engineer provided evidence, test results, and his professional opinion that the current drainage site/structures on our client's improved property (following remediation) now have a de minimus variation from the pre-developed condition of the property. Additionally, our client's professional engineer provided evidence that our client's property would have an impact of, at most, one one-hundredths or two one-hundredths of a foot. According to our client's engineer, the ICPR model that resulted in these de minimus results is not actually sensitive enough to accurately measure to one-hundredths of one foot. As a result, our client and its engineer believed (and it objectively appeared that) our client's property complies with the applicable flood plain regulations as is and would receive permit approval. For your convenience, copies of our client's engineer's correspondence is included herein as **Attachment "2."**

MGM of West Florida, LLC's continued efforts to secure approval from SWFWMD

Based on our client's discussions with Mr. Lopes', our client is currently performing additional mitigation measures. As soon as these additional mitigation measures are complete, our client will be resubmitting its application for permit approval. It is my understanding that the additional remediation measures our client is currently undertaking will satisfy SWFWMD's requirements and result in the grant of a permit to our client.

In light of the foregoing, we would once again respectfully request that SWFWMD please refrain from initiating any formal administrative proceedings and allow our client to resubmit its application for permit approval.

Sincerely,


Derin Parks, Esquire

cc: client

L:\McLeod Land Services\SWFWMD Notice of Violation\Response to Notice of Violation\Letter to SWFWMD.docx/May 22, 2018

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 19-

IN RE: MGM OF WEST FLORIDA, LLC
MANATEE COUNTY, FLORIDA
CT NO. 370033

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes ("F.S."), this Consent Order is entered into between the Southwest Florida Water Management District ("District") and MGM of West Florida, LLC ("MGM") to settle certain matters at issue between the parties. The parties hereby voluntarily agree to the following findings of fact, conclusions of law and corrective actions.

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapters 40D-4, 40D-40, 40D-400 and 62-330, Florida Administrative Code ("F.A.C.").
2. On March 29, 2007, the District issued Environmental Resource General Construction Permit ("ERP") No. 44030586.000 ("Permit") to MGM for the construction of a surface water management system to serve a commercial project.
3. The commercial project, located in the Pearce Drain 100-year floodplain area, included construction of a building and associated parking and driveways ("Project").
4. Because of the impacts to the floodplain that would be caused by the permitted construction's filling of a portion of the floodplain, the Permit required Permittee to offset the impacts by excavating a 13.24-acre floodplain compensation area.

5. Further, because of the increase in impervious surfaces, a detention pond with effluent filtration was required to serve approximately 2.68 acres of impervious acreage contemplated by the Permit.

6. On January 28, 2014, District staff inspected the Property and observed permit violations, including unpermitted fill within the excavated floodplain compensation area, and additional impervious areas not receiving appropriate water quality treatment or attenuation as contemplated by the permit.

7. By letters dated March 12, 2014 and October 10, 2014, the District notified MGM of the unpermitted activities described in paragraph 6 and requested corrective action. However, no corrective action was undertaken by MGM.

8. On June 4, 2015, the District met with MGM regarding submittal of an ERP modification. On October 30, 2015, MGM submitted an ERP application (Application No. 717574) to modify the Permit. Between October 30, 2015 and October 19, 2016, District staff attempted to work with MGM to obtain a completed application which would address the unpermitted fill to the floodplain and the additional impervious acreage runoff. On October 19, 2016, the District sent MGM a Notice of Incomplete Application indicating that insufficient information had been submitted to the District to allow a review and approval of the proposed permit. In response, MGM withdrew Application No. 717574 on October 28, 2016.

9. On January 6, 2017, the District sent MGM a Notice of Violation and proposed Consent Order.

10. On February 3, 2017, MGM submitted a second ERP application (Application No. 741323) to modify the Permit. On February 17, 2017, the District requested additional information from MGM. The District granted MGM time extensions on May 19, 2017, November

17, 2017, and January 3, 2018 but again, insufficient information had been submitted to the District to allow a review and approval of the proposed permit. On February 26, 2018, MGM withdrew Application No. 741323.

11. On May 1, 2018, the District sent MGM another Notice of Violation and Proposed Consent Order.

12. In response, MGM provided additional materials for the District's consideration, including a request for a site visit which occurred on April 3, 2019.

13. At the site visit on April 3, 2019, the District was able to determine that MGM continues to impact the floodplain compensation area, has likely increased the size of its impact since the inspection in 2014, and has taken no action to mitigate the damages it has been causing since at least 2014.

14. To date, MGM has not corrected the unpermitted activities, which include approximately 5.67 acres of additional impervious area which is not receiving water quality treatment or water quantity attenuation and approximately 6.5 to 7 acres of fill placed within the floodplain compensation area.

CONCLUSIONS OF LAW

15. The District has jurisdiction over this matter pursuant to Chapter 373, Part IV, F.S., Chapter 40D-40, and Chapter 62-330, F.A.C.

16. The activities described herein in paragraphs 3 and 14 constitute a violation of Section 373.430(1)(b), Florida Statutes and General Condition 1 of the Permit which requires all activities to be implemented as set forth in the plans, specifications and performance criteria as approved by the Permit.

CORRECTIVE ACTIONS

17. In resolution of all disputed issues regarding the activities described herein, the Parties agree to the following corrective actions.

18. MGM is required to entirely remediate for the unpermitted impervious acreage and the floodplain impacts to be completed in accordance with the terms of this Consent Order.

19. Within ten (10) days of approval of this Consent Order by the District Governing Board, MGM must advise the District if it will remediate its impacts either 1) by submitting a plan to restore the impacted areas in compliance with the Permit, or 2) by obtaining an ERP modification adequately compensating for the unpermitted activities described in paragraph 6.

20. If MGM notifies the District that it will apply for an ERP modification for the unpermitted activities, MGM shall submit to the District an ERP application that complies with District Rules and Florida Statutes within ninety (90) days of approval the Consent Order. MGM shall comply with any District requests for additional information or clarification within the time frame specified in the requests. MGM shall obtain an ERP modification as expeditiously as possible and, in any event no later than one hundred eighty (180) days after approval of this Consent Order. Further, MGM shall complete any corrective construction required by the ERP modification permit within 180 days of approval of an ERP modification and site plan approval by Manatee County as set forth below.

21. Furthermore, if MGM notifies the District that it will apply for an ERP modification that includes off-site mitigation, MGM shall promptly submit an application for site plan approval to Manatee County. MGM shall comply with Manatee County staff requests for additional information or clarification within the time frame specified in the requests. MGM shall obtain a

Manatee County permit as expeditiously as possible and, in any event no later than one hundred eighty (180) days after approval of this Consent Order. Further, MGM shall complete any corrective construction required by the ERP modification permit and Manatee County approved site plan within 180 days of approval of an ERP modification and approval by Manatee County.

22. If MGM notifies the District that it will remediate by restoring impacted areas in compliance with the permit, MGM shall retain a construction crew within 30 days and submit to the District an expected timeline for construction showing restoration of the project to the permitted plans within 180 days of approval of the consent order.

23. Additionally, MGM shall owe the District a penalty in the amount of One Hundred Twenty-Seven Thousand Thirteen and 00/100 Dollars (\$127,013.00) and District enforcement costs of Three Thousand and 00/100 Dollars (\$3,000.00) for a total amount of One Hundred Thirty Thousand Thirteen and 00/100 Dollars (\$130,013.00). MGM shall pay \$15,000.00 by certified check or money order within ten (10) days of approval of this Consent Order by the District Governing Board. If mailed, the address for payment is:

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

24. The remaining \$115,013.00 shall be waived upon the timely completion of the corrective actions and compliance with the obligations under this Consent Order. If Permittees fail to meet the deadline established in Paragraphs 18-24, or is found to have any new violations of the Permit, the \$115,013.00, in addition to any other penalties, shall become due immediately upon the District's written demand for such.

25. MGM may apply in writing to the District for an extension of the time limits contained in this Consent Order no later than five (5) days prior to the expiration of such time

limit. The District shall grant an extension of time in writing for good cause shown. The District shall consider "good cause" the diligent pursuit of litigation to seek specific enforcement of a contract for purchase of additional property that will serve to mitigate impacts to the floodplain and diligent pursuit of approval of any site plan for off-site mitigation as set forth in paragraphs 20 and 21 above.

26. MGM hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order.

27. This Consent Order is not a license or a permit. MGM shall not undertake any further construction activities without the necessary District authorizations and/or permits.

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

29. MGM shall allow authorized District representatives to access the Property at all reasonable times without prior notice for the purpose of determining compliance with this Consent Order, Chapter 373, F.S., District rules, and the terms of any permit or restoration plan.

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

31. For and in consideration of the complete and timely performance by MGM of its obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violations described in this Consent Order. If MGM fails to completely and timely perform its obligations under this Consent Order, the District retains its right to pursue civil or administrative action for all violations described herein, in addition to any additional penalties that may be discovered.

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

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

34. Any person who is not a party to this Consent Order whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address, any e-mail address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does

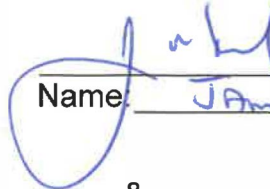
not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (except for item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office: 7601 U.S. Highway 301 North, Tampa, Florida 33637; Phone: (813) 985-7481; Fax: (813) 367-9776 within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

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

36. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by all Parties.


Witness

MGM of West Florida, LLC


Name: James McLeod

Title: M.M.
Date: 5-8-19

Approved by the Governing Board of the Southwest Florida Water Management District this
_____ day of _____ 2018.

Approved as to Legal Form and Content

Elizabeth M. Fernandez, Esq.
Staff Attorney

By: _____
Bryan K. Beswick, Chair

Attest: _____
Michelle Williamson, Secretary

Filed this _____ day of
_____ 2019.

(Seal)

Deputy Agency Clerk

CONSENT ORDER
MGM OF WEST FLORIDA, LLC
MANATEE COUNTY, FLORIDA
CT NO: 370033

GENERAL COUNSEL'S REPORT

May 21, 2019

Routine Report

May 2019 Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT

May 2019

(Most recent activity in each case is in **boldface** type)

DELEGATED ADMINISTRATIVE HEARING MATTERS

0 Cases as of May 1, 2019

OPEN ENFORCEMENT CASES

57 Cases as of May 1, 2019

ENFORCEMENT CASES IN ACTIVE LITIGATION

0 Cases as of May 1, 2019

(Including Administrative Complaints)

PERMIT/AGENCY ACTION CHALLENGES

0 Cases as of May 1, 2019

STYLE: Long Bar Pointe, LLLP v. Lake Flores I, LLC, & SWFWMD
COURT/CASE NO.: Division of Administrative Hearings, Case No. 17-005609
ATTORNEY: C. Tumminia/J. Fussell
ACTION: Administrative petition challenging Environmental Resource Permit No. 49042599.001

DESCRIPTION: On July 28, 2017, the District issued Environmental Resource Permit (“ERP”) No. 49042599.001 (“Permit”) conceptually approving the future construction of a stormwater management system to serve a 1,274-acre mixed-use project in Manatee County. On August 18, 2017, and September 18, 2017, the District granted two requests by Long Bar Pointe, LLLP (“Petitioner”), for an extension of time to file a petition requesting an administrative hearing on the issuance of the Permit. On September 29, 2017, the District received a timely request for administrative hearing (“Petition”) from the Petitioner. The deadline for granting or denying the Petition is October 14, 2017. On October 13, 2017, the District referred the Petition to the Division of Administrative Hearings (“DOAH”). The case was assigned to an Administrative Law Judge, who entered an Initial Order on October 19, 2017. The final hearing has been scheduled to occur in Tampa from January 24, 2017 to January 26, 2017. As of November 9, 2017, all parties have exchanged preliminary written discovery. On December 21, 2017, the parties agreed to and filed a Joint Motion for Continuance due to ongoing settlement negotiations. The ALJ entered an Order on December 21, 2017, rescheduling the final hearing to occur on February 27, 2017. On January 18, 2018, the parties agreed to and filed a Joint Motion for Continuance due to ongoing settlement negotiations. The ALJ entered an Order on January 18, 2018, rescheduling the final hearing to occur on March 27, 2017. On February 20, 2018, representatives from SWFWMD and the Applicant met to discuss the potential for settlement of this matter. On March 5, 2018, the Parties agreed to and filed a Joint Motion for Continuance as a result of the ongoing settlement negotiations. On March 6, 2018, the ALJ entered an Order rescheduling the final hearing to occur on May 7, 2018. On April 4, 2018, the Applicant and the Petitioner agreed to and filed a Joint Motion for Continuance as a result of the ongoing settlement negotiations. The District did not join, nor object, to the Motion. On April 5, 2018, the ALJ entered an Order rescheduling the final hearing to occur on June 25, 2018. On August 10, 2018, the Parties agreed to and filed a Joint Motion for Continuance because of the ongoing settlement negotiations. On August 10, 2018, the ALJ entered an Order rescheduling the final hearing to occur on October 30, 2018. On October 1, 2018, the Parties agreed to and filed a Joint Motion for Continuance because of the ongoing settlement negotiations and the recent heart-attack of lead counsel for the Applicant.

The final hearing has been continued until the final week in February 2019. As of the date of this Litigation Report, the Applicant and the Petitioner are still engaged in settlement negotiations.

On January 30, 2019, counsel for the Applicant indicated that the Parties are close to formalizing a written settlement agreement regarding this matter; as such, the Parties will begin drafting a joint motion requesting the Administrative Law Judge cancel the scheduled hearing and place the case in abeyance until the settlement agreement is finally executed. On February 8, 2019, the Parties filed a Joint Motion to relinquish jurisdiction back to the District with the Administrative Law Judge and requested that the file at DOAH be closed. The Administrative Law Judge granted the Motion on February 12, 2019, closing the file at DOAH and sending the matter back to the District for the purpose of issuing the Permit and closing the case. **The Parties currently intend to finalize the settlement agreement within 90 days of the ALJ's Order closing the case. The file will remain open but in abeyance at the District until the Parties finalize the settlement agreement.**

MISCELLANEOUS
8 Cases as of May 1, 2019

STYLE:
COURT/CASE NO.:
ATTORNEY:
ACTION:

Tony's Roasted Pepper, LLC v. Hillsborough County and SWFWMD
Thirteenth Judicial Circuit/Hillsborough County; Case No. 2016-CA-008690
V. Arenas-Battles
Notice of Claim pursuant to the Bert J Harris, Jr., Private Property Rights Protection Act and Complaint for
Trespass, Injunction, Inverse Condemnation, Breach of Contract and Claim for Compensation under The Bert J. Harris, Jr.,
Private Property Rights Protection Act

DESCRIPTION:

On September 19, 2016, Tony's Roasted Pepper, LLC ("Plaintiff") served the District with a Notice of Claim pursuant to Section 70.001, F.S., the Bert J. Harris, Jr., Private Property Rights Protection Act ("Bert Harris Act"). The Notice of Claim alleges that Plaintiff's property was damaged by flooding caused by Hillsborough County's pumping from Lake Wee pursuant to emergency authorizations issued to the County by the District. In addition, Plaintiff alleges that the flooding caused damage to its property and requests damages in the amount of \$1,100,000 from the District and County. Pursuant to Section 70.001(4), Florida Statutes, the District has notified the Attorney General's Office of Legal Affairs and all contiguous property owners regarding its receipt of the Notice of Claim. District staff will respond to the Notice of Claim within the statutorily-required 150 days.

On October 14, 2016, the District was served with a Complaint for Trespass, Injunction, Inverse Condemnation, Breach of Contract, and a violation of the Bert Harris Act ("Complaint") in Circuit Court against it as well as Hillsborough County ("County") and the District. The District is not subject to the breach of contract claim. The Complaint alleges a loss in market value of Plaintiff's property in the amount of \$960,000, as well as requests damages in excess of \$15,000 from both the County and the District. On October 19, 2016, the County filed a Motion to Dismiss Count V for Failure to State a Cause of Action and its Answer and Affirmative Defenses regarding the remaining counts of Plaintiff's Complaint.

On November 2, 2016, the District filed its Motion to Dismiss the Complaint, alleging (a) the statute of limitations has run on the inverse condemnation claim and (b) the Plaintiff failed to state a cause of action on the remaining claims. On November 4, 2016, the District filed its Amended Motion to Dismiss Complaint as to all counts for failure to state a cause of action, except Count IV which only applied to the County. On the same date, the County filed a Motion to Dismiss Count V. On November 7, 2016, the Plaintiff filed a Motion to Strike the County's Affirmative Defenses. A hearing on the District's and County's Motions to Dismiss was scheduled for January 5, 2017.

On January 5, 2017, Plaintiff, the County and the District agreed to cancel the hearing and (1) enter an Order granting the District's and County's Motions to Dismiss; (2) allow Plaintiff 45 days in which to amend its Complaint; and (3) that Plaintiff would satisfy all pre-suit requirements for a Bert Harris claim prior to amending its Complaint. On January 18, 2017, the Court entered a Stipulated Order Granting Southwest Florida Water Management District's Motion to Dismiss Without Prejudice. On January 23, 2017, the Court entered a similar Stipulated Order Granting Hillsborough County's Motion to Dismiss Count V of Plaintiff's Complaint Without Prejudice. Discovery has commenced and is ongoing. On March 3, 2017, Plaintiff filed an Amended Complaint against the District and the County. On March 31, 2017, the District and the County each filed Motions to Dismiss the Amended Complaint. A hearing on the Motions to Dismiss has been scheduled for June 6, 2017. On May 26, 2017, the hearing on the Motions to Dismiss was rescheduled for August 1, 2017.

On August 1, 2017, the Motion to Dismiss was heard by the Court. The Court ruled as follows: (1) granted the District's motion to dismiss as to Count III (Inverse Condemnation); (2) granted the District's motion to dismiss as to Count II (Injunction) without prejudice to amend; (3) granted the District's motion to dismiss as to Count V (Bert Harris) without prejudice to amend; and denied the District's motion to dismiss as to Count I (Trespass) and abated this cause of action until December 14, 2017. On August 18, 2017, the Court entered the Order on Defendant's Motion to Dismiss Plaintiff's Amended Complaint.

On September 15, 2017, the District received Plaintiff's Second Amended Complaint. The District's answer to the Amended Complaint is due on or before December 14, 2017.

On October 5, 2017, all parties filed their Joint Stipulation to Extension of Time for Defendants to Respond to the Second Amended Complaint, requesting an extension of time until December 14, 2017 for the County and the District to file their answers to the Second Amended Complaint. On October 16, 2017, the Court entered an Order granting the extension of time.

On December 14, 2017, the District filed its Answer and Affirmative Defenses to Plaintiff's Second Amended Complaint. On January 8, 2018, the Plaintiff filed its Reply to the District's and the County's Affirmative Defenses.

On March 5, 2018, Plaintiff filed a Joint Stipulation for Substitution of Counsel, substituting MacFarlane, Ferguson & McMullen, P.A. for J. Marshall Fry. On March 6, 2018, the Order on Stipulation for Substitution of Counsel was entered by the Court.

A case management hearing is scheduled in this case for June 27, 2018.

On June 27, a case management hearing was held, and the Court scheduled a one week trial for the weeks of December 10 and 17, 2018.

On June 29, 2018, a Uniform Order Setting Case for Trial and Pre-Trial was entered. On July 19, 2018, Plaintiff's First Request for Production to Defendant, Southwest Florida Water Management District and Notice of Service Plaintiff's First Set Interrogatories to Defendant, Southwest Florida Water Management District were served on the District. On July 25, 2018, the District served its First Set of Interrogatories and Request to Produce on Plaintiff. A Case Management Conference was held on August 2, 2018.

On August 16, 2018, the Court entered an Order on Case Management continuing the Case Management Conference until October 2, 2018.

On September 7, 2018, Plaintiff filed its Response to the District's First Request for Production and Answers to the District's First Set of Interrogatories. On September 13, 2018, the District filed its Response to the Plaintiff's First Request for Production and Answers to the Plaintiff's First Set of Interrogatories. On September 21, 2018, Defendant Hillsborough County filed a Motion to Bifurcate Issues to be Tried. On October 1, 2018, the parties filed a Joint Stipulation Regarding Order of Matters to be Tried agreeing to bifurcate the inverse condemnation claim against Hillsborough County from the remainder of the issues to be tried by jury. On October 2, 2018, a case management conference was held, and the case was bifurcated into two trials-one trial for the inverse condemnation claim against Hillsborough County and one trial for the trespass and injunctive relief claims against the District and Hillsborough County. The trial date will be in May 2019, although the exact dates are yet to be determined.

On October 3, 2018, the District provided a Privilege Log to Plaintiff. At this time, we are proceeding with discovery and the setting of depositions.

As part of the discovery process, depositions are being scheduled. The District has scheduled the depositions of the Corporate Representative for the Plaintiff for December 12, 2018. Plaintiff has scheduled the deposition of Michelle Hopkins for December 13, 2018.

On December 19, 2018, the deposition of Hillsborough County employee, Ronald M. Steijlen, was taken by Plaintiff. The deposition of the Corporate Representative for the Plaintiff has been rescheduled for February. The deposition of Michelle Hopkins will be rescheduled.

On February 28, 2019, the District took the deposition of the corporate representative for the Plaintiff, Tony's Roasted Pepper. Discovery is ongoing and additional depositions are scheduled for March. A mediation is scheduled for April 16, 2019 in this case.

On March 8, 2019, Plaintiff filed a Motion for Leave to Amend Complaint to add 2 new counts against Hillsborough County-Fraudulent Misrepresentation and Negligent Misrepresentation. On March 14, 2019, a hearing was held on the Plaintiff's Motion for Leave to Amend and the Court granted the Plaintiff's Motion and removed the case from the trial docket. On March 28, 2019, the Court entered an Order granting Plaintiff's Motion for Leave to Amend Complaint. Plaintiff has until April 7, 2019 to file its Amended Complaint. On March 28, 2019, Plaintiff also served the District with a Proposal for Settlement. The District has until April 29, 2019 to respond to the Proposal for Settlement. The mediation scheduled for April 16, 2019 will be rescheduled.

On April 25, 2019, the District and Plaintiff agreed to settle this case. This matter is pending finalization of a Settlement Agreement and proposed Order, which would dismiss the District from this lawsuit.

STYLE:
COURT/CASE NO.:
ATTORNEY:
ACTION:

Uranowski, Christina v. SWFWMD
 Fifth Judicial Circuit/Hernando County; Case No. 2016-CA-976
 T. Gonzalez
 Complaint under the Florida Civil Rights Act alleging Retaliation, Handicap Discrimination, Gender Discrimination, and Age Discrimination

DESCRIPTION:

On September 17, 2015, the District issued a Notice of Discharge ("Notice") to Christina Uranowski ("Plaintiff"), discharging her from her at-will employment from the District effective at 5:00 p.m. that day. In September 2015, Plaintiff filed a Complaint with the U.S. Equal Employment Opportunity Commission ("EEOC Complaint") alleging that the District discriminated against her on the basis of her gender, age, and disability as well as that the District had retaliated against her based on prior

protected activity. The District responded to the EEOC charge on November 4, 2015. The EEOC has not yet rendered a determination relative to the EEOC Complaint.

On September 30, 2016, the District was served with a Complaint filed in Circuit Court for Hernando County alleging violations of the Florida Civil Rights Act including retaliation, handicap discrimination, gender discrimination, and age discrimination related to Plaintiff's discharge from District employment. The matter has been referred to the District's outside employment counsel who entered his appearance in the case on October 2, 2016. On October 20, 2016, the District filed its Answer and defenses to the Complaint. The Plaintiff filed its first Request for Production of Documents to Defendants on August 14, 2017. The District filed its response to the Plaintiff's request on September 18, 2017.

STYLE:
COURT/CASE NO.:
ATTORNEY:
ACTION:

Lance Thomas v. North Port Gateway East Association, Inc. and SFWMD
Twentieth Judicial Circuit/Charlotte County; Case No. 16-1505-CA
V. Arenas-Battles

Action for Negligence related to a traffic accident where Plaintiff, Lance Thomas, claims that a condition in a District permit prohibited trimming of brush which contributed to obstruction of view resulting in a traffic accident.

DESCRIPTION:

On February 16, 2018, Plaintiff served the District with an Amended Complaint. On March 8, 2018, the District filed its Answer and Affirmative Defenses, First Request to Produce to Plaintiff, and First Set of Interrogatories to Plaintiff. On March 2, 2018, the Plaintiff filed a Motion for Leave to Amend Complaint.

On March 8, 2018, the District filed an Answer and Affirmative Defenses, a First Request to Produce to Plaintiff, and a First Set of Interrogatories to Plaintiff. On April 25, 2018, the District filed a Motion to Dismiss Plaintiff's Amended Complaint. The District's Motion to Dismiss is scheduled for hearing on August 17, 2018.

On August 17, 2018, the District's Motion to Dismiss Plaintiff's Second Amended Complaint was denied, but the District's Ore Tenus Motion to Strike was granted.

On September 14, 2018, the District served a Proposal for Settlement on the Plaintiff. The Proposal for Settlement was not accepted by the Plaintiff and is, therefore, rejected as a matter of law.

On January 22, 2019, Plaintiffs served Answers to the District's Interrogatories and First Request to Produce. **The Plaintiff's deposition is scheduled for June 26, 2019.**

STYLE:
COURT/CASE NO.:
ATTORNEY:
ACTION:

Janet Denlinger and Harry Denlinger v. SWFWMD and Brian Armstrong, in his Capacity as the SWFWMD
Executive Director, et al.

Sixth Judicial Circuit/Charlotte County; Case No. 2018-CA-001241
V. Arenas-Battles/ J. Fussell

Action for Writ of Mandamus, Inverse Condemnation and Negligence arising out the District issuance of an ERP in 2006.

DESCRIPTION:

On May 18, 2018, the District and Mr. Armstrong were served with a Complaint seeking a Writ of Mandamus and damages for Inverse Condemnation and Negligence. Other parties sued include the City of Dade City and Michael Sherman, in his Capacity as Dade City Community Development Director and Douglas J. Weiland, Elizabeth C. Sirna and Summit View, LLC (collectively, the owners of the property). On May 29, 2018, the District was served with a Verified Amended

Complaint, which added Keene Services, Inc. as a Defendant in the case. A mediation was held on May 24, 2018, which was unilaterally scheduled by the Plaintiffs, and which was not attended by any of the Defendants in the case. A mediation report was filed with the Court on May 30, 2018. A response to the Verified Amended Complaint is due on June 18, 2018. The District intends to file a Motion to Dismiss the Verified Amended Complaint by no later than June 18, 2018.

On June 30, 2018, Roberto Valdez, an adjacent property owner, filed his Motion to Intervene and Consolidate as Additional Plaintiff. On June 1, 2018, Plaintiffs filed Notices of Filing Acceptance of Service for Defendants, Douglas J. Weiland, Summit View, LLC, JES, Properties, Inc., CWES III, LLC, Brian Armstrong and the District. On June 1, 2018, Plaintiffs also filed an Affidavit of Service for Michael Sherman. On June 5, 2018, Plaintiffs filed an Emergency Motion for Temporary Injunction and Notice of Hearing against Defendant, Summit View, LLC. On June 6, 2018, Defendants, Summit View, LLC, Douglas J. Weiland, JES Properties, Inc., CWES III, LLC filed Motions to Dismiss the Amended Complaint. On June 7, 2018, the District and Brian Armstrong filed their Motion to Dismiss the Amended Complaint. On June 8, 2018, the City of Dade City filed its Motion to Dismiss the Amended Complaint. On June 14, 2018, the District and Brian Armstrong filed a Response in Opposition to Valdez' Amended Motion to Intervene and Consolidate an Additional Plaintiff. On June 20, 2018, Defendants Summit View, LLC, Douglas J. Weiland, JES Properties, Inc., and CWES III, LLC filed their Memorandum in Opposition to Plaintiff's Emergency Motion for Temporary Injunction. A hearing has been scheduled for July 17, 2018 on the Emergency Motion for Temporary Injunction. A hearing will be scheduled soon on the Motions to Dismiss.

On June 29, 2018, a Notice of Unavailability was filed by the City of Dade City. On June 29, 2018, an Order Granting Defendants' Motion to Reschedule July 9, 2018 Hearing was entered by the Court. On July 12, 2018, a Notice of Filing Abatement Agreement was entered, which abated the litigation for 30 days, and Notice of Cancellation of July 17, 2018 Hearing was filed. On July 13, 2018, a Motion to Strike Claim for Attorney's Fees as to Counts I, II, and III, with Supporting Memorandum of Law and Motion to Dismiss Amended Complaint was filed by Defendant Keene Services, Inc.

On September 5, 2018, Defendants Douglas J. Weiland, JES Properties, Inc. and CWES, III, LLC filed a Motion for Sanctions Against Plaintiffs. On September 10, 2018, the City of Dade City filed a Motion to Dismiss the Inverse Condemnation Claim. On September 13, 2018, Defendants City of Dade City and Michael Sherman filed Motions for Sanctions as to Plaintiffs' Claims for Negligence, Inverse Condemnation, Attorneys' Fees and Claim of Writ of Mandamus. The hearing on all the motions to dismiss is for November 6, 2018.

On November 6, 2018, the Court dismissed the Plaintiff's Verified Amended Complaint with leave to amend. The Court's order was rendered on November 26, 2018, from which Plaintiffs have 20 days to file their Second Amended Complaint.

On December 17, 2018, the District was served with the Plaintiffs' Second Amended Complaint. The District intends to file a Motion to Dismiss this Complaint by on or before January 7, 2019.

On January 4, 2019, the District and Brian Armstrong served their Motion to Dismiss Plaintiff's Second Amended Complaint or, in the Alternative, Motion for More Definite Statement. Similar Motions to Dismiss were served by Defendants, Keene Services, Inc. and the City of Dade City and Keene Services, Inc. on January 8, 2019 and January 22, 2019, respectively. On March 1, 2019, the Plaintiff filed its Motion for Leave to File Third Amended Complaint, and 2 of its 4 attorneys filed Motions to Withdraw as counsel for Plaintiff. The District's Motion to Dismiss is scheduled for hearing on June 14, 2019.

A hearing is scheduled for May 9, 2019 on the Plaintiffs' Motion for Leave to File Third Amended Complaint. The District has filed a Response and Objection to Plaintiffs' Motion for Leave to File Third Amended Complaint.

STYLE: Roberto Valdez v. SWFWMD and Brian Armstrong, in his capacity as the SWFWMD Executive Director, et al.

COURT/CASE NO.: Sixth Judicial Circuit/Charlotte County; Case No. 2018-CA-001241

ATTORNEY: V. Arenas-Battles/ J. Fussell

ACTION: Action for Writ of Mandamus, Inverse Condemnation and Negligence arising out the District issuance of an ERP in 2006.

DESCRIPTION: On January 30, 2019, the District and Mr. Armstrong were served with a Complaint seeking a Writ of Mandamus and damages for Inverse Condemnation and Negligence. Other parties sued include the City of Dade City and Michael Sherman, in his Capacity as Dade City Community Development Director and Douglas J. Weiland, Elizabeth C. Sirna and Summit View, LLC collectively, the owners of the property). The District will file its answer or motion to dismiss by no later than March 1, 2019.

On March 1, 2019, the District and Brian Armstrong served their Motion to Dismiss Plaintiff's Verified Complaint or, in the Alternative, Motion for More Definite Statement. **The District's Motion to Dismiss is scheduled for June 20, 2019.**

STYLE: Heritage Lake Part Community Development District v. Heritage Lake Partners, LLC; Charlotte County; Charlotte County School District; Charlotte County Tax Collector; SWFWMD, et al.

COURT/CASE NO.: Twentieth Judicial Circuit/Charlotte County; Case No. 2018-CA-001191

ATTORNEY: C.Tumminia

ACTION: Action to Foreclose Liens for Delinquent Special Assessments.

DESCRIPTION: On December 21, 2018, the District was served with a Complaint seeking to foreclose liens on certain properties in Charlotte County resulting from the property owners' failure to pay special tax assessments levied by Heritage Lake Park Community Development District ("Heritage Lake CDD"). The District is named as a Defendant in this case because the properties at issue also have delinquent ad valorem tax payments owed to the District. Pursuant to Chapter 173, F.S., the District and Heritage Lake CDD's tax liens are coequal and subject to satisfaction determined by the Charlotte County Tax Collector. The District filed an Answer and Affirmative Defenses on January 14, 2019, to ensure that the District receives the appropriate amount of proceeds following the foreclosure and sale of the properties.

STYLE: In re: Cecil Daughtrey; Joseph Gilberti v. United States Trustee; United States Trustee Receiver; MUFG Union Bank, N.A.; SWFWMD

COURT/CASE NO.: U.S. Bankruptcy Court/Middle District of Florida; Case No. 9:19-ap-00104-FMD

ATTORNEY: S.Stichter/C. Tumminia

ACTION: Adversary Complaint in Chapter 7 Bankruptcy Proceeding

DESCRIPTION: On February 28, 2019, the District was served with a Summons and Adversary Complaint in United States Bankruptcy Court for the Middle District of Florida relating to an ongoing Chapter 7 bankruptcy proceeding. The Plaintiff in this case has alleged in the Complaint that the Southwest Florida Water Management District is a participant in a large-scale racketeering conspiracy designed to conceal an underground "fountain of youth." The Plaintiff has argued similar allegations in other civil complaints filed in various state and federal judicial tribunals. The matter has been

referred to the District's outside counsel, and on April 4, 2019, the District's Motion to Dismiss the Adversary Complaint was filed. To date, the Court has not entered a ruling on the District's Motion to Dismiss.

STYLE: Cow Hammock LLC v. Suggs, et al.

COURT/CASE NO.: Fifth Judicial Circuit/Sumter County; Case No. 19-CA-000142

ATTORNEY: C. Tumminia

ACTION: Action to Quiet Title

DESCRIPTION: On April 22, 2019, the District was served with a Summons and Complaint seeking to quiet title on property located in Sumter County, Florida ("Property"). The Plaintiff purchased a tax deed and obtained title to the Property on September 13, 2018. The District is named as a Defendant in this case because the Property was previously the subject of an enforcement action initiated by the District against the prior Property owner. On July 9, 2009, the District obtained a judgment in circuit court against the prior Property owner and subsequently recorded a Notice of Sheriff's Levy over the Property in an attempt to collect on the judgment. The District and the prior Property owner entered into a settlement agreement in February 2015, but the recorded Notice of Sheriff's Levy remains a cloud on the Plaintiff's title. A response to the Complaint must be filed by May 13, 2019.

APPEALS

0 Cases as of May 1, 2019

DELEGATED CONSENT ORDERS

0 Cases as of May 1, 2019

GENERAL COUNSEL'S REPORT

May 21, 2019

Routine Report

May 2019 Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

RULEMAKING UPDATE
MAY 2019
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. July 2019	June 2017
3 .Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C. to Adopt Minimum and Guidance Levels for Brant Lake in Hillsborough County	September 2018	Effective as of April 28, 2019	September 2018
4. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Pierce Lake in Pasco County	November 2018	Effective Approx. May 17, 2019	November 2018

Attachment: 5-2019 General Counsel - Rulemaking Update (for May 2019 GB-Meeting) (4366 : May 2019 Rulemaking Update)

COMMITTEE/LIAISON REPORTS

May 21, 2019

Discussion Item

Public Supply Advisory Committee

Staff Recommendation:

Presenter: H. Paul Senft, Board Member

COMMITTEE/LIAISON REPORTS

May 21, 2019

Discussion Item

Industrial Advisory Committee

Staff Recommendation:

Presenter: Rebecca Smith, Board Member

COMMITTEE/LIAISON REPORTS

May 21, 2019

Discussion Item

Other Committee/Liaison Reports

Staff Recommendation:

Presenter: Board Members

EXECUTIVE DIRECTOR'S REPORT

May 21, 2019

Discussion Item

Executive Director's Report

Staff Recommendation:

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

CHAIR'S REPORT

May 21, 2019

Discussion Item

Chair's Report

Staff Recommendation:

Presenter: Bryan Beswick, Chair

CHAIR'S REPORT

May 21, 2019

Discussion Item

Other

Staff Recommendation:

Presenter: Bryan Beswick, Chair

CHAIR'S REPORT

May 21, 2019

Routine Report

Employee Milestones

Staff Recommendation:

Presenter: Bryan Beswick, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Bureau	Office Location	Supervisor	Sup Mailstop
5	05/19/2014	Jerry Harding	Staff Hydrologist	Water Use Permit	Tampa	Breton, April D.	TPA-1-WUP
10	05/11/2009	Crystal Buck	Accountant 1	Finance	Brooksville	McClung, Julie P.	BKV-4-FIN
15	05/17/2004	Jennette Seachrist	Resource Management Director	Office of Executive	Tampa	Rice, Amanda E.	BKV-4-EXE
20	05/24/1999	Ann Kenny	Accounting Lead	Finance	Brooksville	McClung, Julie P.	BKV-4-FIN
20	05/24/1999	Janie Hagberg	Chief Professional Engineer	Natural Systems & Restoration	Tampa	VanGelder, William A.	TPA-2-NSR
25	05/02/1994	Mark Pike	Regulatory Field Technician V	Regulatory Support	Brooksville	Ammendola, Deborah	BKV-4-RSB
25	05/23/1994	Edouard Kouadio	WUP Compliance Lead	Water Use Permit	Tampa	Thompson, Robert W.	TPA-1-WUP
30	05/09/1989	George Gleaton	Welder Technician	General Services	Brooksville	Fitzgerald, Sean M.	BKV-34-GSB
30	05/22/1989	Robin McGill	Senior Professional Engineer	Environmental Resource Permit	Tampa	Wood III, Charles L.	TPA-1-ERP