

Governing Board Meeting

Agenda and Meeting Information

January 22, 2019

10:00 AM

Sarasota Office

6750 Fruitville Road • Sarasota, Florida
(941) 377-3722

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



An Equal
Opportunity
Employer

Southwest Florida Water Management District

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

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs 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

JANUARY 22, 2019

10:00 AM

Sarasota Office

☞ 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

10:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)

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

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

6. City of Avon Park - Lake Verona BMP Project - Scope Change (N930)

Finance/Outreach & Planning Committee

7. Budget Transfer Report

Operations, Lands and Resource Monitoring Committee

8. Approval of Resolution Requesting Disbursement of Funds from the Land Acquisition Trust Fund for Land Management

Regulation Committee

9. Approval Coordination Agreement Between the U. S. Army Corps of Engineers Jacksonville District and the Southwest Florida Water Management District - State Programmatic General Permit
10. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20004600.009 - Sweetwater Preserve, LLC/Sweetwater Preserve, LLC (Hardee County)
 - b. WUP No. 20007724.010 - Blossom Grove / FLM, Inc. (Manatee County)
 - c. WUP No. 20009486.007 - South Pasture Grove / South Ft. Meade Land Management, Inc. (Hardee County)

General Counsel's Report

11. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Consent Order – Unauthorized Construction – New Pleasant Grove Baptist Church, Inc. – CT No. 387385 – Pinellas County
 - b. Initiation of Litigation – Failure to Submit Meter Readings – B&G Family Partnership, LLLP – WUP No. 20006586.007 – CT No. 379578 – Levy County, Florida
 - c. Initiation of Litigation - Operating a System Without a Permit-Etcetera, Etc. Inc. - DeSoto County
12. Rulemaking-None

Executive Director's Report

13. Approve Governing Board Minutes - December 11, 2018

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

14. Consent Item(s) Moved for Discussion
15. Peace River Manasota Regional Water Supply Update
16. City of Haines City – Reclaimed Water Ground Storage Tank and Pumping Stations – Preliminary Design and Third-Party Review (N898)

Submit & File Reports

17. Proposed Minimum Flow for the Chassahowitzka and Homosassa Rivers Prior to Independent Scientific Peer Review Update
18. Five-Year Water Resource Development Work Program

Routine Reports

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

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

21. Consent Item(s) Moved for Discussion

- 22. Investment Strategy Quarterly Update
- 23. Status of the 2019 Consolidated Annual Report
- 24. Governing Board Policy Deletions
- 25. FY2018-19 Inspector General Audit Plan

Submit & File Reports

- 26. Inspector General Quarterly Update - October 1, 2018 to December 31, 2018

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 AMR 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

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

- 43. January 2019 Litigation Report
- 44. January 2019 Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

- 45. Environmental Advisory Committee
- 46. Other Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 47. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 48. Chair's Report
- 49. Other
- 50. Employee Milestones

*** **RECESS PUBLIC HEARING** ***

ADJOURNMENT<http://www.swfwmd.state.fl.us/calendar>

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
Updated 12/13/18

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 (10:00 a.m., Sarasota Office)
February 26, 2019 (9:00 a.m., Tampa 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 29; March 27; August 28

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

2019 – February 6 - Northern Region, Brooksville Office

2019 – February 7 – Heartland Region, Bartow City Hall

2019 – February 13 – Southern Region, Sarasota Office

2019 – February 14 – Tampa Bay Region, Tampa Office

2019 – April 3 – Southern Region, Sarasota Office

2019 – April 4 – Heartland Region, Bartow City Hall

2019 – April 10 – Northern Region, Brooksville 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

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective November 2018

OFFICERS	
Chair	Jeffrey M. Adams
Vice Chair	Ed Armstrong
Secretary	Bryan K. Beswick
Treasurer	Michelle Williamson

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
Randall S. Maggard, Chair
James G. Murphy, Vice Chair
Kelly S. Rice
Mark Taylor

RESOURCE MANAGEMENT COMMITTEE
Kelly S. Rice, Chair
John Henslick, Vice Chair
Bryan K. Beswick
Scott Wiggins

REGULATION COMMITTEE
Mark Taylor, Chair
John Henslick, Vice Chair
H. Paul Senft
Rebecca Smith

FINANCE/OUTREACH AND PLANNING COMMITTEE
Michelle Williamson, Chair
Ed Armstrong, Vice Chair
Joel Schleicher
Scott Wiggins

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

STANDING COMMITTEE LIAISONS	
Agricultural Advisory Committee	Bryan K. Beswick
Environmental Advisory Committee	Michelle Williamson
Green Industry Advisory Committee	Mark Taylor
Industrial Advisory Committee	Rebecca Smith
Public Supply Advisory Committee	H. Paul Senft
Well Drillers Advisory Committee	James G. Murphy

OTHER LIAISONS	
Central Florida Water Initiative	H. Paul Senft/Jeffrey M. Adams (alt)
Springs Coast Steering Committee	Kelly S. Rice
Charlotte Harbor National Estuary Program Policy Board	John Henslick
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Jeffrey M. Adams
Tampa Bay Regional Planning Council	Vacant



Executive Summary

GOVERNING BOARD MEETING

JANUARY 22, 2019
10:00 a.m.

CONVENE PUBLIC HEARING & MEETING (TAB A)

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Employee Recognition
4. Additions/Deletions to Agenda
5. Public Input for Issues Not Listed on the Published Agenda

CONSENT AGENDA (TAB B)

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

Resource Management Committee

6. **City of Avon Park - Lake Verona BMP Project - Scope Change (N930)**

The Board approved the Avon Park project during the fiscal year (FY) 2018 and 2019 cooperative funding budget cycles. The total estimated project cost for Lake Verona is \$422,455, with the District contributing seventy-five percent (\$316,841) and the City, a REDI Community, contributing twenty-five percent (\$105,614). The Lake Verona BMP project, as approved by the Board, includes design, permitting and construction of stormwater Best Management Practices (BMPs) to treat a contributing drainage area of approximately 31 acres, with pollutant reductions of 3,405 lbs/yr of total suspended solids (TSS) and 113 lbs/yr total nitrogen (TN). Low Impact Development (LID) BMPs will be implemented for the area along Main Street and Church Street improving water quality discharging to Lake Verona, a Lake Wales Ridge Lake and Heartland Region Priority in Highlands County.

The City requested a revision to the resource and measurable benefits included in the scope of work. During design it was determined that the drainage basin area that could be captured and treated was less than originally estimated. Therefore, the City has requested to decrease the drainage basin size from 31 acres to 19.9 acres. In addition, revisions to the proposed stormwater pond have increased the TSS removal from 3,405 lbs/yr to 3,632 lbs/yr and decreased the TN removal from 113 lbs/yr to 69 lbs/yr. Finally, the revised 90% engineers estimate of probable cost is \$41,903 less than the initial estimate so that the total project cost reduced from \$422,455 to \$380,552. The approved and revised resource and measureable benefits are included in the table below.

Description	Approved	Revised
Treatment Area (acres)	31	19.9
Total Suspended Solids (TSS) lbs./yr.	3,405	3,632
Total Nitrogen (TN) lbs./yr.	113	69
Total Project Cost	\$422,455	\$380,552

The project objective and cost effectiveness ranking for TSS has not changed, however the cost effectiveness for TN is higher than the historical average. The project cost reduction to \$380,552 results in the District providing \$285,414 (seventy-five percent) and the City providing the remainder, \$95,138 (twenty-five percent). The project, as originally approved by the Board, had an overall ranking of High. The requested change from the City will not change the overall ranking.

Staff recommends the Board:

- 1) Approve the scope revision to decrease the drainage area treated from 31 acres to 19.9 acres, which is the measurable benefit in the cooperative agreement.
- 2) Approve the scope revision to increase the TSS removal from 3,405 lbs/yr to 3,632 lbs/yr and reduce TN from 113 lbs/yr to 69 lbs/yr, which are the resource benefits in the cooperative agreement.
- 3) Approve a project cost reduction from \$422,455 to \$380,552, with the District providing seventy-five percent (\$285,414).

Finance/Outreach & Planning Committee

7. 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.

Exhibit will be provided separately.

Staff recommends the Board approve the Budget Transfer Report covering all budget transfers for December 2018.

Operations, Lands and Resource Monitoring Committee

8. Approval of Resolution Requesting Disbursement of Funds from the Land Acquisition Trust Fund for Land Management

During the 2018 legislative session, the Florida Legislature appropriated \$10,237,210 to the Land Acquisition Trust Fund for the water management districts to use for land management purposes. The Southwest Florida Water Management District's share is \$2,250,000.

In order to receive the appropriated funds, the Governing Board must adopt a resolution requesting payment of District expenditures from the Land Acquisition Trust Fund. Accordingly, a resolution has been prepared requesting the Florida Department of Environmental Protection release the appropriated funds. The exhibit to this item includes Resolution Number 19-01.

Staff Recommends the Board Approve Resolution 19-01, Requesting Disbursement of Funds from the Land Acquisition Trust Fund for Land Management.

Regulation Committee**9. Approval Coordination Agreement Between the U. S. Army Corps of Engineers Jacksonville District and the Southwest Florida Water Management District - State Programmatic General Permit**

In July 2011, the U.S. Army Corps of Engineers (Corps) Jacksonville District issued a permit instrument, SPGP IV-R1, which authorized the Florida Department of Environmental Protection (FDEP) or a designee (such as a water management district or local government with delegated authority), to administer Section 404 of the Clean Water Act (33 U.S.C. § 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) on behalf of the Corps. The purpose of the delegation was to reduce duplication of permitting efforts for certain low risk activities. In July 2015, the District executed its first coordination agreement with the Corps to implement administration of this program. Since that time, an additional coordination agreement was executed in 2016 when the Corps' permit instrument was updated with State Programmatic General Permit (SPGP) V.

On December 31, 2018, the Corps updated the permit instrument with SPGP V-R1 to incorporate revisions to the process and activities that would be covered under the SPGP program. The attached SPGP V-R1 coordination agreement between the Corps and the District reflects the changes included in the permit instrument and will allow the District to continue authorizing qualifying permits. The significant changes addressed in the coordination agreement are the addition of the requirement for applicants to complete and submit the Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion, simplification of the process to determine whether the District can provide SPGP authorization, expansion of the geographic exclusion zone from 100' to 300' from the design edge of a channel or shoreline, and elimination of maintenance dredging as one of the activities that can be authorized under an SPGP.

The categories of work authorized under this SPGP V-R1 are minor activities that are currently authorized by existing Corps' Nationwide and Regional General Permits. The SPGP V-R1 authorization eliminates the need for separate approval from the Corps for minor work located in waters of the United States, including navigable waters.

The SPGP V-R1 delegates authority for five specific types of projects: (1) shoreline stabilization; (2) boat ramps; (3) docks, piers, associated facilities, and other minor piling-supported structures; (4) derelict vessel removal; and (5) scientific sampling, measurement, and monitoring devices.

Please see Exhibits A and B for this item.

Staff recommends the Board approve the Coordination Agreement between the U.S. Army Corps of Engineers Jacksonville District and the District for the recently updated Corps' State Programmatic General Permit (SPGP V-R1).

10. Individual Water Use Permits Referred to the Governing Board**a. WUP No. 20004600.009 - Sweetwater Preserve, LLC/Sweetwater Preserve, LLC (Hardee County)**

This is a renewal with modification of an existing water use permit for agricultural use. The authorized quantities have increased from those previously permitted. The annual average increased from 1,163,360 gallons per day (gpd) to 1,942,800 gpd, the drought annual average increased from 1,191,754 gpd to 2,020,000 gpd, the peak month increased from 6,190,200 gpd to 11,333,000 gpd, and the crop protection increased from 43,342,400 gpd to 46,654,100 gpd. The increase in quantities is the result of adding 60 acres of citrus and increasing the row crop acreage from 195.3 acres to 853.6 acres.

Quantities are based on information provided by the applicant and the District's water use calculation program, AGMOD. The permit incorporates a combination of groundwater and FARMS funded surface water sources resulting in 360,800 gpd of groundwater offsets on stand-by. This project is located within the Southern Water Use Caution Area.

Special conditions include those that require the Permittee to record and report monthly meter readings, report quantities pumped during frost/freeze events, investigate well complaints during crop establishment and frost/freeze events, modify the permit to activate standby quantities, modify the permit to reflect incorporation of any new alternative sources of water, cap all wells not in use, periodically have all meters calibrated, maintain water conservation and best management practices, maintain system leak detection and repair program and compliance, and monitor and report water levels.

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

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

b. **WUP No. 20007724.010 - Blossom Grove / FLM, Inc. (Manatee County)**

This is a modification of an existing water use permit for agricultural use. The authorized Annual Average quantity is increased from 835,000 gallons per day (gpd) to 927,100 gpd; the Drought Annual Average is increased from 1,047,400 gpd to 1,094,300 gpd; the Peak Month is decreased from 6,137,200 gpd to 5,206,200 gpd; and Crop Protection is increased from 5,330,000 gpd to 7,430,400 gpd. The changes in permitted water use quantities are the result of a change in crop plan to reduce the irrigated acres of citrus from 1,016 acres to 800 acres and the addition of 30.1 acres of new container nursery. The water use quantities are based on the District's irrigation allotment calculation program, AGMOD. This modification relocates an Annual Average quantity of 92,100 gpd of groundwater from WUP No. 20007723 and adds a new surface water re-pump station (District ID No. 18) constructed under a FARMS project to develop additional alternative water supply (AWS) sources at the site and reduce groundwater withdrawals from the Upper Floridan aquifer. With the addition of the new surface water withdrawal, an additional 72,500 gpd of groundwater will be offset bringing the total groundwater offset at the site to 572,500 gpd in the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA). The proposed groundwater quantities are also offset by the utilization of 50,000 gpd of reclaimed water on an annual average daily basis.

Special conditions include those that require the Permittee to: continue to record and report monthly meter readings from all withdrawal points; adhere to specific well construction stipulations for the proposed well; install flow meter on the proposed groundwater withdrawal when it is constructed; install flow meters on the existing surface water withdrawals and the proposed surface water withdrawal; submit annual crop reports; notify the District of loss of any AWS sources and modify the permit to reflect incorporation of any new AWS sources; implement water conservation and best management practices; and be subject 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.

c. **WUP No. 20009486.007 - South Pasture Grove / South Ft. Meade Land Management, Inc. (Hardee County)**

This is a modification of an existing water use permit for agricultural use. The authorized quantities are changed from those previously permitted. The annual average increased from 494,700 gallons per day (gpd) to 935,000 gpd, drought annual average increased

from 723,000 gpd to 985,600 gpd, peak month decreased from 3,915,300 gpd to 2,627,100 gpd, and crop protection decreased from 12,528,000 gpd to 3,006,600 gpd. The modification includes a change from 615.90 acres of citrus to 136.9 acres of citrus and 398.52 acres of squash. Irrigation quantities are based on information provided by the applicant and the District's irrigation allotment model, Agmod. This water use permit is located in the Southern Water Use Caution Area. Reclaimed water is not available at this location.

Special Conditions include those that require the Permittee to record and report monthly meter readings, calibrate the meters every five years, submit annual crop reports, modify the permit to reflect incorporation of any new alternative sources of water, and implement water conservation and best management practices.

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

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

a. Consent Order – Unauthorized Construction – New Pleasant Grove Baptist Church, Inc. – CT No. 387385 – Pinellas County

New Pleasant Grove Baptist Church, Inc., ("Owner") is the owner of real property located at 3455 21st Avenue South, St. Petersburg, Pinellas County, Florida ("Property").

On February 24, 2016, ERP Application No. 725181 ("Application") was submitted to the District for the approval of a surface water management system to serve the Property. The Owner received a Clarification of Received Information letter ("CLAR") on June 16, 2016, and subsequently received two time extensions by which to respond to the CLAR.

The Application was denied on February 22, 2017, for lack of completeness, because the District never received a response to the CLAR.

While the Application was still under District review, District staff observed that a 9,630 square foot building had been constructed on the Property. Following the Application's denial, the District issued two Notices of Unauthorized Activities to the Owner, and made attempts to contact the Owner, before referring the file to the Office of General Counsel ("OGC"). OGC staff issued a Notice of Violation and Proposed Consent Order to the Owner on November 9, 2018.

In its final form, the Consent Order includes \$4,317.00 in penalties for construction without a permit and \$2,000.00 in enforcement costs for a total payment of \$6,317.00. The Consent Order also contains deadlines by which the Owner must apply for an ERP, obtain the District's approval for an ERP, and complete construction of the stormwater management system approved therein.

The Consent Order was signed by the Owner and submitted to the District on December 6th, 2018.

Staff recommends the Board approve the proposed Consent Order and authorize the initiation of litigation against New Pleasant Grove Baptist Church, Inc., and any other necessary parties to obtain compliance, recover administrative fines and civil penalties for any violations, and to recover District enforcement costs, court costs, and attorneys' fees, if necessary.

b. **Initiation of Litigation – Failure to Submit Meter Readings – B&G Family Partnership, LLLP – WUP No. 20006586.007 – CT No. 379578 – Levy County, Florida**

This enforcement matter involves the initiation of litigation relating to conditions in WUP No. 20006586.007. Specifically, District staff seek approval to initiate litigation to address the failure to submit monthly meter readings and routine meter calibrations as required on the Permit for approximately the last three (3) years.

On May 23, 2011, the District issued Water Use Permit (“WUP”) No. 20006586.006 (”.006 Permit) to Corrie Bell authorizing groundwater withdrawals in the amount of 653,800 gallons per day (“gpd”) on an annual average basis. The .006 Permit was issued for agricultural irrigation of melons (300 acres), peanuts (300 acres), and livestock located in Levy County, Florida. On May 19, 2015 the District approved a transfer of WUP No. 20006586.007 (“Permit”) to the new permittee, B&G Family Partnership, LLLP (“Permittee”).

Since July 2015, the Permittee has not provided proper meter readings to the District and meter calibrations have not been done. On July 29, 2015, and March 24, 2016, the Permittee was notified that it had failed to submit required reporting data pursuant to Special Conditions 6 and 7 of the Permit. On June 21, 2016 Permittee provided some meter readings for the date of May 11th, 2016, but the corresponding meter numbers were not provided and some data was reported missing. No other data has been provided as of the date of this report.

On November 20, 2018 the Office of General Counsel mailed a Notice of Violation and proposed Consent Order to the Permittee. On November 30, 2018 the Permittee’s representative, Arlene Bell, contacted counsel for the District and informed counsel that readings were not available for all the required months. Permittee reported that it would submit whatever readings were available, but no documents were submitted thereafter. Pursuant to Special Condition No. 6 of the Permit, all withdrawals from District ID numbers 6 and 7 are required to be metered and recorded on a monthly basis. Special Condition No. 6 of the Permit also requires flow meters to be tested and calibrated once every five (5) years. Flow meter readings and accuracy reports from District ID numbers 6 and 7 have not been submitted from May 2015 to present.

Special Condition No. 7 of the Permit requires all withdrawals from District ID numbers 8, 9, 10, and 11 to be metered and recorded on a monthly basis as long as the withdrawals points are in use. Meter accuracy reports are also required to be submitted once every five (5) years for District ID numbers 8, 9, 10, and 11. Flow meter readings and accuracy reports from District ID numbers 8, 9, 10, and 11 have not been submitted from May 2015 to present.

The Permittee has been given many opportunities and sufficient information to obtain and accurately report the data as required under the Permit. Despite many attempts by staff to encourage compliance without pursuit of litigation, the Permittee remains delinquent and has not responded to District requests for information. As a result, District staff seek authorization to initiate litigation against the Permittee in order to achieve compliance. If approved, an Administrative Complaint and Order will be issued to address these violations.

Staff Recommends the Board authorize the initiation of litigation against B&G Family Partnership, LLLP, and any other necessary parties, to obtain compliance, recover an

administrative fine/civil penalty, and to recover District enforcement costs, litigation costs, and attorneys' fees.

c. **Initiation of Litigation - Operating a System Without a Permit-Etcetera, Etc. Inc. - DeSoto County**

On May 17, 1989, the District issued General Management of Surface Water (MSW) Permit No. 404221.01 (Permit) to Pembroke Land Development, Inc. (Pembroke) for the construction of a surface water management system to serve an 84.970- acre residential project in DeSoto County, Florida (Project). The Project consisted of a single surface water management system that collected stormwater runoff from the residential portion of the Project and conveyed it into lakes and created wetlands on golf course tracts, with each lake interconnected by an equalizer pipe. At the time of permit issuance, Pembroke owned a total of 94.331 acres.

On October 8, 1992, the District transferred the Permit to Pembroke for operation and maintenance. By Certificate of Sale, Etcetera acquired the property on October 21, 2009. Since then, Etcetera has operated the surface water management system without a permit.

On August 26, 2015, the District received a complaint from DeSoto County that two inlet pipes, which were part of the surface water management system, were subsiding. On September 10, 2015, District staff conducted a site inspection and observed several permit violations, including the following:

1. Non-functioning drainage inlets and pipes adjacent to 12734 Pembroke Circle, 12755
2. Pembroke Circle, 12807 Pembroke Circle, 13029 Pembroke Circle, and 12912 Pembroke Circle;
3. A non-functioning junction box between Lake L and Lake N;
4. A missing outfall weir between Wetland H and Wetland C; and
5. The operation of a surface water management system without a permit.

On September 25, 2015, the District sent a Notice of Permit Condition Violations to Etcetera notifying Etcetera of the above referenced violations, that it was operating a surface water management system without a permit, and that recertification for the surface water management system was overdue.

On November 30, 2015, the District sent a Final Notice of Permit Condition Violation to Etcetera again notifying them of the problems identified in the September 25, 2015 letter. By email dated December 7, 2015, Etcetera requested an extension of time to respond to the violations and the District granted Etcetera an extension until January 29, 2016.

In response to the District's letter, a meeting was held on July 15, 2016 between District staff and Etcetera during which Etcetera's consultants requested an extension of time until October 5, 2016 to investigate the nature of the violations and submit a corrective action plan. On March 24, 2017, the District received a list of corrective action items and the cost to implement a correction action plan. Yet, despite numerous emails between counsel for Etcetera and the District requesting the status of the corrective plan, no corrective plan was ever received by the District.

On January 4, 2018, the District sent Etcetera a Notice of Violation and proposed Consent Order. To date, Etcetera has not executed the Consent Order. Accordingly, District staff is seeking authorization to initiate litigation against Etcetera in order to achieve compliance

by requiring Etcetera to obtain an ERP and correct any outstanding violations of District rules and state statutes.

Staff Recommends the Board authorize the initiation of litigation against Etcetera, Etc. Inc. and any other appropriate parties, to recover an administrative fine/civil penalty, and to recover District enforcement costs and attorney's fees.

12. Rulemaking – None

Executive Director's Report

13. Approve Governing Board Meeting Minutes – December 11, 2018

Staff recommends the Board approve the minutes as presented.

RESOURCE MANAGEMENT COMMITTEE (TAB C)
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Discussion

14. Consent Item(s) Moved for Discussion

15. Peace River Manasota Regional Water Supply Update

Alan Maio, Peace River Manasota Regional Water Supply Authority Chair and Sarasota County Commissioner will update the Board regarding the status of the Authority's water supplies, regional pipeline interconnection projects and vision for the future. The Authority has constructed over \$300,000,000 in new infrastructure over the past decade through partnership with the District working to create a reliable, environmentally sustainable and affordable water supply for the four-county region of Charlotte, DeSoto, Manatee and Sarasota counties that comprise the Authority. The Authority's last update was provided at the February 2018 Board meeting.

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

16. City of Haines City – Reclaimed Water Ground Storage Tank and Pumping Stations – Preliminary Design and Third-Party Review (N898)

The City of Haines City (City) entered into a cooperative funding agreement with the District, effective October 1, 2017, for the conceptual sizing, preliminary design, and 30 percent design of an expansion to the City's reclaimed water storage and pumping infrastructure to be followed by a Third-Party Review (TPR). The agreement requires Governing Board approval to proceed beyond the TPR. In the FY2019 Cooperative Funding Initiative (CFI) cycle, the Governing Board approved the project at a total project cost estimate of \$6,160,000, pending completion of the TPR and additional Governing Board approval. The TPR is now complete, and the City is requesting approval to continue with final design and construction of the project.

If approved by the Governing Board and constructed, the project will include a transfer pump station, a reclaimed water storage tank, a high-service pump station, a booster station, telemetry controls and other necessary appurtenances. The project benefits include improvement of reclaimed water quality and availability to supply existing reuse customers, and to enable future expansions of the City's reuse system.

The City is a Rural Economic Development Initiative (REDI) Community and funding was approved by the Governing Board at a 75 percent District/25 percent City cost share basis. Pending the TPR and Governing Board approval, the project FY2019 CFI funding table is shown below:

Funding Source	Prior	FY2019	Future	Total
Haines City (REDI)	\$75,000	\$375,000	\$1,090,000	\$1,540,000
District	\$225,000	\$1,125,000	\$3,270,000	\$4,620,000
Total	\$300,000	\$1,500,000	\$4,360,000	\$6,160,000

The project has proceeded on schedule and with excellent communication between all team members.

The City contracted with Reiss Engineering, Inc. (Reiss) to complete the preliminary design and 30 percent design. The District then selected HDR Engineering, Inc. (HDR), to complete the TPR. The draft TPR was completed by HDR on August 26, 2018. The City and Reiss were given an opportunity to address comments in the draft TPR, and those comments were included in the final TPR report provided by HDR, dated September 14, 2019.

The TPR determined that the cost estimate for the project should be \$8,043,253, which is a 31 percent increase above the original estimate of \$6,160,000. The TPR report also noted that the proposed reclaimed water facilities were sized based on projected customers that may not be in place within 20 years. This resulted in larger and more expensive facilities that likely would not be used for 20 years or more.

The City and their consultant reviewed the TPR and, based on that review, they downsized several project components while allowing for future expansion should the demand for reclaimed water increase. The City and their consultant were in general agreement with the TPR cost estimate except for what they considered was a duplication of tax and general contractor fees. Subsequently, the City and their consultant prepared a revised project total cost estimate of \$6,800,000 which is a \$640,000 (10 percent) increase over the FY2019 cost estimate.

The City has proposed to pay for the \$640,000 additional project cost and is not requesting additional District funding. The City is also committed to the project and plan to have Reiss continue value engineering (VE) efforts during final design to keep the construction costs at or below the estimate. The City will be funding their portion of the construction of this project through a low-interest State Revolving Fund Loan.

The project was re-evaluated at the current City cost estimate, and the overall project is ranked as medium and recommended for funding. The project evaluation is included as an Exhibit.

Staff recommends the Board:

1. Authorize continuation of the Reclaimed Water Tank and Pump Stations project to final design, permitting, and construction.
2. Authorize staff to amend the cooperative funding agreement with the City to include final design, permitting, and construction with a total project budget of \$6,800,000 with the District funding \$4,620,000 and the City funding \$2,180,000.

Submit & File Reports

17. Proposed Minimum Flow for the Chassahowitzka and Homosassa Rivers Prior to Independent Scientific Peer Review Update
18. Five-Year Water Resource Development Work Program

Routine Reports

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

19. Minimum Flows and Levels Status Report**20. Significant Water Resource and Development Projects****FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)****Discussion****21. Consent Item(s) Moved for Discussion****22. Investment Strategy Quarterly Update**

The District's Investments Policy requires quarterly investment reports that shall include the following:

1. A listing of individual securities by class and type held at the end of the reporting period.
2. Percentage of available funds represented by each investment type.
3. Coupon, discount, or earning rate.
4. Average life or duration and final maturity of all investments.
5. Par value and market value.
6. In addition to the standard gross-of-fee-performance reporting that is presented, net-of-fee performance will be provided by the Investment Manager.
7. A summary of District's investment strategy.
8. The year-end quarterly report ended September 30th will show performance on both a book value and total rate of return basis and will compare the results to the portfolio's performance benchmarks. All investments shall be reported at fair value per GASB standards. Investment reports shall be available to the public.

Exhibit will be provided separately.

Staff recommends the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended December 31, 2018.

23. Status of the 2019 Consolidated Annual Report

Section 373.036, Florida Statutes (F.S.) requires the water management districts to prepare a "Consolidated Water Management District Annual Report." The agency formerly produced these components individually and submitted them to the Governing Board for approval at various times of the year. The Consolidated Annual Report aims to streamline these required reporting documents so that they now come forward in one package.

The 10 chapters that make up the report are substantially complete and are provided under separate cover. Staff will finalize all required document components in February. The finished report will be a part of the Board packet for the February meeting. The report includes the following components:

- *The Water Management District Performance Measures Annual Report*
- *The Minimum Flows and Levels Annual Priority List and Schedule*
- *The Minimum Flows and Levels/Water Quality Grade for Projects Report*
- *The Annual Five-Year Capital Improvements Plan*
- *The Alternative Water Supplies Report*
- *The Five-Year Water Resource Development Work Program*
- *The Polk Regional Water Cooperative Status Report*
- *The Florida Forever Work Plan*

- *The Mitigation Donation Annual Report*
- *The Strategic Plan 2019-2023 (updated February 2019), and the Annual Work Plan Report*

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

Report Highlights:

- *The Water Management District Performance Annual Report* states an estimated 473 mgd of water has been made available to date by completed, District-funded projects. In addition, there has been a steady increase in the quantity of wastewater reused, from 104 mgd in 1995 to 228 in 2017.
- *The Minimum Flows and Levels Annual Priority List and Schedule* is draft until approval is received from DEP. As of FY2018, 210 MFLs, including 33 that have been reevaluated and revised and those for all five Outstanding Florida Springs and one water reservation, have been adopted.
- *The Polk Regional Water Cooperative Status Report* identifies a prioritized list of three cooperative and 11 local member government projects that are being submitted for FY2019-20 funding consideration by the Florida Legislature.
- *The Alternative Water Supplies Annual Report* states the District has funded 375 reclaimed water projects that are anticipated to make available more than 252 mgd of capacity.

The Strategic Plan Annual Work Plan notes the second, five-year assessment was completed in 2018 for the Southern Water Use Caution Area. Additionally, stormwater management construction projects were completed this year for lakes June-in-Winter and McCoy.

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

24. Governing Board Policy Deletions

The District's Knowledge Management initiative was launched in FY2016 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 FY2018 and 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.

The following Governing Board Policies have been identified by staff as obsolete. The District's Governing Board approved a resolution to merge the budgets of the eight Basin Boards into the Governing Board in May 2011, therefore, the three Basin Board policies listed below are no longer needed. The Plain Language Initiative, which was initiated by former Governor Charlie Crist in 2007, was written to ensure that all types of documents intended for the public are as easy to understand and use as possible. Since the District is committed to providing clear, concise and easy to understand communications to the public, this policy also is no longer needed.

- Board Policy 110-4 Basin Boards Functions and Duties
- Board Policy 170-7 Basin Board Education Committee
- Board Policy 170-8 Basin Board Land Resources Committee
- Board Policy 110-9 Plain Language Initiative

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 obsolete policies will be included in a consent item in the February 2019 Board packet and approval of the deletions will be requested at that time.

25. FY2018-19 Inspector General Audit Plan

In accordance with Governing Board Policies 140-1, 140-3, and Section 20.055(6)(i), Florida Statutes, the inspector general shall submit an audit plan to the District Governing Board that shows the individual audits and related resources to be devoted to the respective audits during the year. In addition, the audit plan shall also include a long-term projection. This plan is submitted to the Governing Board for approval and a copy of the approved plan will be submitted to the Auditor General.

The audit plan is the result of a District-wide risk assessment and reflects individual audits planned over the next 12 months and long-term. Findings from other audits and meetings with each Board member, District management, and District staff was also included as part of the risk assessment. The categorization of these audits into short-term and long-term is based on resources that will be allocated to auditing activities. The audit plan ensures that resources are available for additional functions of the inspector general such as special request, investigative, other accountability, and administrative activities.

Per Governing Board Policy 140-1 and 20.055(6), Florida Statutes, the Governing Board may at any time request the inspector general to perform an audit of a special program, function, or organizational unit.

Staff recommends the Board approve the FY2018-19 Inspector General Audit Plan.

Submit & File Reports

26. Inspector General Quarterly Update - October 1, 2018 to December 31, 2018

Routine Reports

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

- 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 & RESOURCE MONITORING COMMITTEE (TAB E)
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Discussion

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

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 Flow Meter AMR 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**

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

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

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

COMMITTEE/LIAISON REPORTS (TAB H)

- 45. Environmental Advisory Committee
- 46. Other Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 47. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 48. Chair's Report
- 49. Other
- 50. Employee Milestones

RECESS PUBLIC HEARING

ADJOURNMENT

Governing Board Meeting

January 22, 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 – Scott White, Senior Applications System Manager
- 20 years – Bob Dasta, Lead Engineer
- 30 years – Deborah Gillett, Senior GIS Analyst

4. **Additions/Deletions to Agenda**

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

ADDITIONS: The items that have been added to the agenda were received by the District after publication of the regular agenda. The Board was provided with the information filed and the District staff's analyses of these matters. Staff has determined that action must be taken on these items prior to the next Board meeting. Therefore, it is the District staff's recommendation that good cause has been demonstrated and should be considered during the Governing Board's meeting.

Staff Recommendation:

Approve the recommended additions and deletions to the published agenda if necessary.

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

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

At this time, the Board will hear public input for issues not listed on the published agenda.

Presenter: Jeffrey M. Adams, Chair

Governing Board Meeting January 22, 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

6. City of Avon Park – Lake Verona BMP Project – Scope Change (N930)..... 6

Finance/Outreach & Planning Committee

7. Budget Transfer Report 8

Operations, Lands and Resource Monitoring Committee

8. Approval of Resolution Requesting Disbursement of Funds from the Land Acquisition Trust fund for Land Management 10

Regulation Committee

9. Approval Coordination Agreement Between the U.S. Army Corps of Engineers Jacksonville District and the Southwest Florida Water Management District – State Promamatic General Permit..... 14
10. Individual Water Use Permits Referred to the Governing Board
- a. WUP No. 20004600.009 – Sweetwater Preserve, LLC/Sweetwater Preserve, LLC (Hardee County) 61
 - b. WUP No. 20007724.010 – Blossom Grove/FLM, Inc. (Manatee County) 77
 - c. WUP No. 20009486.007 – South Pasture Grove/South Ft. Meade Land Management, Inc. (Hardee County) 92

General Counsel's Report

11. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
- a. Consent Order – Unauthorized Construction – New Pleasant Grove Baptist Church, Inc. – CT No. 387385 – Pinellas County 104
 - b. Initiation of Litigation – Failure to Submit Meter Readings – B&G Family Partnership, LLLP – WUP No. 20006586.007 – CT No. 379579 – Levy County, Florida 112
 - c. Initiation of Litigation – Operating a System Without a Permit – Etcetera, Etc. Inc – DeSoto County 114
12. Rulemaking – None

Executive Director's Report

13. Approve Governing Board Meeting Minutes – December 11, 2018 116

RESOURCE MANAGEMENT COMMITTEE

January 22, 2019

Consent Agenda

City of Avon Park - Lake Verona BMP Project - Scope Change (N930)

Purpose

The purpose of this item is to request approval to revise the scope of work to the agreement with the City of Avon Park for the Lake Verona BMP (N930) project.

Background/History

The Board approved the Avon Park project during the fiscal year (FY) 2018 and 2019 cooperative funding budget cycles. The total estimated project cost for Lake Verona is \$422,455, with the District contributing seventy-five percent (\$316,841) and the City, a REDI Community, contributing twenty-five percent (\$105,614). The Lake Verona BMP project, as approved by the Board, includes design, permitting and construction of stormwater Best Management Practices (BMPs) to treat a contributing drainage area of approximately 31 acres, with pollutant reductions of 3,405 lbs/yr of total suspended solids (TSS) and 113 lbs/yr total nitrogen (TN). Low Impact Development (LID) BMPs will be implemented for the area along Main Street and Church Street improving water quality discharging to Lake Verona, a Lake Wales Ridge Lake and Heartland Region Priority in Highlands County.

The City requested a revision to the resource and measurable benefits included in the scope of work. During design it was determined that the drainage basin area that could be captured and treated was less than originally estimated. Therefore, the City has requested to decrease the drainage basin size from 31 acres to 19.9 acres. In addition, revisions to the proposed stormwater pond have increased the TSS removal from 3,405 lbs/yr to 3,632 lbs/yr and decreased the TN removal from 113 lbs/yr to 69 lbs/yr. Finally, the revised 90% engineers estimate of probable cost is \$41,903 less than the initial estimate so that the total project cost reduced from \$422,455 to \$380,552. The approved and revised resource and measureable benefits are included in the table below.

Description	Approved	Revised
Treatment Area (acres)	31	19.9
Total Suspended Solids (TSS) lbs./yr.	3,405	3,632
Total Nitrogen (TN) lbs./yr.	113	69
Total Project Cost	\$422,455	\$380,552

Benefits/Costs

The project objective and cost effectiveness ranking for TSS has not changed, however the cost effectiveness for TN is higher than the historical average. The project cost reduction to \$380,552 results in the District providing \$285,414 (seventy-five percent) and the City providing the remainder, \$95,138 (twenty-five percent). The project, as originally approved by the Board, had an overall ranking of High. The requested change from the City will not change the overall ranking.

Staff Recommendation:

- 1) Approve the scope revision to decrease the drainage area treated from 31 acres to 19.9 acres, which is the measurable benefit in the cooperative agreement.
- 2) Approve the scope revision to increase the TSS removal from 3,405 lbs/yr to 3,632 lbs/yr and reduce TN from 113 lbs/yr to 69 lbs/yr, which are the resource benefits in the cooperative agreement.
- 3) Approve a project cost reduction from \$422,455 to \$380,552, with the District providing seventy-five percent (\$285,414).

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

FINANCE/OUTREACH & PLANNING COMMITTEE

January 22, 2019

Consent Agenda

Budget Transfer Report

Purpose

Request approval of the Budget Transfer Report covering all budget transfers made during the month of December 2018.

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 December 2018.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
December 2018

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category	Reason For Transfer	Transfer Amount
<u>Executive Approved</u>				
1	Water Resources Grant - Financial Assistance	Communications and Board Services Temp Contracted Services	Transfer of funds originally budgeted for the Town of Belleair Hydrogeologic Investigation for a Brackish Groundwater Supply Cooperative Funding Initiative (CFI) project. The funds are no longer needed due to the withdrawal of the project by the cooperator. Funds are needed for a temporary worker at the Brooksville Office until an Administrative Coordinator returns from extended leave.	\$ 11,000.00
Total Executive Approved				\$ 11,000.00
<u>Finance Bureau Chief Approved</u>				
1	Water Resources Grant - Water Conservation	Water Resources Grant - Water Conservation	Funds are needed for the original purpose of the Haines City Reclaimed Water Minimum Flows and Levels Recharge & Advanced Treatment Feasibility CFI project for Lake Eva. The funds are being transferred from the Water Supply section to the Resource Evaluation section as they have the expertise in managing recharge and lake level projects.	\$ 112,500.00
Total Finance Bureau Chief Approved				\$ 112,500.00
Total Transfers for Governing Board Ratification				\$ 123,500.00

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director or designee or the Finance Bureau Chief consistent with 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

January 22, 2019

Consent Agenda

Approval of Resolution Requesting Disbursement of Funds from the Land Acquisition Trust Fund for Land Management

Purpose

Request the Governing Board approve Resolution 19-01, Requesting Disbursement of Funds from the Land Acquisition Trust Fund for Land Management.

Background

During the 2018 legislative session, the Florida Legislature appropriated \$10,237,210 to the Land Acquisition Trust Fund for the water management districts to use for land management purposes. The Southwest Florida Water Management District's share is \$2,250,000.

In order to receive the appropriated funds, the Governing Board must adopt a resolution requesting payment of District expenditures from the Land Acquisition Trust Fund. Accordingly, a resolution has been prepared requesting the Florida Department of Environmental Protection release the appropriated funds. The exhibit to this item includes Resolution Number 19-01.

Staff Recommendation:

Approve Resolution 19-01, Requesting Disbursement of Funds from the Land Acquisition Trust Fund for Land Management.

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 19-01**

**REQUEST TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FOR DISBURSEMENT OF FUNDS FROM THE LAND ACQUISITION TRUST FUND
FOR LAND MANAGEMENT**

WHEREAS, pursuant to Chapter 373, Florida Statutes (F.S.), the Governing Board of the Southwest Florida Water Management District (District) has the duty and responsibility to develop plans, projects and programs for regional water supply planning, water resource development, water supply development, land acquisition, surface water improvement and management, and water restoration initiatives within its boundaries; and

WHEREAS, through Specific Appropriation 1570 under the General Appropriations Act, Chapter 2018-9, Laws of Florida, for the annual period beginning July 1, 2018 and ending June 30, 2019 (Fiscal Year 2018-2019), the Legislature specifically appropriated to the District a total of two million two hundred fifty thousand dollars (\$2,250,000) from the Land Acquisition Trust Fund of the State of Florida for land management purposes; and

WHEREAS, in its Fiscal Year 2018-2019, the District has budgeted two million two hundred fifty thousand dollars (\$2,250,000) from the Land Acquisition Trust Fund to be used for land management purposes on District conservation lands; and

WHEREAS, Section 373.501(2), F.S., prescribes a process for disbursing funds appropriated by the Legislature to the water management districts upon receipt by the Secretary of the State of Florida's Department of Environmental Protection of a resolution adopted by the Governing Board requesting such funds.

NOW THEREFORE, BE IT RESOLVED, that the Governing Board of the Southwest Florida Water Management District hereby requests the Secretary of the Department of Environmental Protection to release from the Land Acquisition Trust Fund of the State of Florida the sum of two million two hundred fifty thousand dollars (\$2,250,000) for the activities described in the land management spending plan, attached hereto as Exhibit "A" and incorporated herein by this reference, pursuant to Section 373.501(2), F.S., and Specific Appropriation 1570 in the General Appropriations Act, Chapter 2018-9, Laws of Florida; and

BE IT FURTHER RESOLVED that a warrant be issued by the State of Florida's Chief Financial Officer in accordance with Section 17.52, F.S., to the Southwest Florida Water Management District for that amount available, or as may become available, from the Land Acquisition Trust Fund; and

BE IT FURTHER RESOLVED that these funds shall be subject to the requirements of Section 215.97, F.S., the Florida Single Audit Act. The Catalog of State Financial Assistance (CSFA) Number for these activities identified herein is CSFA 37.022 and the CSFA Title for these activities is "Water Management Districts – Land Acquisition and Improvement"; and

BE IT FURTHER RESOLVED that these funds shall be subject to the requirements of Section 216.347, F.S. (Grants and Lobbying Restriction); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Secretary of the Florida Department of Environmental Protection forthwith; and

BE IT FURTHER RESOLVED that the Chair of the Governing Board is hereby authorized to affix his signature to this resolution on behalf of the Board and attested by its Secretary.

PASSED AND ADOPTED in Sarasota, Sarasota County, Florida on this 22nd day of January, 2019.



SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: _____
Jeffrey M. Adams, Chair

Attest: _____
Bryan K. Beswick, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing document was acknowledged before me this 22nd day of January, 2019, by Jeffrey M. Adams and Bryan K. Beswick, Chair and Secretary, respectively, of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the corporation. They are personally known to me.

Notary Public

(Name of Notary typed, printed or stamped)

Commission No: _____

My commission expires: _____

Exhibit "A"

Land Management

The specific appropriation funding in the amount of two million two hundred fifty thousand dollars (\$2,250,000) will be used for expenditures in support of land management activities within the Southwest Florida Water Management District. These include, but are not limited to the following:

Operational Maintenance and Restoration Activities on District Conservation Lands

- Repair and maintenance of roads and bridges, including the purchase and hauling of aggregates.
- Roller chopping and hydro-axing as required for restoration, brush and fuel management purposes.
- Prescribed burning.
- Control of feral hogs.
- Security, law enforcement and maintenance services for public use facilities.
- Road, pasture and restoration mowing.
- Recreational mowing such as public parking areas, campgrounds and trails for public use facilities.
- Removal and construction of fencing.
- Replacement of culverts.
- Treatment of cogon grass, Old World climbing fern, Brazilian pepper, tropical soda apple and other invasive plant species.
- Rearing, release and monitoring of bio-control agents for Old World climbing fern.
- Contractual land management services.

REGULATION COMMITTEE

January 22, 2019

Consent Agenda

Approval Coordination Agreement Between the U. S. Army Corps of Engineers Jacksonville District and the Southwest Florida Water Management District - State Programmatic General Permit

Purpose:

The purpose of this agenda item is to request that the Board approve the Coordination Agreement between the U.S. Army Corps of Engineers (Corps) Jacksonville District and the District for administration of the recently updated Corps' State Programmatic General Permit (SPGP). The recently updated SPGP is identified as SPGP V-R1 because it is the first revision of the fifth iteration of the SPGP. A copy of the SPGP V-R1 Permit Instrument and Coordination Agreement are attached as Exhibits "A" and "B", respectively.

Background/History:

In July 2011, the Corps' Jacksonville District issued a permit instrument, SPGP IV-R1, which authorized the Florida Department of Environmental Protection (FDEP) or a designee (such as a water management district or local government with delegated authority), to administer Section 404 of the Clean Water Act (33 U.S.C. § 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) on behalf of the Corps. The purpose of the delegation was to reduce duplication of permitting efforts for certain low risk activities. In July 2015, the District executed its first coordination agreement with the Corps to implement administration of this program. Since that time, an additional coordination agreement was executed in 2016 when the Corps' permit instrument was updated with SPGP V.

On December 31, 2018, the Corps updated the permit instrument with SPGP V-R1 to incorporate revisions to the process and activities that would be covered under the SPGP program. The attached SPGP V-R1 coordination agreement between the Corps and the District reflects the changes included in the permit instrument and will allow the District to continue authorizing qualifying permits. The significant changes addressed in the coordination agreement are the addition of the requirement for applicants to complete and submit the Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion, simplification of the process to determine whether the District can provide SPGP authorization, expansion of the geographic exclusion zone from 100' to 300' from the design edge of a channel or shoreline, and elimination of maintenance dredging as one of the activities that can be authorized under an SPGP.

The categories of work authorized under this SPGP V-R1 are minor activities that are currently authorized by existing Corps' Nationwide and Regional General Permits. The SPGP V-R1 authorization eliminates the need for separate approval from the Corps for minor work located in waters of the United States, including navigable waters.

The SPGP V-R1 delegates authority for five specific types of projects: (1) shoreline stabilization; (2) boat ramps; (3) docks, piers, associated facilities, and other minor piling-supported structures; (4) derelict vessel removal; and (5) scientific sampling, measurement, and monitoring devices.

Item 9

Please see Exhibits A and B for this item.

Staff Recommendation:

Approve the Coordination Agreement between the U.S. Army Corps of Engineers Jacksonville District and the District for the recently updated Corps' State Programmatic General Permit (SPGP V-R1).

Presenters: Michelle Hopkins, P.E., Bureau Chief, Environmental Resource Permit Bureau
Adrienne Vining, Assistant General Counsel

EXHIBIT A



REPLY TO
ATTENTION OF

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

Regulatory Division

December 17, 2018

PUBLIC NOTICE

STATE PROGRAMMATIC GENERAL PERMIT (SPGP V-R1) STATE OF FLORIDA

UPDATED INSTRUMENT THAT FIXES ERRATA

The U.S. Army Corps of Engineers (Corps) hereby issues an updated SPGP V-R1 instrument that fixes errata in the instrument issued December 3, 2018. The effective date remains the same: December 31, 2018.

The Public Notice dated December 3, 2018, announced the modification of the Department of Army Permit titled *State Programmatic General Permit (SPGP V) State of Florida*. The modifications were incorporated into a revised *State Programmatic General Permit (SPGP V-R1) State of Florida*.

The updated SPGP V-R1 instrument is enclosed and will also be posted at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/> under the Permitting heading, General Permits sub-heading.

The errata are the following: In Work Authorized paragraph B.1.k., the reference to paragraph B.3.d changed to B.2.d (there is no B.3.d.); In Work Authorized paragraph B.2.c.(1), the words "impact hamper" changed to "impact hammer"; In Special Condition paragraph 6.c., inserted the missing subparagraph (4) requiring the 5 foot gap in living shoreline wave attenuation structures (paragraph 6.c is replica of Work Authorized paragraph C.2.e.); Added reference to Attachment 2 in Special Condition paragraph 11.c.; and Additions/deletions/corrections of punctuation and spaces.

Please send any questions on the above to Jacksonville District, Regulatory Division, PO Box 4970, Jacksonville, Florida 32232, Attn: Bob Barron; by phone number at 904-232-2203, or by email at robert.b.barron@usace.army.mil.

Shawn H. Zinszer

for Shawn H. Zinszer
Chief, Regulatory Division

Enclosures

Attachment: Jan19 Discussion - Approval Coordination ACOE Exhibit A - SPGPV R1 (4182 : Approval Coordination - USACOE & SWFWMD



REPLY TO
ATTENTION OF

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

(Update December 17, 2018)

DEPARTMENT OF THE ARMY PERMIT

STATE PROGRAMMATIC GENERAL PERMIT

(SPGP V-R1)

STATE OF FLORIDA

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

Effective Date of SPGP-V-R1: December 31, 2018.

Expiration Date: July 26, 2021.

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

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

NOTE: The term "Applicant", as used in this permit, means a person or authorized agent submitting an application for verification of a State of Florida Exemption or General Permit from the FDEP, a water management district (Designee), or a local government with delegated authority under section 373.441, F.S. (Designee).

After you receive written verification for your project under this State Programmatic General Permit (SPGP V-R1), you are authorized to perform work in accordance with the terms and conditions specified below.

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

DEPARTMENT OF THE ARMY PERMIT: SPGP V-R1
(Update December 17, 2018)

These agencies, and possibly additional agencies, will implement SPGP V-R1 upon execution of updated agreements.

Procedure:

1. Applications for proposed Projects of the type covered under SPGP V-R1 will submit their application to the appropriate FDEP or Designee office and not submit a separate application to the Corps.
2. Applicants will also fill in and concurrently submit the "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Summary Checklist" and one or more of the individual activity sheets, i.e., "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 1: Shoreline Stabilization", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 2: Pile Supported", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 5: Scientific Survey", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 6: Boat Ramps", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 7: Aquatic Habitat Enhancement, Establishment, and Restoration", and "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 9: Marine Debris Removal" (JAXBO Checklists). Through submission of the "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Summary Checklist" and one or more of the individual activity sheets, the applicant assures the Project complies with the qualifying criteria within the text of this SPGP V-R1 even though not specifically enumerated on the JAXBO Checklists. The relevant Project Design Criteria (PDCs) in the National Marine Fisheries Service's (NMFS) Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017 have been transcribed into the SPGP V-R1 instrument checklists.
3. The FDEP or Designee will review the application and the JAXBO Checklists to determine whether the Project is "Red" or "Green" as described by the following paragraphs.
 - a. Red. A Project that does not qualify as "Green", and therefore cannot be authorized under SPGP V-R1. The FDEP or Designee will notify the Applicant that the Project is not authorized under the SPGP V-R1. The Applicant must then apply directly to the Corps.
 - b. Green: A Project that qualifies as "Green" will be processed by the FDEP or Designee. Verification of the State Exemption or General Permit will

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include language confirming Federal Authorization under the SPGP V-R1. A Project qualifies as “Green” when all the following apply:

- (1) It is one of the activities described in the Work Authorized paragraph A below;
- (2) Is not a “Red” as described in the Work Authorized paragraphs B.1, C.1., D.1., E.1., F.1., and G.1. below;
- (3) Is a “Green” as described in the Work Authorized paragraphs B.2, C.2., D.2., E.2., F.2., and G.2. below;
- (4) The FDEP or Designee has reviewed and confirmed the proposed Project meets all the relevant PDCs in the JAXBO) dated November 20, 2017 (these have been transcribed into this SPGP V-R1) (Reference: JAXBO Section 2.3, page 236.);
- (5) JAXBO Checklists are complete and accurate; and
- (6) The FDEP or Designee submits the JAXBO Checklists to NMFS at the following address: nmfs.ser.statewideprogrammatic@noaa.gov, with a copy of the email furnished to spgp@usace.army.mil not later than the date the FDEP or Designee verifies authorization under SPGP V-R1 (Reference: JAXBO Section 2.3, page 237.).

4. Self-Certification. The FDEP may authorize certain single-family docks and boatlifts under this SPGP V-R1 through their online, electronic self-certification process, if all of the following requirements are implemented:

a. Limitations:

- (1) Construction of new single-family docks and boatlifts at a single-family residential lot, or repair or replacement of an existing single-family dock with no changes from the previous configuration, or modification of an existing single-family dock and/or adding a boatlift, with no more than 2 slips, new and/or existing, and a maximum cumulative size of 1,000 square feet, except in an Aquatic Preserve or Outstanding Florida Water where the maximum cumulative size is no more than 500 square feet.
- (2) A pile supported structure (i) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns and Flagler), must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S.

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Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 5).

(3) Pile-supported structures (other than those in paragraph (2) above), IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 5). The presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the attached "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.

(4) Project meets all the terms and conditions of this SPGP V-R1.

(5) Project cannot be the following (Reference: JAXBO Section 2.3, page 238.):

- (i) On an unbridged, undeveloped coastal island or undeveloped coastal island segment or undeveloped coastal barrier island;
- (ii) On sandy beaches fronting the Gulf of Mexico or Atlantic coast shoreline, exclusive of bays, inlets, rivers, bayous, creeks, passes, and the like;
- (iii) Within 50 feet of the Mean High Water Line (MHWL) at any riparian coastal location fronting the Gulf of Mexico or Atlantic Coast shoreline;
- (iv) Located in the coastal counties of Wakulla, Taylor, Dixie, Levy, Pasco, and Monroe;
- (v) Located in Biscayne Bay Aquatic Preserve;
- (vi) Located in the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida);
- (vii) In Federal Special Waters (Biscayne Bay National Park, Blackwater Creek, Faka Union Canal, Garfield Point, Loxahatchee

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River, Okeechobee Waterway, Rock Springs Run, St. Marys River, Tampa Bypass Canal, Timucuan Preserve, Wekiva River);

(viii) Located in any of the following restriction or exclusion zones (described by Section 2.1.1 of JAXBO): Smalltooth Sawfish Critical Habitat Limited Exclusion Zone (see Work Authorized paragraph B.1.m below and Attachment 23); Gulf Sturgeon Critical Habitat Migratory Restriction Zones (see Work Authorized paragraph B.1.n below and Attachment 28); and Atlantic Sturgeon Critical Habitat Exclusion Zone (see Work Authorized paragraph B.1.o below and Attachment 30); and North Atlantic Right Whales Educational Sign Zones (see Work Authorized paragraph E.2.c. and Attachment 29); and

(ix) Located in an area with non-ESA listed seagrasses and will result in any impacts or shading to these seagrasses, except for projects that comply with Work Authorized paragraph B.2.d / Special Condition paragraph 8.h.

b. FDEP cannot provide the federal authorization through the Self-Certification process until FDEP incorporates/implements the following revisions to their web pages and/or automated process (Reference: JAXBO Section 2.3, page 239.):

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

(2) The automated process will include the attachment as a separate document attached to the email to the Applicant that also transmits FDEP's authorization and send a copy of that email to the Corps at spgp@usace.army.mil.

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

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5. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee will provide the following notifications to the Corps, as described in Special Condition 11 or the attached General Conditions (Attachment 1)

- a. Commencement Notification. Within 10 days after the date of initiating the work.
- b. Corps *Self-Certification Statement of Compliance* form (Attachment 32) within 60 days of completion of the work.
- c. Permit Transfer. Signed by the new owner if transferred to a new owner.

Work Authorized:

A. *Activities.* The Projects authorized by this SPGP V-R1 are those activities that qualify for and authorized by the specific State of Florida Exemptions and General Permits cited below as adopted by reference in Chapter 62-330, Florida Administrative Code (F.A.C.).

1. Shoreline Stabilization.

- a. 62-330.051(12)(a), F.A.C. Synopsis: Seawalls or riprap in artificially created waterways, including backfilling.
- b. 62-330.051(12)(b), F.A.C. Synopsis: Restoration of seawall or riprap at its previous location or upland of, or within 18 inches waterward of, its previous location.
- c. 62-330.051(12)(c), F.A.C. Synopsis: Construction of private vertical seawalls or riprap between and adjoining existing seawalls or riprap at both ends.
- d. 62-330.431, F.A.C. Synopsis: Installation of riprap.
- e. 62-330.051(12)(d), F.A.C. Synopsis: Installation of batter or king piles used exclusively to stabilize and repair seawalls and that do not impede navigation.
- f. 62-330.051(12)(e), F.A.C. Synopsis: Living Shorelines (restoration of an eroding shoreline with native wetland vegetative enhancement plantings).

2. Boat Ramps: 62-330.051(5)(e), F.A.C. Synopsis: Installation and maintenance to design specifications of boat ramps on artificial bodies of water or public boat ramps on any waters.

3. Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures.

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

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- b. 62-330.051(5)(b), F.A.C. Synopsis: Installation of private and government docks where the cumulative square footage of all structures does not exceed 500/1,000 square feet.
 - c. 62-330.051(5)(c), F.A.C. Synopsis: Construction of private docks of 1,000 square feet or less in artificial waters and residential canal systems.
 - d. 62-330.051(5)(d), F.A.C. Synopsis: Replacement or repair of existing docks and piers, including mooring piles.
 - e. 62-330.051(8), F.A.C. Synopsis: Installation of aids to navigation and buoys associated with such aids.
 - f. 62-330.427, F.A.C. Synopsis: Construction, extension, and removal of certain piers and associated structures.
 - g. 62-330.474(1)(a), F.A.C. Synopsis: Piling supported structures, other than docks and piers, provided that the structure is not used for mooring, cumulative total size less than 1,000 square feet outside of Outstanding Florida Waters, or less than 500 square feet in Outstanding Florida Waters.
 - h. 62-330.051(5)(f), F.A.C. Synopsis: Floating vessel platforms and floating boat lifts.
 - i. 62-330.051(5)(h), F.A.C. Synopsis: installation of a boat lift in at an existing facility.
4. Derelict vessels: 62-330.051(5)(g), F.A.C. Synopsis: The removal of derelict vessels.
5. Scientific Devices: 62-330.051(11)(b), F.A.C. Synopsis: Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices.

B. Red and Green for all types of Projects.

1. Red: The following Projects are not authorized by this SPGP V-R1:
- a. JAXBO Checklists not submitted or are inaccurate or incomplete.
 - b. A Project authorized under FDEP or Designee enforcement or compliance resolution actions.
 - c. A Project authorized under FDEP or Designee emergency permitting.
 - d. A Project that is:
 - (1) Located in Federal right-of-ways or easements.
 - (2) Located between the shoreline and federally authorized navigation channels or within 300 feet of the design edge, whichever is less, or within

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such channels, including but not limited to: the Intracoastal Waterways, channels and turning basins of a port or inlet, and wideners (where the width of the channel is widened, for example, when the channel changes direction).

(3) Located within or crossing a flood control channel/canal or the levees, dikes, dams, or other water retaining structures of a federally authorized project (either federally or locally maintained) or within those channels.

e. A Project located within the following geographic boundaries: Monroe County (except boat lifts may be authorized under SPGP V-R1 in Monroe County); the Timucuan Ecological and Historical Preserve (Duval County); the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; projects that impact mangroves in canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).

f. When using the *“The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida”* April 2013 (Manatee Key):

(1) a Project that keys out to “may affect”.

(2) a Project that keys out to “further consultation with the Service is necessary for *“May affect, not likely to adversely affect”* determinations.

(3) a Project that (i) is something other than a residential facility, AND (ii) does provide “new” access for watercraft AND keys out to a “may affect, not likely to adversely affect”.

g. A Project is located in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat.

h. A Project is located on or contiguous to beaches on the Atlantic Ocean, Gulf of Mexico, or in the Florida Keys.

i. A Project is within 2,500 feet of an active wood stork nesting colony.

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- j. Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Jacksonville District Programmatic Biological Opinion (JAXBO).
- k. A Project which will adversely impact the following Essential Fish Habitats: Estuarine emergent vegetated wetlands (flooded saltmarshes, brackish marsh and tidal creeks), Estuarine scrub/shrub (mangrove fringe), Submerged rooted vascular plants (sea grasses), Oyster Reefs and Shell Banks, Tidal freshwater (palustrine) wetlands, Tidal palustrine forested, Tidal freshwater submerged aquatic vegetation, Coral and Live/Hard Bottom Habitats. However, projects that comply with Work Authorized paragraph B.2.d / Special Condition paragraph 8.h. are authorized by this SPGP V-R1.
- l. A Project located in a real estate parcel that is substantially submerged and largely covered by seagrass (unless owned by the U.S. Government or State of Florida).
- m. Smalltooth Sawfish Critical Habitat Limited Exclusion Zone. Any project within the areas on the Caloosahatchee River (Lee County) shown on page 25 of JAXBO (Attachment 23) (Reference: JAXBO PDCs AP.4, A1.8.5, A2.12.).
- n. Gulf Sturgeon Critical Habitat Migratory Restriction Zone. Any project at the mouths of Gulf sturgeon spawning rivers (Escambia River, Blackwater/Yellow Rivers, Choctawhatchee River, Apalachicola River, and Suwannee River) and narrow inlets (Indian Pass and Government Cut in Apalachicola Bay and Destin Pass in Choctawhatchee Bay) shown on the page 28 of JAXBO (Attachment 28) (Reference: JAXBO PDCs AP.4, A1.9, A2.11.).
- o. Atlantic Sturgeon Critical Habitat Exclusion Zone. The main stem St. Marys River from the confluence of Middle Prong St. Marys and the St. Marys Rivers downstream to its mouth (river kilometer zero) shown in Attachment 30 (the page from the Federal Register) (Reference: JAXBO PDC AP4.).
- p. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference: Categories D and E of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.):
- (1) Any installation of metal pipe or metal sheet pile by impact hammer.
 - (2) Any installation by impact hammer greater than 5 piles/slabs/beams installed per day.

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- q. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary will require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6.).
 - r. Projects within shipping safety fairways and anchorage areas defined by 33 C.F.R. § 166.200 (Attachment 31).
 - s. A Project authorized by FDEP or Designee “after-the-fact”.
 - t. A Project on canals or channels where the structures extend to more than 25% of the canal/channel width, excluding dense areas of shoreline vegetation such as mangrove, as measured from the Project location to the opposite shoreline (in order to maintain no less than 50% of the open-water portion of the waterbody for public use).
2. Green: In addition to the other requirements of this SPGP V-R1, a project to be authorized under this SPGP V-R1 must meet the following to be “Green”:
- a. A Project that is not “Red”.
 - b. When using the “*The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida*” April 2013 (Manatee Key):
 - (1) a Project that keys out to “no effect” or
 - (2) a Project for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures or Boat Ramps that: (i) Is either a residential facility or is other than a residential facility that does not provide “new” access for watercraft, and (ii) Keys out to a “may affect not likely to adversely affect”.
 - (3) a Project for Shoreline Stabilization, Removal of Derelict vessels and for Scientific Devices that keys out to a “may affect not likely to adversely affect”.
 - c. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.):
 - (1) Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
 - (2) Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles (however, not authorized is installation of metal pipe or metal sheet pile by impact hammer).

d. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:

(1) A pile supported structure (i) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:

(a) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* updated November 2017 (Attachment 5).

(b) In addition to (a) above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within Special Condition 8.h.(3) (Reference: JAXBO PDC A2.17.).

(2) For all other Projects (other than (1) above),

(i) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7). If no survey is performed, submerged aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this qualification.

(ii) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within freshwater tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.

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(iii) For activities other than pile-supported structures, if seagrass is found within the project footprint, the Project is not authorized (Reference: JAXBO PDC AP.13.).

(iv) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*" updated November 2017 (Attachment 5).

(v) In addition to the above, IF the proposed dock or proposed structure is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within Special Condition 8.h.(3) (Reference: The following replicates "Scenario B" as defined within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):

(a) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:

(-1-) within Johnson's seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson's seagrass under the dock; or, Native seagrass, other than Johnson's seagrass, under the dock; or,

(-2-) within the Range of Johnson's seagrass (outside of critical habitat) with no current seagrass survey or, Johnson's seagrass under the dock,

(b) New docks or dock expansions and:

(-1-) within Johnson's seagrass critical habitat; or,

(-2-) within the Range of Johnson's seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson's seagrass within property limit.

e. Regarding mangroves, the design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):

(1) All projects must be sited and designed to avoid or minimize impacts to mangroves.

(2) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:

(i) Removal to install up to a 4-ft-wide walkway for a dock.

(ii) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.

(3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.

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

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

(4) For pile-supported structures, the following additional requirements for mangroves found in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* updated November 2017 (Attachment 5) shall apply:

(i) The width of the piling-supported structure is limited to a maximum of 4 feet.

(ii) Mangrove clearing is restricted to the width of the piling-supported structure.

(iii) The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

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f. Regarding coral and hard bottom habitat, the design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.14.):

- (1) Projects are not authorized that may affect, directly or indirectly, species of coral listed under the Endangered Species Act found from St. Lucie Inlet, Martin County south to the Dry Tortugas.
- (2) Projects occurring within the Florida Keys National Marine Sanctuary (FKNMS) shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals.
- (3) Projects are not authorized if non-listed corals are found within the project footprint.
- (4) Projects are not authorized if hard bottom habitat is found within the project footprint. Hard bottom is defined in the following ways:
 - (i) Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.
 - (ii) Nearshore and surf-zone, low-profile hard bottom outcroppings. (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

g. A project must also meet the activity-specific “Red” and “Green” requirements.

C. Red and Green for Shoreline Stabilization activities. These are in addition to those in paragraph B above.

1. Red: The following projects are not authorized by this SPGP V-R1:
 - a. Construction and/or repairs to groins, jetties, breakwaters and beach nourishment/renourishment (Reference: JAXBO PDC A1.5.).
 - b. Installation of a seawall or riprap to remove/fill an upland cut area (e.g., boat slip, boat ramp, boat basins).

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- c. Living Shorelines (62-330.051(12)(e), F.A.C.), if the work extends water ward past the adjacent shorelines (this provision is to preclude changes in down drift currents).
- d. A Project located in the main channels or tributaries of the following rivers (because of various mussel species): Chipola River, Apalachicola River, Ochlockonee River, Econfinia Creek, Suwannee River, Santa Fe River, New River (Bradford-Union County Line), Escambia River, Yellow River, or the Choctawhatchee River.
- e. A Project located in designated critical habitat, where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:
 - (1) American crocodile, or
 - (2) Piping plover, or
 - (3) Freshwater mussels.
- f. A Project located in the Florida panther focus area.
- g. Within Smalltooth sawfish critical habitat:
 - (1) Living Shorelines placed in waters containing the shallow, euryhaline essential feature (between MHWL and -3 ft mean lower low water (MLLW)) (Reference: JAXBO PDC A7.25.).
 - (2) For all other shoreline stabilization activities, placement of new shoreline stabilization materials (i.e., riprap, articulated concrete mats) in waters between MHWL and -3 ft MLLW (Reference: JAXBO PDC A1.8.).
 - (i) However, repair and replacement of shoreline stabilization materials (i.e., riprap, articulated concrete mats) is allowed within the same footprint of existing materials in depths between the MHWL and -3 ft MLLW (this means that these materials cannot result in the waterward extension or lateral expansion of materials beyond the previous footprint).
 - (ii) However, installation of new or repair/replacement seawalls within 1.5 ft waterward of existing seawall or MHW is allowed.
- h. Within Gulf sturgeon critical habitat all new shoreline stabilization materials (e.g., riprap, articulating concrete mats) and living shorelines placed deeper than -6 ft MHW, (i.e., new shoreline stabilization materials and living shorelines can only be placed between the shoreline and where the water reaches a depth of -6 ft MHW) (Reference: JAXBO PDC A1.9.).

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- i. Within *Acropora* critical habitat, if essential features are present (table in Attachment 9):
 - (1) Living Shoreline activities are not allowed (Reference: JAXBO PDC A7.28.).
 - (2) For all other shoreline stabilization activities, new or repair/replacement of shoreline protection cannot occur. However, repair/replacement of shoreline protection within existing footprint is authorized (Reference: JAXBO PDC A1.10.).
 - j. Within Johnson's seagrass critical habitat:
 - (1) Living Shorelines placed in waters shallower than -13 ft MHW (Reference: JAXBO PDC A7.29.).
 - (2) For all other shoreline stabilization activities, installation of shoreline stabilization material (e.g., riprap and scour control materials, not vertical seawalls and footers) cannot occur if essential features are present. Repair and replacement of these materials (riprap and scour) is covered within the existing footprint. Vertical seawalls and footers can be installed, repaired, and replaced in Johnson's seagrass critical habitat even if the essential features are present (Reference: JAXBO PDC A1.11.).
 - k. A Project within Loggerhead sea turtle critical habitat. (Reference: JAXBO PDC A7.30.).
 - l. A Project within North Atlantic right whale critical habitat (Reference: JAXBO PDC A7.27.).
 - m. Mangrove removal or trimming except as provided by paragraph B.2.e. above, e.g., replacement of a seawall within 18 inches not authorized if involves removal of prop roots that extend into the water below MHWL.
2. Green: In addition to the other requirements of this SPGP V-R1, a project must meet the following in order to be "Green":
- a. A Project to (1) prevent erosion or (2) to stabilize a shoreline where erosion has taken place.
 - b. Placement of backfill is limited to those situations where it is necessary to level the land behind seawalls or riprap.
 - c. A Project designed and constructed within the following limits:
 - (1) New vertical seawalls or other stabilization measures will not be placed waterward of the MHWL or Ordinary High Water Line (OHWL), unless necessary to align with existing adjacent seawalls, and not to exceed 150' in length (Reference: JAXBO PDC A1.1.1.).

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

(3) Riprap repair and replacement cannot extend any further than 1.5 ft (18 in) waterward of its previous location, as measured from the waterward slope of the existing riprap to the waterward slope of the replacement, measured at toe of slope (Reference: JAXBO PDC A1.1.1.).

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

(5) Shoreline stabilization structures other than vertical seawalls shall be no steeper than a 2H:1V slope (Reference: JAXBO PDC A1.1.4.).

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

e. Living shoreline structures and permanent wave attenuation structures can only be constructed out of the following materials: oyster breakwaters, clean limestone boulders or stone (sometimes contained in metal baskets or cages), small mangrove islands, biologs, coir, rock sills, and pre-fabricated structures made of concrete and rebar that are designed in a manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7.5.).

(1) Reef balls or similar structures are authorized if they are (a) not open on the bottom, (b) open on the bottom and have a top opening of at least 4 ft, or (c) pre-fabricated reef discs stacked on a pile.

(2) Oyster reef materials shall be placed and constructed in a manner that ensures that materials will remain stable and that prevents movement of materials to surrounding areas (e.g., oysters will be contained in bags or attached to mats and loose cultch must be surrounded by contained bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7.2.).

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(3) Oyster reef materials shall be placed in designated locations only (i.e., the materials shall not be indiscriminately dumped or allowed to spread outside of the reef structure) (Reference: JAXBO PDC A7.3.).

(4) Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).

(5) Other materials are not authorized by this SPGP V-R1 (Reference: JAXBO PDC A7.5.).

f. For living shorelines, only native plant species can be planted (Reference: JAXBO PDC A7.1.).

D. Red and Green for Boat Ramp activities. These requirements herein are in addition to those requirements in paragraph B above.

1. Red: The following projects are not authorized by this SPGP V-R1:

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

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

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

(1) Smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW) (note that PCEs are usually present at/near the shoreline); or

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

(3) American crocodile; or

(4) Piping plover; or

(5) freshwater mussels; or

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- (6) North Atlantic right whale.
 - d. A Project located in the Florida panther focus area.
 - e. For Projects located within Smalltooth sawfish critical habitat (Reference: JAXBO PDC A6.7.):
 - (1) New or expanded ramps cannot result in the loss of an essential feature (table in Attachment 9) of that critical habitat (red mangroves or shallow [MHWL to -3 ft MLLW], euryhaline water).
 - (2) Boat ramps can be constructed in waters between MHWL and -3 ft MLLW (shallow, euryhaline habitat essential feature), provided that the water depth is not increased to deeper than -3 ft MLLW.
 - (3) However, a boat ramp in smalltooth sawfish critical habitat is authorized to be repaired and replaced if within the existing footprint.
 - f. Within *Acropora* critical habitat, if essential features present (table in Attachment 9), new or expanded boat ramps are not allowed. However, repair/replacement within existing footprint is authorized (Reference: JAXBO PDC A6.8.).
 - g. Within Johnson's seagrass critical habitat, if essential features present (table in Attachment 9), new or expanded boat ramps are not allowed. However, repair and replacement is allowed within the existing footprint (Reference: JAXBO PDC A6.9.).
 - k. A Project located within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A7.30.).
2. Green: A Project must meet the following in order to be "Green" in addition to the other requirements of this SPGP V-R1:
- a. A Project shall be designed and constructed within these limits:
 - (1) Private, single-family boat ramp or structure requiring 50 cubic yards of fill material or less.
 - (2) Ramp width does not exceed 30 feet (Reference: JAXBO PDC A6.1.2 and 3 but reduced.).
 - (3) Maximum of 1 boat lane for either construction of new boat ramps and the repair and/or expansion of existing boat ramps (Reference: JAXBO PDC A6.1.2 but reduced.).
 - (4) No more than 2 trailered vehicle parking spaces associated with the boat ramp (Reference: JAXBO PDC A6.1.2 but reduced.).

(5) Repair and replacement of existing boat ramps occurs within the same footprint of the existing ramp (Reference: JAXBO PDC A6.1.4.).

b. Restrictions on Dredged Material and Disposal: Excavation is limited to the area necessary for site preparation. All excavated material shall be removed to an area that is not waters of the United States, as that term is defined and interpreted under the Clean Water Act, including wetlands (Reference: JAXBO PDC A6.2.).

c. Turbidity: The length of new boat ramps and changes to existing boat ramps to make them longer should ensure a water depth at the end of the ramp is deep enough to minimize sediment resuspension associated with launching vessels in shallow water (Reference: JAXBO PDC A6.5.).

E. Red and Green for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures. The conditions herein are in addition to those in paragraph B above.

1. Red: The following projects are not authorized by this SPGP V-R1:

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

- (1) American crocodile; or
- (2) Piping plover; or
- (3) North Atlantic right whale.

b. A Project located in the Florida panther focus area.

c. Municipal or commercial fishing piers (Reference: JAXBO PDC A2.17.).

d. Within *Acropora* critical habitat, if essential features present (table in Attachment 9), new or expanded pile supported structures not allowed (Reference: JAXBO PDC A2.10.).

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

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

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- e. Within Johnson's seagrass critical habitat (Reference: JAXBO PDC A2.14.):
 - (1) New marinas or multifamily facilities are not authorized.
 - (2) Repair, replacement, and reconfiguration of existing marinas or multifamily facilities may be covered if it:
 - (i) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations);
 - (ii) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility; and
 - (iii) does not affect Johnson's seagrass.
 - f. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2.15.):
 - (1) ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of loggerhead sea turtle critical habitat.
 - (2) No other pile-supported structures are allowed in nearshore reproductive habitat.
2. Green: In addition to the other requirements of this SPGP V-R1, a project must meet the following Special Conditions in order to be "Green":
- a. A Project shall be designed and constructed within the following limits:
 - (1) This SPGP V-R1 authorizes only the following pile-supported and anchored structures: docks and piers; boatlifts; mooring piles and dolphin piles associated with docks/piers; ATONs and Private Aids to Navigation (PATONs); floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); and other minor pile-supported structures. This does not include structures, such as ferry terminals and large ports, which support large commercial vessels including ferries, tankers, and cargo ships (Reference: JAXBO PDC A2.1.1.).
 - (2) Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. This limit is cumulative: existing and proposed/new; wet and dry slips. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number (Reference: JAXBO PDC A2.1.2.).

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

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

b. Chickees must be less than 500 ft² and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).

c. North Atlantic Right Whale. For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by Attachment 29, the *North Atlantic Right Whale Educational Sign Zones* (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive), the FDEP or Designee will attach to their authorization the *North Atlantic Right Whale Information Form, Attachment 27* (from Appendix C of JAXBO, page 332) (Reference: JAXBO PDC A2.4.).

d. For boatlifts in Monroe County:

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

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

(i) The FDEP or Designee can authorize the project under the SPGP and, when applicable, the Corps will provide conditions to be included in the authorization measures the Florida Keys National Marine Sanctuary (FKNMS) has developed to avoid, minimize, and/or mitigate any effects on non-listed corals to implement paragraph B.2.f. above (JAXBO PDC AP.14); or

(ii) The FDEP or Designee cannot authorize the project under the SPGP because of navigation, coral, or other concerns. The Corps will

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then review the project to determine whether can be authorized by the Corps.

F. Red and Green for Derelict vessels. The conditions herein are in addition to the ones in paragraph B above.

1. Red: The following projects are not authorized by this SPGP V-R1:
 - a. A Project for a derelict vessel where that vessel does not pose a threat to human health and safety and/or aquatic natural resources (flora, fauna, and their habitats) (Reference: JAXBO PDC A9.1.).
 - b. A Project located in designated critical habitat where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:
 - (1) Acroporid corals (*Acropora* spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation, artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas); or
 - (2) American crocodile; or
 - (3) Piping plover; or
 - (4) North Atlantic right whale.
 - c. A Project located in the Florida panther focus area.
2. Green: In addition to the other requirements of this SPGP V-R1, a Project shall be designed and constructed within these design limits in order to be "Green" (Reference: JAXBO PDCs A9.2 to 9.6 inclusive.):
 - a. Visual confirmation (e.g., divers, swimmers, and camera) will be completed prior to removal to ensure that the item can be removed without causing further damage to aquatic natural resources.
 - b. If an item cannot be removed without causing harm to surrounding coral (ESA listed or non-listed), the item will be disassembled as much as practicable so that it no longer can accidentally harm or trap species.
 - c. Monofilament debris will be carefully cut loose from coral (ESA listed or non-listed) so as not to cause further harm. Under no circumstance will line be pulled through coral since this could cause breakage of coral.
 - d. Marine debris shall be lifted straight up and not dragged through seagrass beds, coral reefs, coral, or hard bottom habitats. Trawling cannot be used as a means of marine debris removal. Debris shall be properly disposed of in

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appropriate facilities in accordance with applicable federal and state requirements.

e. An absorbent blanket or boom shall be immediately deployed on the surface of the water around any derelict vessel to be removed if fuel, oil, or other free-floating pollutants are observed during the work.

G. Red and Green for Scientific Devices. The conditions herein are in addition to the conditions in paragraph B above.

1. Red: The following projects are not authorized by this SPGP V-R1:

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

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

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

(2) American crocodile; or

(3) Piping plover; or

(4) North Atlantic right whale.

c. A Project located in the Florida panther focus area.

2. Green: In addition to the other requirements of this SPGP V-R1, a Project shall be designed within these design limits in order to be "Green" (Reference: JAXBO PDCs A5.2 to 5.4 inclusive.):

a. Species access. The scientific survey device, including any related equipment and anchors, shall not block access of species to an area. For example, the structures shall not prevent movement in or out of a river or channel.

b. No later than 24 months, after initial installation or upon completion of data acquisition, whichever comes first, the measuring device and any other

structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to pre-construction conditions.

c. Inspection. The scientific survey device, including any related equipment and anchors, shall be inspected and any required maintenance performed at least twice a year and following storm events that may have moved or dislodged the structure to ensure that equipment and anchors are still in place and have not moved to areas containing ESA-listed corals.

Special Conditions:

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the *PDCs for In-Water Activities (Attachment 6, from PDCs AP.7 through AP11, inclusive, of JAXBO)* (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.).
5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
6. Special Conditions for *Shoreline Stabilization* activities.
 - a. Shoreline stabilization materials must be placed by hand around red mangrove prop roots (Reference: JAXBO PDC A1.3.).
 - b. Living shorelines can only be constructed in unvegetated, nearshore water along shorelines to create tidal marshes or mangrove habitat for the purpose of shoreline erosion control or aquatic habitat enhancement. Native plants can be placed along the shoreline or between the shoreline and the living shoreline structure (Reference: JAXBO PDC A7.4.).
 - c. Living shoreline structures and permanent wave attenuation structures can only be constructed out of the following materials: oyster breakwaters, clean limestone boulders or stone (sometimes contained in metal baskets or cages to contain the material), small mangrove islands, biologs, coir, rock sills, and pre-fabricated structures made of concrete and rebar that are designed in a

manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7.5.).

(1) Reef balls or similar structures are authorized if are not open on the bottom, open-bottom structures with a top opening of at least 4 ft, and reef discs stacked on a pile are pre-fabricated structures are designed in a manner so that they do not trap sea turtles.

(2) Oyster reef materials shall be placed and constructed in a manner that ensures that materials will remain stable and that prevents movement of materials to surrounding areas (e.g., oysters will be contained in bags or attached to mats and loose cultch must be surrounded by contained bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7.2.).

(3) Oyster reef materials shall be placed in designated locations only (i.e., the materials shall not be indiscriminately dumped or allowed to spread outside of the reef structure) (Reference: JAXBO PDC A7.3.).

(4) Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).

(5) Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).

(6) Other materials are not authorized by this SPGP V-R1 (Reference: JAXBO PDC A7.5.).

d. For living shorelines, only native plant species can be planted (Reference: JAXBO PDC A7.1.).

7. Special Conditions for *Boat Ramp* activities.

a. Restrictions on Dredged Material and Disposal: Excavation is limited to the area necessary for site preparation. All excavated material shall be removed to an area that is not waters of the United States, as that term is defined and interpreted under the Clean Water Act, including wetlands (Reference: JAXBO PDC A6.2.).

b. Turbidity: The length of new boat ramps and changes to existing boat ramps to make them longer should ensure a water depth at the end of the ramp is deep enough to minimize sediment resuspension associated with launching vessels in shallow water (Reference: JAXBO PDC A6.5.).

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

a. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).

b. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table *PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys*, starting on page 112.):

A2.2. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:
(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

A2.2.2. Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

A2.2.3. On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

c. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table *PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys*, the PDC itself on page 113 of the JAXBO.):

A2.3. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of

turtle or sawfish entanglement in, or ingestion of, marine debris.
Monofilament recycling bins must:

A2.3.1. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.

A2.3.2. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

d. North Atlantic Right Whale. The attached *North Atlantic Right Whale Information Form* (Attachment 27) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by Attachment 29, the *North Atlantic Right Whale Educational Sign Zones* (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).

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

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

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

h. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:

(1) A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:

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- (i) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* updated November 2017 (Attachment 5).
 - (ii) In addition to (i) the above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within Special Condition 8.h.(3) (Reference: JAXBO PDC A2.17).
- (2) For all other Projects,
- (i) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7). If no survey performed, aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this Special Condition.
 - (ii) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.
 - (iii) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* updated November 2017 (Attachment 5).

(iv) In addition (I) to (iii) above, IF the proposed dock or proposed structure is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.h.(3) below. (Reference: The following replicates "Scenario B" as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):

(a) Dock replacement in the exact footprint(i.e., same location/configuration/size) as the previous dock and:

(-1-) within Johnson's seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson's seagrass under the dock; or, Native seagrass, other than Johnson's seagrass, under the dock; or,

(-2-) within the Range of Johnson's seagrass (outside of critical habitat) with No current seagrass survey or,Johnson's seagrass under the dock,

(b) New docks or dock expansions and:

(-1-) within Johnson's seagrass critical habitat; or,

(-2-) within the Range of Johnson's seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson's seagrass within property limit.

(3) The following additional restrictions apply when required by paragraphs 8.h.(1)(iii) or 8.h.(2)(iii) above (Reference: The following replicates the "Dock PDCs for Scenario B" within A2.17. *PDCs for Docks or Other Minor Structures* of JAXBO.):

1. To avoid and minimize impacts to Johnson's seagrass and native, non-listed seagrasses to the maximum extent practicable:

- The dock must be positioned to avoid and minimize effects to Johnson's seagrass.
- Over any area that contains Johnson's seagrass or native, non-listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.

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- If practicable, terminal platforms shall be placed in deep water, waterward of Johnson's seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson's seagrass or native, non-listed seagrasses.
- Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
- Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
- No covered boat lifts are allowed over any Johnson's seagrass.

2. Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:

For grated decking:

- Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
- Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
- Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.

For plank decking:

- Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.

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- Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.
- Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.

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

9. Special Conditions for *Derelict vessels* (Reference: JAXBO PDCs A9.2 to 9.6 inclusive.).

a. Visual confirmation (e.g., divers, swimmers, and camera) will be completed prior to removal to ensure that the item can be removed without causing further damage to aquatic natural resources.

b Coral. If an item cannot be removed without causing harm to surrounding coral (ESA listed or non-listed), the item will be disassembled as much as practicable so that it no longer can accidentally harm or trap species.

c. Monofilament debris will be carefully cut loose from coral (ESA listed or non-listed) so as not to cause further harm. Under no circumstance will line be pulled through coral since this could cause breakage of coral.

d. Marine debris removal methods. Marine debris shall be lifted straight up and not be dragged through seagrass beds, coral reefs, coral, or hard bottom habitats. Trawling also cannot be used as a means of marine debris removal. Debris shall be properly disposed of in appropriate facilities in accordance with applicable federal and state requirements.

e. An absorbent blanket or boom shall be immediately deployed on the surface of the water around any derelict vessel to be removed if fuel, oil, or other free-floating pollutants are observed during the work.

10. Special Conditions for *Scientific Devices* (Reference: JAXBO PDCs A5.2 to 5.4 inclusive.).

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- a. Aquatic Life Passage. The scientific survey device, including any related equipment and anchors, shall not block access of species to an area. For example, the structures shall not prevent movement in or out of a river or channel.
 - b. Restoring Affected Area. No later than 24 months after initial installation or upon completion of data acquisition, whichever comes first, the measuring device and any other structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to pre-construction conditions.
 - c. Preventing Device Relocation. The scientific survey device, including any related equipment and anchors, shall be inspected and any required maintenance performed at least twice a year and following storm events that may have moved or dislodged the structure to ensure that equipment and anchors are still in place and have not moved to areas containing ESA-listed corals.
11. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
- a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
 - b. Corps *Self-Certification Statement of Compliance* form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the “Self-Certification Statement of Compliance” form (Attachment 32) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the “Self-Certification Statement of Compliance” form. The description of any deviations on the “Self-Certification Statement of Compliance” form does not constitute approval of any deviations by the Corps.
 - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 2).

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

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

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-02575 on all submittals.

12. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.

13. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

14. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.

15. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

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- b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
16. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
17. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
18. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.
19. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.
20. The General Conditions attached hereto (Attachment 1) are made a part of this SPGP V-R1 and must be attached to all authorizations processed under this SPGP V-R1.

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This SPGP V-R1 becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

for *Joni K White* December 17, 2018
(DISTRICT ENGINEER) (DATE)
Andrew D. Kelly, P.E.
Colonel, U.S. Army
District Commander

**Attachments to
Department of the Army State Programmatic General Permit (SPGP V-R1)**

1. General Conditions for Federal Authorization for SPGP V-R1.
2. Department of the Army Permit Transfer for SPGP V-R1.
3. The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida.
4. Standard Manatee Conditions for In-Water Work (Manatee Construction Conditions).
5. Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat.
6. PDCs for In-Water Activities.
7. Submerged Aquatic Vegetation Survey Guidelines.
8. Florida Panther Focus Area.
9. Critical Habitat Essential Features/PCEs.
10. Acropora spp. Critical Habitat Maps.
11. American Crocodile Critical Habitat Map.
12. Smalltooth Sawfish Critical Habitat Maps.
13. Piping Plover Critical Habitat Maps.
14. Freshwater Mussels Critical Habitat Maps.
15. Gulf Sturgeon Critical Habitat Maps.
16. Johnson's Seagrass Critical Habitat Maps.
17. Johnson's Seagrass Range Map.
18. Wood Stork Active Nesting Colony Map.
19. Beach Mice Habitat.
20. Scrub Jay Habitat.
21. Indigo Snake Habitat.

(continued next page)

Attachments (continued)

- 22. Federal Navigation Channels.
- 23. Smalltooth Sawfish Critical Habitat Limited Exclusion Zones.
- 24. Loggerhead Turtle Nearshore Reproductive Critical Habitat.
- 25. North Atlantic Right Whale Critical Habitat.
- 26. < no attachment >
- 27. North Atlantic Right Whale Information Form.
- 28. Gulf Sturgeon Critical Habitat Restriction Zone.
- 29. North American Right Whale Education Sign Zones.
- 30. Atlantic Sturgeon Critical Habitat Exclusion Zone.
- 31. Shipping Fairways.
- 32. Self Certification Statement of Compliance.

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

I. PREAMBLE:

Under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), the Jacksonville District, U.S. Army Corps of Engineers (Corps) has regulatory jurisdiction over all obstructions or alterations of any navigable water of the United States, the construction of any structures in or over any navigable water of the United States, and any work affecting the course, location, condition, or capacity of navigable waters of the United States. Additionally, under Section 404 of the Clean Water Act (33 U.S.C. § 1344), the Corps has regulatory jurisdiction over the discharge of dredged or fill material into waters of the United States. Under both authorizations, the Corps has authority to issue general permits on a statewide basis for certain types of work (Federal Authorization).

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

II. PURPOSE:

The Corps and the Florida Department of Environmental Protection (FDEP) have developed a State Programmatic General Permit (SPGP) for use in the State of Florida. The SPGP has undergone several iterations designated SPGP I, SPGP II, SPGP III, SPGP III-R1, SPGP IV, SPGP IV-R1 and SPGP V. This Coordination Agreement, with referenced materials, prescribes the implementation of the SPGP V-R1 by the SWFWMD, and is applicable in all counties within the SWFWMD jurisdictional boundaries except those areas specifically excluded by conditions of the SPGP V-R1. This Coordination Agreement is required to implement the processing of requests for Federal Authorization under the SPGP V-R1. A copy of the SPGP V-R1 is attached hereto as Exhibit "A".

III. PROCEDURES:

A. SWFWMD Procedures:

Coordination Agreement Between Corps and SWFWMD (SPGP V-R1)

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1. Upon receipt of an application or a request to verify the use of an Exemption or General Permit under Part IV of Chapter 373, F.S., and Sections 403.813 and 403.814, F.S. (Project), the SWFWMD will review the Project to determine whether it is also a candidate for review under the SPGP V-R1. If the Project is a candidate for review under the SPGP V-R1, SWFWMD will also determine whether the Project will be reviewed as a "Green" or "Red" Project, described as follows and as described in the SPGP V-R1.

a. "Green" Projects, as described by paragraph 3.b. of the Procedure section of SPGP V-R1, will be processed by the SWFWMD. The State Authorization will include language confirming Federal Authorization under the SPGP V-R1, as described in Section III.A.4.a. herein.

b. "Red" Projects will be reviewed by the SWFWMD and the Corps separately. SWFWMD will notify the Applicant that the Project is not authorized under the SPGP V-R1 and requires a separate application to the Corps.

2. The determination of whether a Project is considered "Green" or "Red" will be based upon the following: (1) a Project's potential effects to Federally listed threatened or endangered species or designated critical habitat; (2) whether the Project meets the Special Conditions in the SPGP V-R1 (Special Conditions); and (3) the application of requirements in the applicable National Marine Fisheries Service (NMFS) Biological Opinion, including the dichotomous keys, maps and Geographic Information System data. Any Project not satisfying the Special Conditions in the SPGP V-R1 permit or the NMFS Biological Opinion will automatically be placed in the "Red" category. If the additional information in the SPGP V-R1 indicates that an evaluation of a specific project's effects to Federally listed or endangered species or designated critical habitat was made in error, the NMFS or the U.S. Fish and Wildlife Service retain the right to request the Corps to initiate consultation under the Endangered Species Act.

3. The SWFWMD will e-mail a copy of the "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Summary Checklist" and one or more of the individual activity sheets, i.e., "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 1: Shoreline Stabilization", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 2: Pile Supported", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 5: Scientific Survey", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 6: Boat Ramps", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 7: Aquatic Habitat Enhancement, Establishment, and Restoration", and "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic

Coordination Agreement Between Corps and SWFWMD (SPGP V-R1)

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Biological Opinion Activity 9: Marine Debris Removal" (JAXBO Checklists), to NMFS at the following address: nmfs.ser.statewideprogrammatic@noaa.gov for all "Green" Projects. A copy of the PDC checklist(s) will also be sent to spgp@usace.army.mil. In addition, the following will apply:

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

b. The JAXBO Checklists are to be submitted by the applicant to SWFWMD concurrently with their application. The applicant therein assures the Project complies with the Project Design Criteria (PDCs) in the NMFS Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017. This assurance encompasses PDCs that are in JAXBO even though not specifically enumerated on the checklists and/or within the text of SPGP V-R1. The SWFWMD will review and confirm the proposed Project meets all the PDCs and that the JAXBO Checklists are complete and accurate.

4. Applicants for "Green" Projects that qualify for the SPGP V-R1 will receive the following:

a. The SWFWMD will notify the applicant, as part of the State Authorization, that the Project also qualifies for Federal Authorization under the SPGP V-R1. The notice will include the following provision:

"The proposed activity described in your application and attached drawings qualifies for Federal Authorization pursuant to the State Programmatic General Permit V-R1 (SPGP V-R1), and a SEPARATE permit or authorization will not be required from the U.S. Army Corps of Engineers. Please note that the Federal Authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as Permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>."

b. Where applicable, the SWFWMD shall attach the applicable construction or species guidelines to the notice.

5. Applicants for "Red" Projects (Projects that are one of the type of activities authorized by SPGP V-R1 but do not meet the criteria of "Green") will receive notification from the SWFWMD, as part of the State Authorization, that the Project is not authorized under the SPGP V-R1 and requires a separate application to the Corps. The notice will include the following provision:

Coordination Agreement Between Corps and SWFWMD (SPGP V-R1)

Page 3 of 6

"The proposed activity described in your application and attached drawings does not qualify for Federal Authorization pursuant to the State Programmatic General Permit V-R1 and a SEPARATE permit or authorization is required from the U.S. Army Corps of Engineers. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>."

6. For projects containing wetland or surface water impacts that the SWFWMD determines do not qualify for SPGP V-R1, the SWFWMD will advise the applicant as part of their normal review communication with the applicant that they may need to apply separately to the Corps for a permit or authorization.

7. If the Corps advises the SWFWMD that a project is not covered by the SPGP V-R1 and that a permit for the activities is not required by the Corps, the notification shall include the following language:

"The proposed activity as outlined on your application and attached drawings has been reviewed for compliance with the State Programmatic General Permit V-R1 and it has been determined to not be within the jurisdiction of the Corps. No permit for these activities is required by the Corps."

8. If the SWFWMD discovers or is advised by the Corps that a Federal Authorization pursuant to SPGP V-R1 was issued inappropriately or for a Project that requires Corps review, the SWFWMD shall so notify the applicant as follows:

"The SWFWMD's prior notification included a paragraph stating that the proposed activity qualified for Federal authorization pursuant to the State Programmatic General Permit V-R1. SWFWMD hereby rescinds that paragraph because it was [state that it was either the result of an administrative error or based upon receipt of new information from the Corps, whichever applies to the particular case]. A SEPARATE permit or authorization is required by the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>."

B. Corps Procedures:

1. Projects that are determined to be "Red" will be evaluated by the Corps through the Federal permitting process.

2. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP.

IV. MONITORING:

A. The SWFWMD will provide to the Corps a report of the projects authorized under the SPGP V-R1 on a quarterly basis as a spreadsheet that includes the latitude and longitude location, permittee name, address, description of what is authorized, date issued and permit number. Copies of the authorizations will either be made available for the Corps for download or will be transmitted to the Corps at the time of the authorization.

B. The SWFWMD will inspect at least 10% of all projects authorized under the SPGP V-R1 within one (1) year after authorization. The SWFWMD will furnish to the Corps a report, that includes inspection data and summaries of findings, on a quarterly basis as a spreadsheet that identifies the number of the project inspected, date of compliance completed, and the result. If an inspected project does not appear to fully comply with the terms of the SPGP V-R1, the full inspection report for that project will be sent by e-mail to SAJ-RD-Enforcement@usace.army.mil.

V. COORDINATION WITH OTHER FEDERAL AGENCIES:

A. Prior to implementation of this Coordination Agreement, the Corps may meet with the SWFWMD to discuss: the Endangered Species Act; the threatened and endangered species' issues within the SWFWMD jurisdictional boundaries; the protocols utilized in contacting the appropriate personnel concerning threatened and endangered species issues; and, issues surrounding essential fish habitat.

B. During implementation of this Coordination Agreement, the Corps may meet with the SWFWMD at regular intervals to evaluate whether the authorizations issued under the SPGP V-R1 are in compliance with applicable Federal regulations. Meetings will be scheduled as needed, and the interval will be adjusted accordingly as the implementation proceeds. The meetings may be conducted telephonically upon mutual agreement of all the participants.

C. All parties acknowledge that under Condition 4 in the Further Information Section of the General Conditions of the SPGP V-R1, impacts to threatened and endangered species and essential fish habitat are considered in the public interest review. Should any unanticipated threatened and/or endangered species or essential fish habitat impacts arise, it may be necessary to suspend the SPGP V-R1, or specific sections of it, in all or portions of the authorized geographic areas, until they can be

resolved.

VI. MODIFICATIONS AND TERMINATION:

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

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

Jeffrey M. Adams
Chairman
Southwest Florida Water
Management District

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

Date

Date

Attest:

Bryan K. Beswick
Secretary
Southwest Florida Water
Management District

Date: _____

(Seal)

REGULATION COMMITTEE

January 22, 2019

Consent Agenda

WUP No. 20004600.009 - Sweetwater Preserve, LLC/Sweetwater Preserve, LLC (Hardee County)

This is a renewal with modification of an existing water use permit for agricultural use. The authorized quantities have increased from those previously permitted. The annual average increased from 1,163,360 gallons per day (gpd) to 1,942,800 gpd, the drought annual average increased from 1,191,754 gpd to 2,020,000 gpd, the peak month increased from 6,190,200 gpd to 11,333,000 gpd, and the crop protection increased from 43,342,400 gpd to 46,654,100 gpd. The increase in quantities is the result of adding 60 acres of citrus and increasing the row crop acreage from 195.3 acres to 853.6 acres. Quantities are based on information provided by the applicant and the District's water use calculation program, AGMOD. The permit incorporates a combination of groundwater and FARMS funded surface water sources resulting in 360,800 gpd of groundwater offsets on stand-by. This project is located within the Southern Water Use Caution Area.

Special conditions include those that require the Permittee to record and report monthly meter readings, report quantities pumped during frost/freeze events, investigate well complaints during crop establishment and frost/freeze events, modify the permit to activate standby quantities, modify the permit to reflect incorporation of any new alternative sources of water, cap all wells not in use, periodically have all meters calibrated, maintain water conservation and best management practices, maintain system leak detection and repair program and compliance, and monitor and report water levels.

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 004600.009**

PERMIT ISSUE DATE: January 22, 2019

EXPIRATION DATE: January 22, 2039

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

TYPE OF APPLICATION: Renewal
GRANTED TO: Sweetwater Preserve, LLC
Post Office Box 1416
Wauchula, FL 33873

Camp Sweetwater, LLC.
Post Office Box 1416
Wauchula, FL 33873

Sweetwater Packing Company, Inc.
Post Office Box 1416
Wauchula, FL 33873

PROJECT NAME: Sweetwater Preserve, LLC
WATER USE CAUTION AREA(S): SOUTHERN WATER USE CAUTION AREA
COUNTY: Hardee

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

ANNUAL AVERAGE	1,942,800 gpd
PEAK MONTH ¹	11,333,000 gpd
DROUGHT ANNUAL AVERAGE ²	2,020,000 gpd
CROP PROTECTION/MAXIMUM ³	46,654,100 gpd

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

ABSTRACT:

This is a renewal with modification of an existing water use permit for agricultural use. The authorized quantities have increased from those previously permitted. The annual average increased from 1,163,360 gallons per day (gpd) to 1,942,800 gpd, the drought annual average increased from 1,191,754 gpd to 2,020,000 gpd, the peak month increased from 6,190,200 gpd to 11,333,000 gpd, and the crop protection increased from 43,342,400 gpd to 46,654,100 gpd. The increase in quantities is the result of adding 60 acres of citrus and increasing the row crop acreage from 195.3 acres to 853.6 acres. Quantities are based on information provided by the applicant and the District's water use calculation program, AGMOD. The permit incorporates a combination of groundwater and FARMS funded surface water sources resulting in 360,800 gpd of groundwater offsets on stand-by. This project is located within the Southern Water Use Caution Area.

Attachment: Jan19 WUP 20004600.009 Recap Permit-2 (4129 : WUP No. 20004600.009 - Sweetwater Preserve LLC)

Special conditions include those that require the Permittee to record and report monthly meter readings, report quantities pumped during frost/freeze events, investigate well complaints during crop establishment and frost/freeze events, modify the permit to activate standby quantities, modify the permit to reflect incorporation of any new alternative sources of water, cap all wells not in use, periodically have all meters calibrated, maintain water conservation and best management practices, maintain system leak detection and repair program and compliance, and monitor and report water levels.

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	1,942,800	11,333,000	2,020,000	46,654,100

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Celery	32.00	Drip With Plastic	34.03"/yr.	34.03"/yr.
Celery	5.90	Drip With Plastic	25.29"/yr.	25.29"/yr.
Citrus	60.17	Seepage Citrus Hay Pasture	11.70"/yr.	17.14"/yr.
Hay, Commercial	60.00	Center Pivot	24.70"/yr.	29.51"/yr.
Hay, Commercial	60.00	Center Pivot	29.30"/yr.	33.47"/yr.
Hay, Commercial	22.97	Center Pivot	22.70"/yr.	27.51"/yr.
Hay, Commercial	22.97	Center Pivot	27.30"/yr.	31.49"/yr.
Squash, Zucchini - (Non Cover Crop)	88.27	Drip With Plastic	16.40"/yr.	16.40"/yr.
Squash, Zucchini - (Non Cover Crop)	20.40	Drip With Plastic	16.41"/yr.	16.41"/yr.
Squash, Zucchini - (Non Cover Crop)	6.32	Drip With Plastic	33.39"/yr.	33.39"/yr.
Squash, Zucchini - (Non Cover Crop)	8.44	Drip With Plastic	17.36"/yr.	17.36"/yr.
Squash, Zucchini - (Non Cover Crop)	253.00	Drip With Plastic	26.52"/yr.	26.52"/yr.
Squash, Zucchini - (Non Cover Crop)	35.16	Drip With Plastic	30.89"/yr.	30.89"/yr.
Strawberries	404.10	Drip With Plastic	24.56"/yr.	24.56"/yr.

WITHDRAWAL POINT QUANTITY TABLE

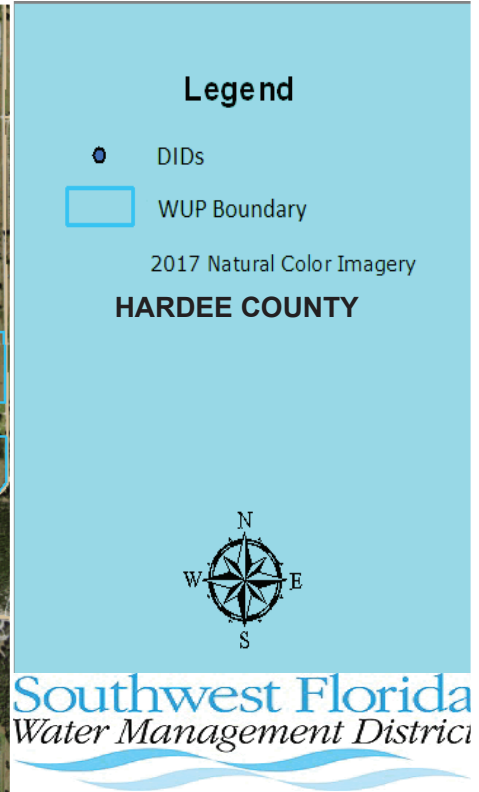
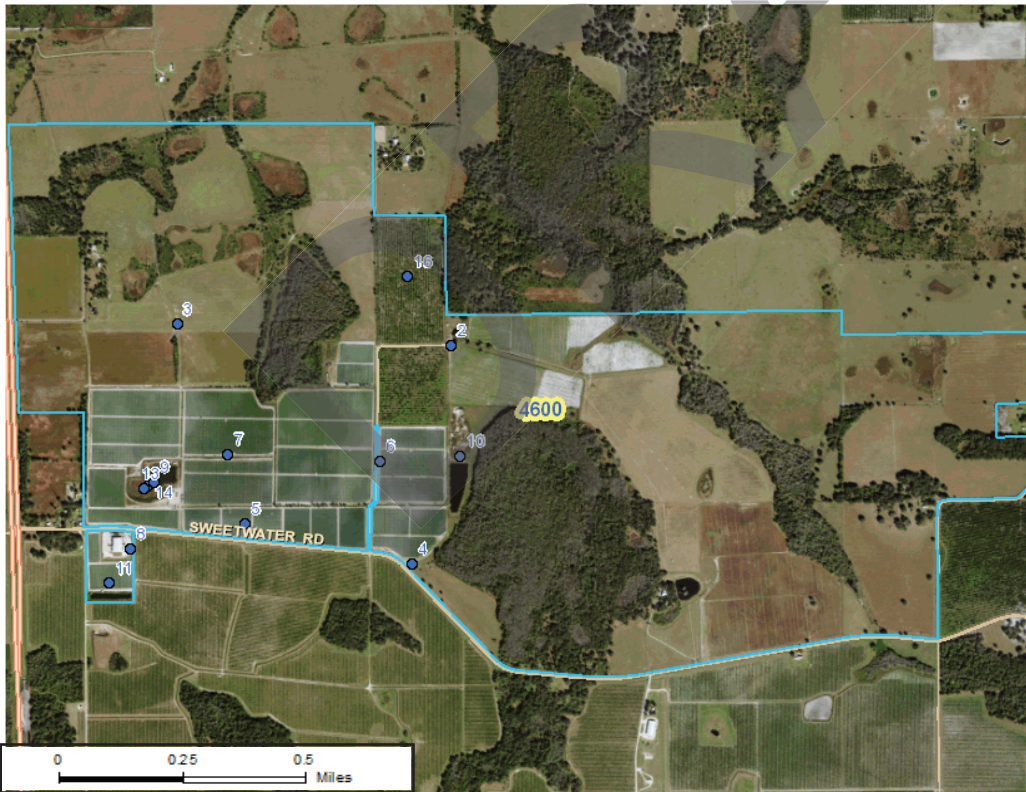
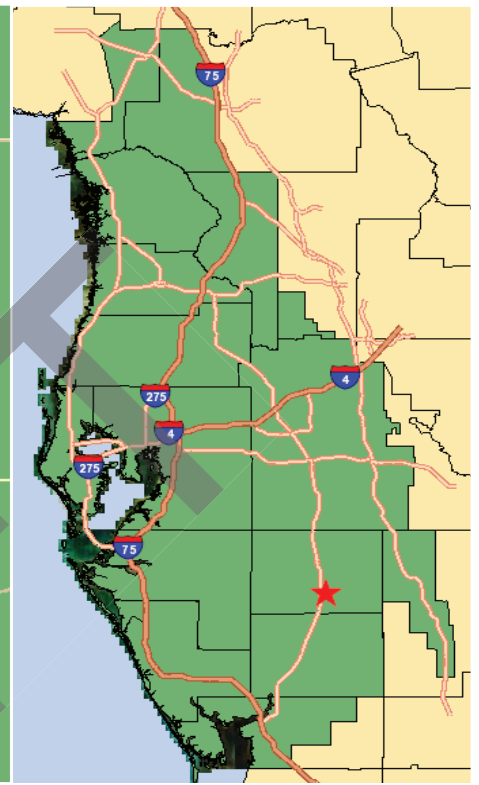
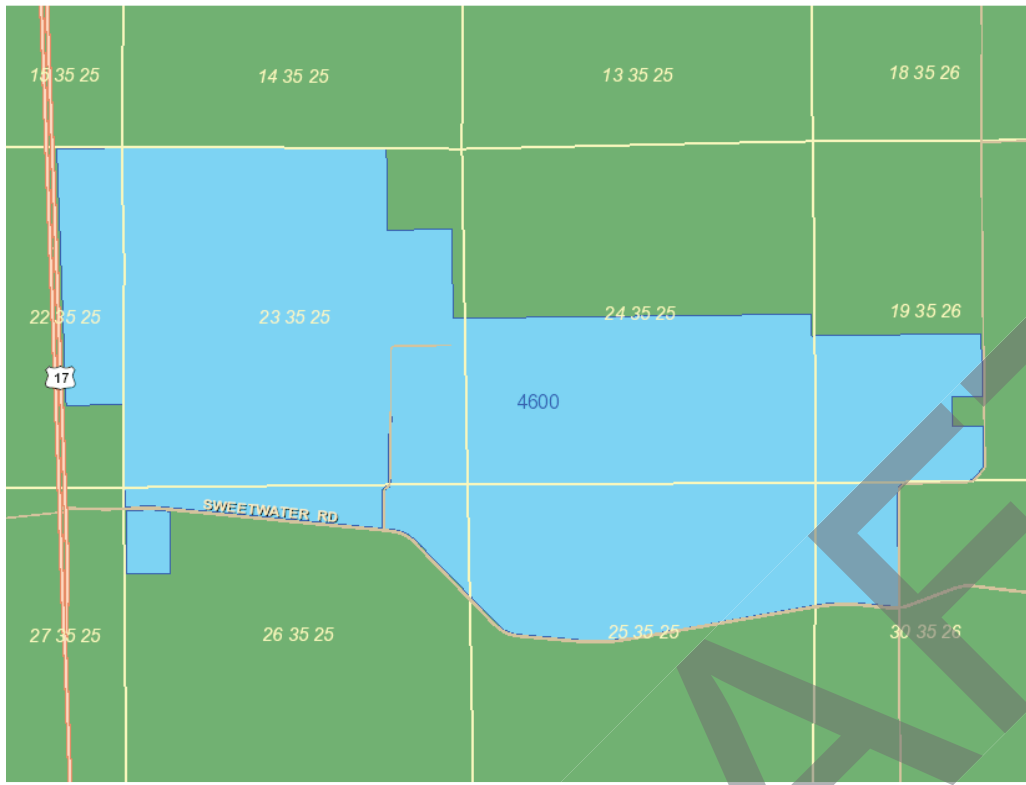
Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>	<u>CROP PROTECTION (gpd)</u>
2 / 2	12	1,300 / 103	Irrigation	502,800	4,034,200	1,500,000
3 / 3	12	933 / 326	Irrigation	225,900	1,517,500	833,200
4 / 4	8	241 / 101	Irrigation	67,800	326,800	200,000
5 / 5	12	1,240 / 336	Irrigation	120,200	910,900	6,329,800
6 / 6	10	785 / 175	Irrigation	38,400	291,300	3,436,100
7 / 7	10	1,300 / UNK	Irrigation	79,100	1,184,400	5,572,700
8 / 8	8	917 / 120	Irrigation	N/A	113,100	N/A
Pond 1 / 9		N/A / N/A	FARMS Withdrawal Point	268,700	1,184,400	11,520,000
Pond 2 / 10		N/A / N/A	FARMS Withdrawal Point	302,600	963,900	11,520,000
Pond 3 / 11		N/A / N/A	FARMS Withdrawal Point	225,000	226,200	1,440,000
16 / 16	10	800 / UNK	Irrigation	112,300	580,300	4,302,300

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
2	27° 25' 08.21"/81° 46' 35.65"
3	27° 25' 11.11"/81° 47' 18.16"
4	27° 24' 38.23"/81° 46' 41.82"
5	27° 24' 43.75"/81° 47' 07.62"
6	27° 24' 52.40"/81° 46' 46.77"
7	27° 24' 53.26"/81° 47' 10.31"
8	27° 24' 40.37"/81° 47' 25.48"
9	27° 24' 49.52"/81° 47' 21.76"
10	27° 24' 53.06"/81° 46' 34.36"
11	27° 24' 35.61"/81° 47' 28.72"
16	27° 25' 17.64"/81° 46' 42.45"

Location Map
Sweetwater Preserve, LLC
WUP No. 20 004600.009



Attachment: Jan19 WUP 20004600.009 Recap Permit-2 (4129 : WUP No. 20004600.009 - Sweetwater Preserve LLC)

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. An Annual Water Level Summary Report which summarizes the observed water levels for the preceding 12-month monitoring period shall be provided each year by April 1. The report shall provide a summary of the recorded water level data for the preceding 12-month period and include the annual average and median water level values recorded. A minimum operating water level of 74.50 ft NAVD 88 has been established for irrigation Pond 1 by the District. Normal, non-crop protection, irrigation withdrawals must cease at this water level. The report shall also provide a general description of climatic conditions for the preceding year.
(287)
4. 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)
5. 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)
6. 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)

7. The Permittee shall investigate well complaints related to pumpage from wells for crop protection and crop establishment within 1,500 feet of the property boundaries. Instructions for the complaint handling and possible mitigation procedure are given in Exhibit B, Well Complaint Instructions, attached to and made part of this permit.
(326)
8. 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)
9. 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)
10. Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated acre-inches per irrigated acre per season for each crop type. For all crops except Citrus, an irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. For Citrus, an irrigated acre is based on 74% shaded area, equivalent to 89.4% of the gross acreage minus uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

An applicant or permittee within the Southern Water Use Caution Area may obtain the total allocated acre-inches per acre per season for their crops, plants, soil types, planting dates, and length of growing season by completing the "Irrigation Water Allotment Form" and submitting it to the District. The District will complete and return the form with the calculated total allocated acre-inches and water conserving credit per acre per season per crop, if applicable, based on the information provided. The "Irrigation Water Allotment Form" is available upon request.
(427)
11. The Permittee shall immediately implement the District-approved water conservation plan 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 December 1, 2023 and December 1, 2028.(449)
12. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water.
(458)

13. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for annual crops for each permitted irrigation withdrawal point, District ID. No 16, Permittee ID No. 16:
1. Crop type,
 2. Irrigated acres,
 3. Irrigation method (NTBWUCA only),
 4. Dominant soil type per crop or the number of acres per crop on that dominant soil type, and
 5. If used, quantities used for crop protection.
- This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year.
(474)
14. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for seasonal crops for each permitted irrigation withdrawal point, District ID. Nos. 2, 3, 4, 5, 6, 7, 9, 10, 11, and 16, Permittee ID Nos. 2, 3, 4, 5, 6, 7, Pond 1, Pond 2, Pond 3, and 16:
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)
15. 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)
16. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)
17. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)
18. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Permittee ID Nos. 2, 3, 4, 5, 6, 7, 8, Pond 1, Pond 2, and Pond 3. 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)

19. The following existing, but previously un-metered withdrawal facilities shall be metered within 90 days of permit issuance: District ID No. 16, Permittee ID No. 16. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(720)
20. The Permittee shall continue to maintain the monitor well listed below, the Permittee shall record water levels to North American Vertical Datum 1988 (NAVD88) and report them to the District at the frequency listed for the interval, aquifer system listed. To the maximum extent possible, water levels shall be recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate for the frequency noted. If a monitoring well reading is reported dry for more six readings in a given year, a new monitoring well may have to be constructed to a deeper depth. The readings shall be reported online via the Permit Information Center at the District website, (www.watermatters.org/permits/epermitting/), or mailed in hardcopy on District-provided forms to the address given in this permit for mailing data and reports on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource. A copy of the certified survey report for the well listed shall be included with the first data submittal.
- Monitoring Well
- District IID No. 14/Permittee ID No. MW-1, Recorded every month, 27° 24' 49.00"/ 81° 47' 22.66",
Surficial Aquifer
(755)
21. By the date specified below, the Permittee shall install and maintain a District-approved staff gauge in the water body at the location specified by latitude and longitude below and report measurements of water levels referenced to the North American Vertical Datum 1988 at the frequency indicated. Instructions for installation of the staff gauge, and for recording and reporting the data are given in Exhibit B, Water Level Instructions, attached to and made part of this permit.
- Staff Gauge
- District ID No. 13, Permittee ID No. SG-1 by March 31, 2015 within the Pond, shall be recorded on a monthly basis and reported on a monthly basis at 27° 24' 48.56"/ 81° 47' 23.35".56"
- To the maximum extent possible, water levels shall be recorded on the same week of each month and reported to the Water Use Permit Bureau, online via the WUP Portal on the District website, or in hardcopy on District-provided forms on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.
(761)
22. Within 6 months of permit issuance, the Permittee will submit to the District the results of meter calibration tests performed for District ID Nos. 4, 9, and 11, Permittee ID Nos. 4, Pond 1, and Pond 3.
(990)
23. Upon execution of the signed "FARMS" Agreement between the District and Permittee, the following condition shall be complied with.
- A. Standby quantities are based on calculations performed by the DISTRICT that provide the best estimate of the groundwater quantities that shall be conserved or offset as a result of the operation of the FARMS Project (PROJECT)). The parties recognize that the DISTRICT agreed to fund the PROJECT based upon this estimated resource benefit and the standby quantity shall constitute the "offset" of the PROJECT which may only be used by the Permittee in accordance with the provisions of paragraph C. The preceding sentence of this provision shall survive the termination or expiration of the FARMS Agreement for so long as the Permittee operates the PROJECT.

B. If a 20-year permit is issued, the Permittee agrees to operate the PROJECT in accordance with paragraph C for the term of the 20-year permit and the DISTRICT agrees that standby quantities shall not be reduced during the 20-year permit unless requested by the Permittee or required by Florida Statutes. Standby quantities will be reviewed during permit renewal and will remain on standby status without reduction as long as the Permittee continues to operate the PROJECT in accordance with paragraph C and the conditions for issuance provided for in Chapter 373, F.S. and Chapter 40D-2, F.A.C., are met. If the Permittee discontinues operating the PROJECT prior to the expiration of the 20-year permit, the Permittee shall submit a permit modification application within ten (10) days and the parties agree that the standby quantities will be reviewed by the DISTRICT in accordance with the provisions of Chapter 373, F.S. and Chapter 40D-2, F.A.C. In the event the Permittee subsequently operates the PROJECT,, the Permittee shall modify the Permit in accordance with paragraph A. This provision shall survive the termination or expiration of the FARMS Agreement.

C. The Permittee shall use the project components for the purpose of reducing groundwater withdrawals to the maximum extent practicable and allowed under the terms and conditions of the Permit, or its subsequent renewal or modification on all portions of the agricultural operation which are capable of benefiting from the PROJECT. Notwithstanding the foregoing, the Permittee may use standby quantities for irrigation as reasonably necessary under the circumstances and in accordance with the Permit or its subsequent renewal or modification if the use of the water provided by the PROJECT is such that a) adverse crop effects will occur due to its use or detainment; b) food safety concerns arise through its use; c) the quantity of surface water and captured irrigation tailwater is insufficient to provide the quantities of water necessary for supplemental irrigation; d) an unforeseen malfunction in project components occurs; or e) if standby quantities estimated are not realized. If a 20-year permit is issued to the Permittee under the terms of paragraph B, this provision shall survive the expiration of the FARMS Agreement through the duration of the 20-year permit.

D. The Permittee shall not use the standby quantities to expand its agricultural operation or to irrigate a change in crop that utilizes more water than the existing crops that are set forth in the FARMS Agreement. This provision shall not be construed to prohibit the Permittee from expanding its agricultural operation or irrigating different crops with quantities otherwise available in the Permit. This provision shall survive the termination or expiration of the FARMS Agreement for so long as the Permittee operates the PROJECT.

E. The Permittee shall not, sell, lease, convey or otherwise transfer the standby quantities from the Permit, or its subsequent renewal or modification, to any other permit, person, or entity or to another property owned by the Permittee. This provision shall survive the termination or expiration of the FARMS Agreement for so long as the Permittee operates the PROJECT.

F. The required permit modification applications may be made through the use of a Modification Short Form if otherwise permitted under District rules(992)

24. The permittee is eligible for water conserving credits on December 1, 2028, through the submittal of a Letter Modification Application.” The Permittee must be in compliance with all permit conditions and have submitted all appropriate seasonal and annual crop reporting forms to be eligible for the additional water conserving credits. The available water conserving credit quantity will be equal to twice the difference between the 5-in-10 and 2-in-10 irrigation requirements as determined by AGMOD.
(1027)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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 sub

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

2. **Accuracy Test Requirements:** The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:
- A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
 - B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
 - C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
 - D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:
- A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.014.00 (07/08) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

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

WATER LEVEL INSTRUCTIONS

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

Water Level Recording Timetable

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

WELL COMPLAINT INSTRUCTIONS

The permittee shall adhere to the following process for handling water resource, surface or ground water withdrawal point impact, dewatering complaints, or discharge/seepage of water from their property:

1. Within 48 hours of a complaint received by the Permittee related to their withdrawal or use of water or dewatering activity, the Permittee shall notify the District, perform a preliminary investigation to determine whether the Permittee's pumpage, dewatering activity, or discharge/seepage from their property may have caused the problem.
2. If this preliminary assessment indicates that the Permittee may be responsible, the Permittee shall, within 72 hours of complaint receipt, supply the complainant with any water necessary for health and safety purposes, such as drinking water.
3. If the resulting investigation determines that the Permittee was not responsible for the well problem, the Permittee shall document the reasons for this determination.
4. If the detailed investigation confirms that the complainant's problem was caused by the Permittee's pumpage, dewatering, or discharge or water impoundment activities:
 - A. The complainant's problem shall be fully corrected within 15 days of complaint receipt.
 - B. Impacts to wells: Full correction shall be restoration of the complainant's well to pre-impact condition or better, including the aspects of pressure levels, discharge quantity, and water quality. This detailed investigation shall include, but not be limited to, an analysis of water levels and pumpage impacts at the time of the complainant's problem, well and pump characteristics including depths, capacity, pump curves, and irrigation system requirements.

5. The Permittee shall file a report of the complaint, the findings of facts, appropriate technical data, and any mitigating action taken or to be taken by the Permittee, to the Water Use Permit Bureau Chief, for review and approval within 20 days of the receipt of any complaint. The report shall include:
 - A. The name and address of each complainant;
 - B. The date and nature of the complaint;
 - C. A summary of the Permittee's investigation;
 - D. A summary of the Permittee's determination, including details of any mitigation activities; and
 - E. Cost of mitigation activity for each complaint.
6. A copy of the report shall be sent to the complainant within 20 days of complaint receipt.

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.

REGULATION COMMITTEE

January 22, 2019

Consent Agenda

WUP No. 20007724.010 - Blossom Grove / FLM, Inc. (Manatee County)

This is a modification of an existing water use permit for agricultural use. The authorized Annual Average quantity is increased from 835,000 gallons per day (gpd) to 927,100 gpd; the Drought Annual Average is increased from 1,047,400 gpd to 1,094,300 gpd; the Peak Month is decreased from 6,137,200 gpd to 5,206,200 gpd; and Crop Protection is increased from 5,330,000 gpd to 7,430,400 gpd. The changes in permitted water use quantities are the result of a change in crop plan to reduce the irrigated acres of citrus from 1,016 acres to 800 acres and the addition of 30.1 acres of new container nursery. The water use quantities are based on the District's irrigation allotment calculation program, AGMOD. This modification relocates an Annual Average quantity of 92,100 gpd of groundwater from WUP No. 20007723 and adds a new surface water re-pump station (District ID No. 18) constructed under a FARMS project to develop additional alternative water supply (AWS) sources at the site and reduce groundwater withdrawals from the Upper Floridan aquifer. With the addition of the new surface water withdrawal, an additional 72,500 gpd of groundwater will be offset bringing the total groundwater offset at the site to 572,500 gpd in the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA). The proposed groundwater quantities are also offset by the utilization of 50,000 gpd of reclaimed water on an annual average daily basis.

Special conditions include those that require the Permittee to: continue to record and report monthly meter readings from all withdrawal points; adhere to specific well construction stipulations for the proposed well; install flow meter on the proposed groundwater withdrawal when it is constructed; install flow meters on the existing surface water withdrawals and the proposed surface water withdrawal; submit annual crop reports; notify the District of loss of any AWS sources and modify the permit to reflect incorporation of any new AWS sources; implement water conservation and best management practices; and be subject 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 007724.010

PERMIT ISSUE DATE: January 22, 2019

EXPIRATION DATE: November 26, 2027

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: FLM, Inc.
4602 Dogwood Hills Ct.
Brandon, FL 33511

PROJECT NAME: Blossom Grove
WATER USE CAUTION AREA(S): Most Impacted Area, SOUTHERN WATER USE CAUTION AREA
COUNTY: Manatee

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

ANNUAL AVERAGE	927,100 gpd
PEAK MONTH ¹	5,206,200 gpd
DROUGHT ANNUAL AVERAGE ²	1,094,300 gpd
CROP PROTECTION/MAXIMUM ³	7,430,400 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 annual average quantity is increased from 835,000 gallons per day (gpd) to 927,100 gpd; the drought annual average is increased from 1,047,400 gpd to 1,094,300 gpd, the peak month is decreased from 6,137,200 gpd to 5,206,200 gpd, and crop protection is increased from 5,330,000 gpd to 7,430,400 gpd. The changes in permitted water use quantities are the result of a change in crop plan to reduce the irrigated acres of citrus from 1,016 acres to 800 acres and the addition of 30.1 acres of new container nursery. The water use quantities are based on the District's irrigation allotment calculation program, AGMOD. This modification relocates a groundwater annual average quantity of 92,100 gpd from WUP No. 20007723.005. The modification also adds a new surface water re-pump station (District ID No. 18) constructed under a FARMS project to develop additional alternative water supply (AWS) sources at the site and reduce groundwater withdrawals from the Upper Floridan aquifer. With the addition of the new surface water withdrawal, an additional 72,500 gpd of groundwater will be offset bringing the total groundwater offset at the site to 572,500 gpd in the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA). The proposed groundwater quantities are also offset by the utilization of 50,000 gpd of reclaimed water on an annual average daily basis.

Attachment: Jan19 WUP 20007724.010 Recap Permit (4163 : WUP No. 20007724.010 - Blossom Grove)

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, adhere to specific well construction stipulations for the proposed well, install flow meter on the proposed groundwater withdrawal when it is constructed, install flow meters on the existing surface water withdrawals and the proposed surface water withdrawal, submit annual crop reports, notify the District of loss of any AWS sources and modify the permit to reflect incorporation of any new AWS sources, implement water conservation and best management practices, and be subject 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	927,100	5,206,200	1,094,300	7,430,400

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Citrus	800.00	Low Volume Spray	13.10"/yr.	16.24"/yr.
Nursery, Container	30.10	Drip With Plastic		102.81"/yr.

WITHDRAWAL POINT QUANTITY TABLE

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

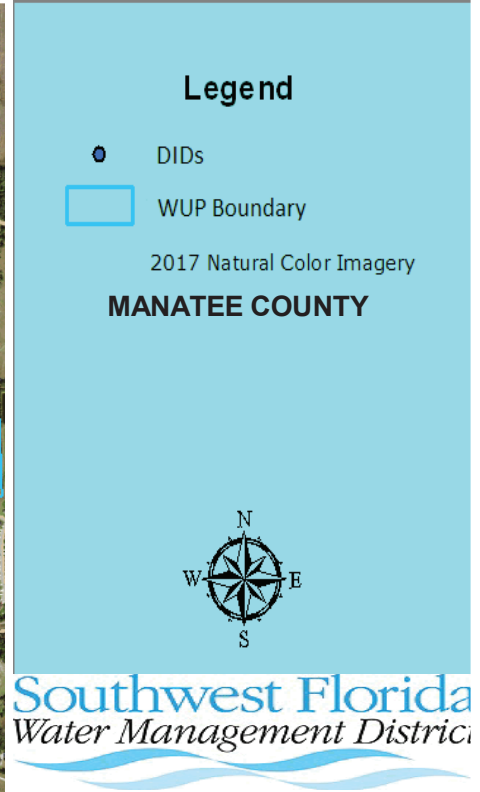
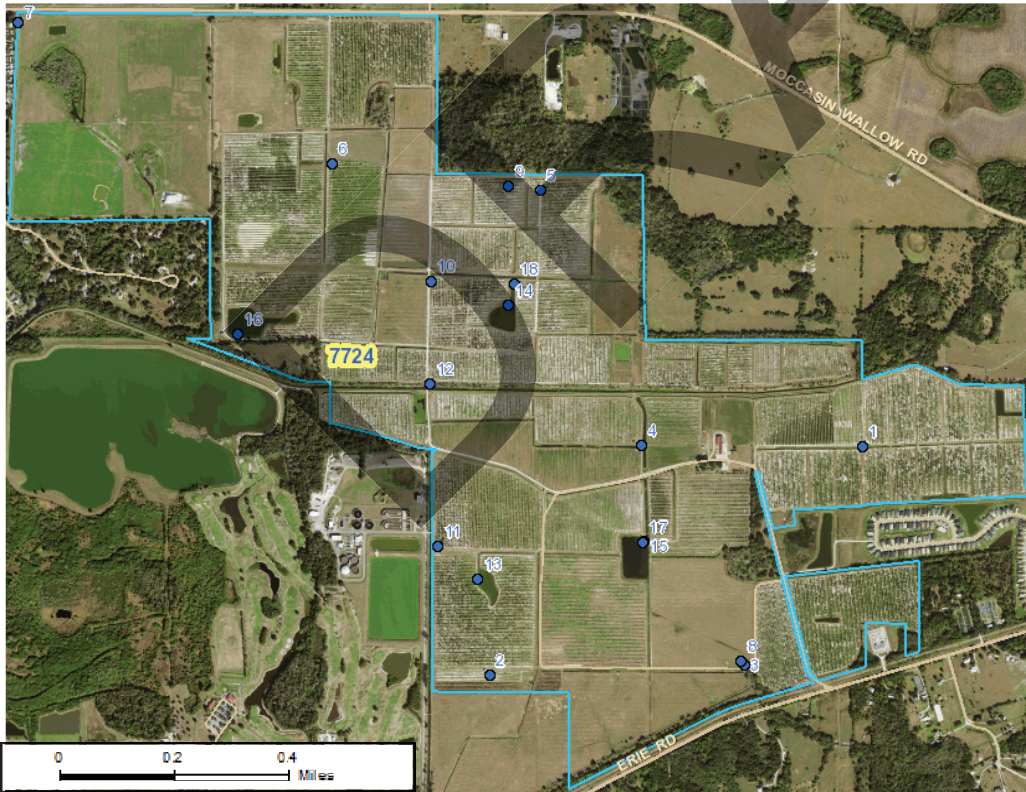
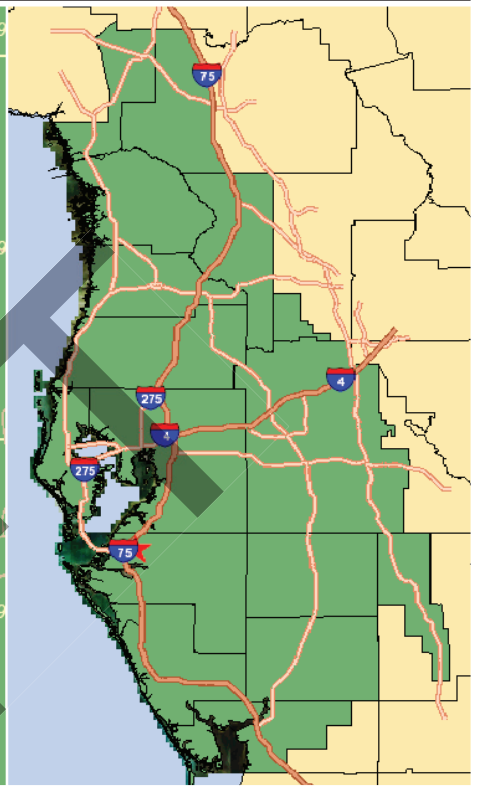
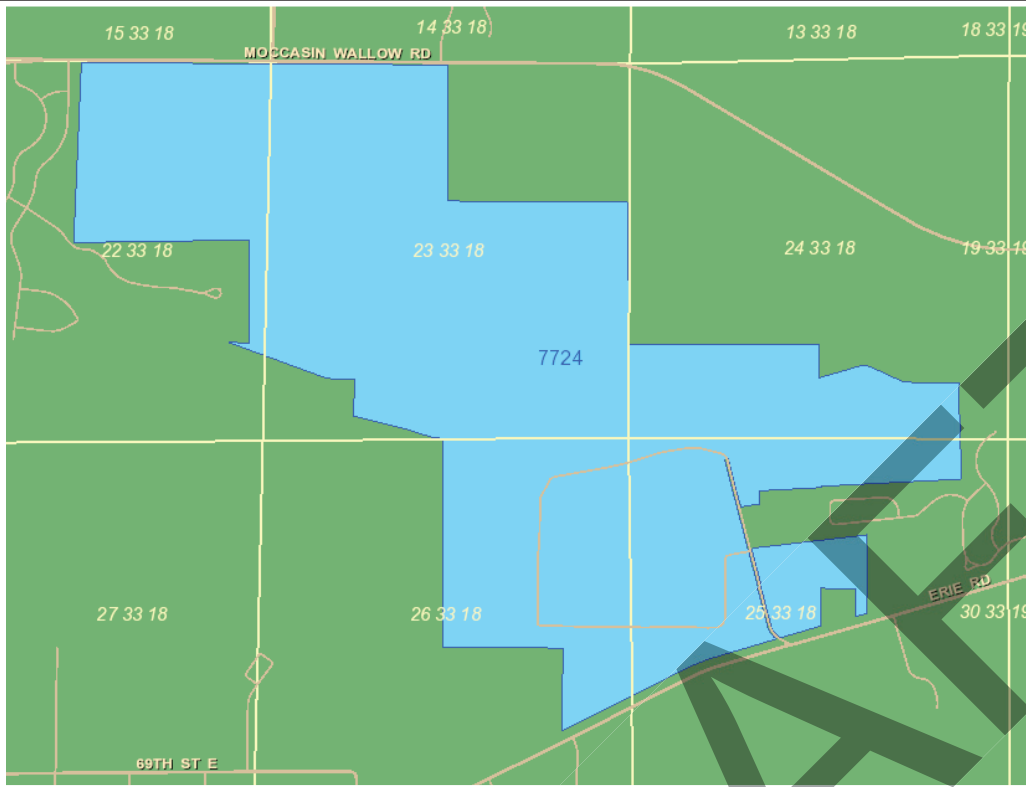
<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>	<u>CROP PROTECTION (gpd)</u>
1 / 1	12	577 / 292	Irrigation	115,800	650,600	928,800
4 / 2	12	950 / 149	Irrigation	91,800	650,800	928,800
8 / 4	10	280 / 170	Irrigation	53,400	650,800	928,800
5 / 5	8	269 / 64	Irrigation	91,700	650,800	928,800
6 / 6	8	880 / 300	Irrigation	91,700	650,800	928,800
7 / 7	10	1,029 / 148	Irrigation	115,900	650,800	928,800
2 / 8	10	850 / 420	Irrigation	53,400	650,800	928,800
9 / 9	12	840 / 440	Irrigation	115,900	650,800	928,800
10 / 10	10	N/A / N/A	Irrigation	50,000	50,000	N/A
12 / 11	10	N/A / N/A	Irrigation	50,000	50,000	N/A
11 / 12	10	N/A / N/A	Irrigation	50,000	50,000	N/A
13 / 13	12	N/A / N/A	Re-Pump	62,500	62,500	62,500
14 / 14	12	N/A / N/A	Re-Pump	125,000	125,000	125,000
15 / 15	12	N/A / N/A	Re-Pump	62,500	62,500	62,500
16 / 16	12	N/A / N/A	Re-Pump	125,000	125,000	125,000
17 / 17	16	N/A / N/A	Re-Pump	125,000	125,000	5,330,000
18 / 18	12	N/A / N/A	Re-Pump	72,500	72,500	72,500

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 35' 13.00"/82° 27' 29.90"
2	27° 34' 45.73"/82° 28' 20.14"
4	27° 35' 13.04"/82° 27' 59.83"
5	27° 35' 43.19"/82° 28' 13.59"
6	27° 35' 46.32"/82° 28' 41.77"
7	27° 36' 02.86"/82° 29' 24.23"
8	27° 34' 47.50"/82° 27' 46.20"
9	27° 35' 43.69"/82° 28' 17.81"
10	27° 35' 32.40"/82° 28' 28.30"
11	27° 35' 01.00"/82° 28' 27.20"
12	27° 35' 20.30"/82° 28' 28.30"
13	27° 34' 57.11"/82° 28' 21.81"
14	27° 35' 29.57"/82° 28' 17.74"
15	27° 35' 01.65"/82° 27' 59.44"
16	27° 35' 26.04"/82° 28' 54.38"
17	27° 35' 01.62"/82° 27' 59.56"
18	27° 35' 32.17"/82° 28' 17.08"

Attachment: Jan19 WUP 20007724.010 Recap Permit (4163 : WUP No. 20007724.010 - Blossom Grove)

Location Map
FLM, Inc.
WUP No. 20 007724.010



Attachment: Jan19 WUP 20007724.010 Recap Permit (4163 : WUP No. 20007724.010 - Blossom Grove)

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 construct the proposed wells according to the surface diameter, casing depth, and total depth specifications listed below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between different water bearing zones. The surface diameter and total depth specified are those proposed by the Permittee in the application process. However, it is the Permittee's responsibility to have the water in the well sampled during well construction before reaching the estimated minimum total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water intrusion. All depths given are in feet below land surface.

District ID No. 9, Permittee ID No. 9, having a surface diameter of 12 inches, with a minimum casing depth of 440 feet, drilled to a minimum total depth of 840 feet.
(235)

4. 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)
5. 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)

6. 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)
7. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)
8. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
9. Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated acre-inches per irrigated acre per season for each crop type. For all crops except Citrus, an irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. For Citrus, an irrigated acre is based on 74% shaded area, equivalent to 89.4% of the gross acreage minus uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

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

10. The Permittee shall immediately implement the District-approved water conservation plan 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 November 1, 2026.(449)
11. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for annual crops for each permitted irrigation withdrawal point, District ID. Nos. 1, 2, 4, 5, 6, 7, 8 and 9, Permittee ID Nos. 1, 4, 8, 5, 6, 7, 2 and 9:
 1. Crop type,
 2. Irrigated acres,
 3. Irrigation method (NTBWUCA only),
 4. Dominant soil type per crop or the number of acres per crop on that dominant soil type, and
 5. If used, quantities used for crop protection.

This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year.
(474)
12. The Permittee shall submit a copy of all well completion reports as filed with the Environmental Action Commission of Manatee County to the Water Use Permit Bureau within 30 days of each well completion.(508)
13. 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)
14. Upon verbal or written notice from an alternative water supply provider that delivery of all or part of the alternative water supply is to permanently cease, the Permittee shall submit information to the District explaining the reason(s) for the cessation. If the cessation was not caused by actions of the Permittee

and is beyond the control of the Permittee, the Permittee may apply for a letter modification to reinstate use of permitted standby quantities. (597)

15. This permit includes standby quantities related to onsite FARMS projects that total 572,500 gallons per day annual average. In the event that an alternative water supply (AWS) for which there are standby quantities permitted on this permit become wholly or partially unavailable, insufficient or unsuitable, the permittee shall access permitted standby quantities as follows depending upon the length of time the AWS is not available, sufficient or suitable. At no time will the Permittee utilize standby quantities to exceed authorized use or an authorized irrigation allocation rate on this permit.

Less than 30 days: No District notification is required if the AWS is unavailable, insufficient, or unsuitable for the 30-day period or less. The Permittee may access permitted standby quantities to meet authorized use or an authorized irrigation allocation rate from the date of the first loss up to 30 days.

Greater than 30 days but less than one year: The Permittee shall notify the District in writing within 45 days of the first day the AWS became unavailable, insufficient or unsuitable. The notification shall identify the standby withdrawal sources that were or will be activated, and the Permittee shall continue to submit written notification monthly for each subsequent 30-day period where the standby delivery of AWS is unavailable, insufficient or unsuitable, for up to one year from the date of first loss, insufficiency, or unsuitability. The Permittee may access permitted standby quantities to meet authorized use or an authorized irrigation allocation rate from the date of the first loss up to one year. If the loss of the AWS exceeds one year, the Permittee shall apply for a Letter of Modification to reinstate the standby quantities as active quantities, subject to all requirements of Rule 40D-2.331(2), F.A.C.

Permanent Loss: Upon verbal or written notice from an alternative water supply provider that delivery of all or part of the alternative water supply is to permanently cease, the Permittee shall submit information to the District explaining the reason(s) for the cessation. If the cessation was not caused by actions of the Permittee and is beyond the control of the Permittee, the Permittee shall apply for a letter modification to reinstate the standby quantities as active quantities. (598)

16. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)
17. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)
18. The following existing, reclaimed water inflow lines shall continue to be maintained and operated with non-resettable, totalizing flow meter(s) or other flow measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 10, 11 and 12, Permittee ID Nos. 10, 12 and 11. 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.(701)
19. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID Nos. 9, 16, 17 and 18, Permittee ID Nos. 9, 16, 17 and 18. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)

20. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 1, 2, 4, 5, 6, 7 and 8, Permittee ID Nos. 1, 4, 8, 5, 6, 7 and 2. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)
21. The following existing, but previously un-metered withdrawal facilities shall be metered upon permit issuance: District ID Nos. 13, 14 and 15, Permittee ID Nos. 13, 14 and 15. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(720)
22. This water use permit allocates a total of 977,100 gallons per day (gpd) of groundwater on an annual average daily basis, of which 50,000 gpd is currently being offset by reclaimed water. In the event that reclaimed water becomes economically or technically infeasible pursuant to the criteria contained in 40D-2, F.A.C., this standby quantity can be re-instated pursuant to the criteria referenced above without being a new use in the Most Impacted Area (MIA) of the Southern Water Use Caution Area upon written authorization from the Water Use Permit Bureau Chief. The groundwater allocation authorized under this permit is subject to the provisions contained in 40D-2, F.A.C., which includes self-relocation within the MIA.
(990)
23. The Permittee shall utilize surface water in lieu of groundwater to the maximum extent practicable, based on economic, environmental and technical feasibility. The District will evaluate water use records submitted by the Permittee in addition to any other relevant information to determine if the Permittee is maximizing the use of surface water. This information will also be used during the renewal of this permit to evaluate the feasibility of establishing a groundwater standby quantity based on the reliability of the surface water.
(991)
24. Upon execution of the signed "FARMS" Agreement between the District and Permittee, the following condition shall be complied with.

A. Standby quantities are based on calculations performed by the DISTRICT that provide the best estimate of the groundwater quantities that shall be conserved or offset as a result of the operation of the FARMS Project (PROJECT). The parties recognize that the DISTRICT agreed to fund the PROJECT based upon this estimated resource benefit and the standby quantity shall constitute the "offset" of the PROJECT which may only be used by the Permittee in accordance with the provisions of paragraph C. The preceding sentence of this provision shall survive the termination or expiration of the FARMS Agreement for so long as the Permittee operates the PROJECT.

B. If a 20-year permit is issued, the Permittee agrees to operate the PROJECT in accordance with paragraph C for the term of the 20-year permit and the DISTRICT agrees that standby quantities shall not be reduced during the 20-year permit unless requested by the Permittee or required by Florida Statutes. Standby quantities will be reviewed during permit renewal and will remain on standby status without reduction as long as the Permittee continues to operate the PROJECT in accordance with paragraph C and the conditions for issuance provided for in Chapter 373, F.S. and Chapter 40D-2, F.A.C., are met. If the Permittee discontinues operating the PROJECT prior to the expiration of the 20-year permit, the Permittee shall submit a permit modification application within ten (10) days and the parties agree that the standby quantities will be reviewed by the DISTRICT in accordance with the provisions of Chapter 373, F.S. and Chapter 40D-2, F.A.C. In the event the Permittee subsequently operates the PROJECT, the Permittee shall modify the Permit in accordance with paragraph A. This provision shall survive the termination or expiration of the FARMS Agreement.

C. The Permittee shall use the project components for the purpose of reducing groundwater withdrawals to the maximum extent practicable and allowed under the terms and conditions of the Permit, or its subsequent renewal or modification on all portions of the agricultural operation which are capable of benefiting from the PROJECT. Notwithstanding the foregoing, the Permittee may use standby quantities for irrigation as reasonably necessary under the circumstances and in accordance with the Permit or its subsequent renewal or modification if the use of the water provided by the PROJECT is such that a) adverse crop effects will occur due to its use or detainment; b) food safety concerns arise through its use; c) the quantity of surface water and captured irrigation tailwater is

insufficient to provide the quantities of water necessary for supplemental irrigation; d) an unforeseen malfunction in project components occurs; or e) if standby quantities estimated are not realized. If a 20-year permit is issued to the Permittee under the terms of paragraph B, this provision shall survive the expiration of the FARMS Agreement through the duration of the 20-year permit.

D. The Permittee shall not use the standby quantities to expand its agricultural operation or to irrigate a change in crop that utilizes more water than the existing crops that are set forth in the FARMS Agreement. This provision shall not be construed to prohibit the Permittee from expanding its agricultural operation or irrigating different crops with quantities otherwise available in the Permit . This provision shall survive the termination or expiration of the FARMS Agreement for so long as the Permittee operates the PROJECT.

E. The Permittee shall not, sell, lease, convey or otherwise transfer the standby quantities from the Permit, or its subsequent renewal or modification, to any other permit, person, or entity or to another property owned by the Permittee. This provision shall survive the termination or expiration of the FARMS Agreement for so long as the Permittee operates the PROJECT.

F. The required permit modification applications may be made through the use of a Modification Short form if otherwise permitted under DISTRICT rules.
(992)

DRAFT

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 upstreamline.
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 subm

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

2. **Accuracy Test Requirements:** The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:
- A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
 - B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
 - C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
 - D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:
- A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.014.00 (07/08) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

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

WELL CONSTRUCTION INSTRUCTIONS

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

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

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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

Attachment: Jan19 WUP 20007724.010 Recap Permit (4163 : WUP No. 20007724.010 - Blossom Grove)

REGULATION COMMITTEE

January 22, 2019

Consent Agenda

WUP No. 20009486.007 - South Pasture Grove / South Ft. Meade Land Management, Inc. (Hardee County)

This is a modification of an existing water use permit for agricultural use. The authorized quantities are changed from those previously permitted. The annual average increased from 494,700 gallons per day (gpd) to 935,000 gpd, drought annual average increased from 723,000 gpd to 985,600 gpd, peak month decreased from 3,915,300 gpd to 2,627,100 gpd, and crop protection decreased from 12,528,000 gpd to 3,006,600 gpd. The modification includes a change from 615.90 acres of citrus to 136.9 acres of citrus and 398.52 acres of squash. Irrigation quantities are based on information provided by the applicant and the District's irrigation allotment model, Agmod. This water use permit is located in the Southern Water Use Caution Area. Reclaimed water is not available at this location.

Special Conditions include those that require the Permittee to record and report monthly meter readings, calibrate the meters every five years, submit annual crop reports, modify the permit to reflect incorporation of any new alternative sources of water, and implement water conservation and best management practices.

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 009486.007**

PERMIT ISSUE DATE: January 22, 2019

EXPIRATION DATE: April 11, 2036

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: South Ft Meade Land Management, Inc.
3989 Dixiana Drive
Bowling Green, FL 33934

PROJECT NAME: South Pasture Grove

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

COUNTY: Hardee

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

ANNUAL AVERAGE	935,000 gpd
PEAK MONTH ¹	2,627,100 gpd
DROUGHT ANNUAL AVERAGE ²	985,600 gpd
CROP PROTECTION/MAXIMUM ³	3,006,600 gpd

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

ABSTRACT:

This is a modification of an existing water use permit for agricultural use. The authorized quantities are changed from those previously permitted. The annual average increased from 494,700 gallons per day (gpd) to 935,000 gpd, drought annual average increased from 723,000 gpd to 985,600 gpd, peak month decreased from 3,915,300 gpd to 2,627,100 gpd, and crop protection decreased from 12,528,000 gpd to 3,006,600 gpd. The modification includes a change from 615.90 acres of citrus to 136.9 acres of citrus and 398.52 acres of squash. Irrigation quantities are based on information provided by the applicant and the District's irrigation allotment model, Agmod. This water use permit is located in the Southern Water Use Caution Area. Reclaimed water is not available at this location.

Special Conditions include those that require the Permittee to record and report monthly meter readings, calibrate the meters every five years, submit annual crop reports, modify the permit to reflect incorporation of any new alternative sources of water, and implement water conservation and best management practices.

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	935,000	2,627,100	985,600	3,006,600

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Citrus	136.90	Low Volume Spray	12.10"/yr.	17.64"/yr.
Squash, Zucchini - (Non Cover Crop)	127.90	Drip With Plastic	31.22"/yr.	31.22"/yr.
Squash, Zucchini - (Non Cover Crop)	159.10	Drip With Plastic	25.09"/yr.	25.09"/yr.
Squash, Zucchini - (Non Cover Crop)	68.60	Drip With Plastic	22.63"/yr.	22.63"/yr.
Squash, Zucchini - (Non Cover Crop)	42.92	Drip With Plastic	36.17"/yr.	36.17"/yr.

WITHDRAWAL POINT QUANTITY TABLE

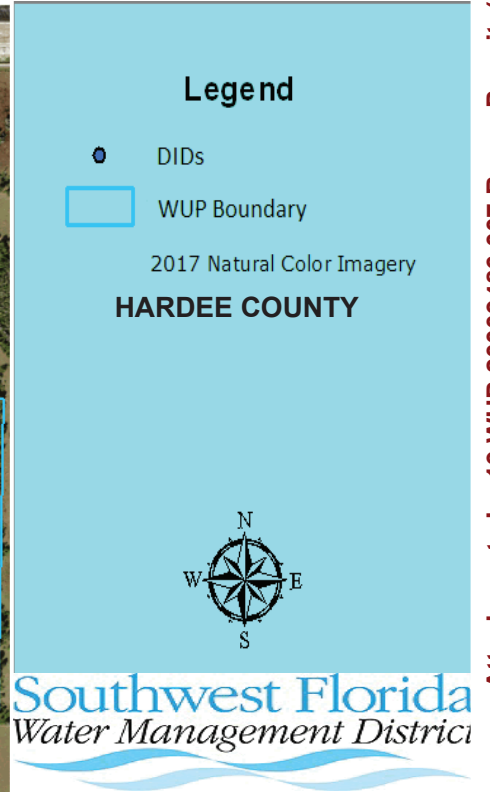
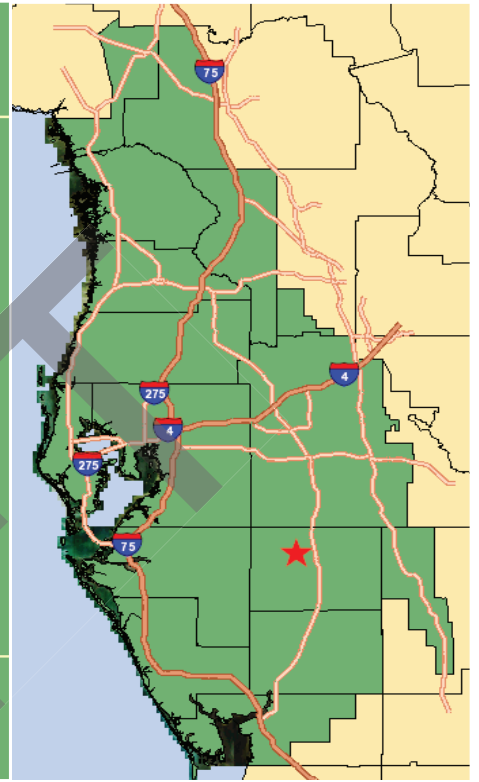
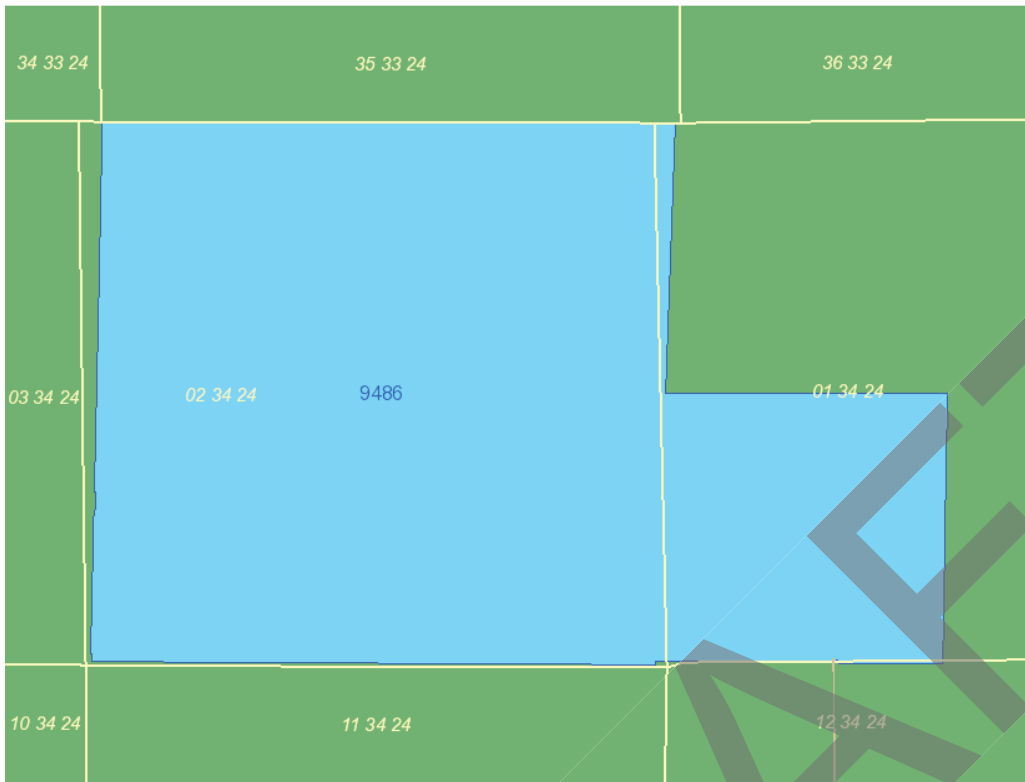
Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO.</u>	<u>PERMITTEE/ 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>
17-1 / 1		12	1,100 / UNK	Irrigation	110,000	870,300	3,006,600
17-3 / 3		8	900 / UNK	Irrigation	231,000	441,300	N/A
17-6 / 7		12	1,100 / UNK	Irrigation	594,000	1,315,500	N/A

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 32' 52.73"/81° 52' 17.96"
3	27° 33' 05.83"/81° 53' 01.17"
7	27° 32' 57.22"/81° 53' 14.93"

Location Map
South Ft Meade Land Management, Inc.
WUP No. 20 009486.007



Attachment: Jan19 WUP 20009486.007 Recap Permit (4164 : WUP No. 20009486.007 - South Pasture Grove)

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 plac

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. The Permittee shall geophysically (caliper) or video log District ID Nos. 1, 3, and 7, Permittee ID Nos. 17-1, 17-3, and 17-6, if the pump assembly is removed for maintenance or replacement within the term of this permit. If the Permittee does not have to remove the pump assembly during the term of this permit, he or she shall notify the District in writing upon submittal of their application to renew their water use permit (WUP). Such notification will not prejudice the Permittee's application. The District does not require the Permittee to remove the well assembly for the single purpose of logging the well.

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

Until such time as the logging is performed, the District shall continue to assess withdrawal impacts, and credit existing use per aquifer based on the assumption that multiple aquifers are open in the well bore. If an analysis of the log with respect to geology or hydrogeology is made, the report must be signed and sealed by a Professional Geologist who is registered and in good standing with the Florida Department of Business and Professional Regulation.
(408)

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

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

10. The Permittee shall immediately implement the District-approved water conservation plan that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted May 1, 2023.(449)
11. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for annual crops for each permitted irrigation withdrawal point, District ID. No. 1, Permittee ID No. 17-1:
1. Crop type,
 2. Irrigated acres,
 3. Irrigation method (NTBWUCA only),
 4. Dominant soil type per crop or the number of acres per crop on that dominant soil type, and
 5. If used, quantities used for crop protection.
- This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year.
(474)
12. 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 and 7, Permittee ID Nos. 17-3 and 17-6:

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)

13. By May 1, 2026, the Permittee shall submit a detailed study regarding the feasibility of utilizing a tailwater recovery system on the property for the purposes of irrigation. The report shall address and include:
 - A. Economic factors, water quality, the total quantity of tailwater available, and other associated considerations; and
 - B. An implementation schedule for the tailwater reuse, if such use is determined by the Permittee and the District to be feasible.

If the use of a tailwater recovery system is found not to be feasible, information detailing why such an operation is not feasible will be included.

If the use of a tailwater recovery system for irrigation purposes is determined to be feasible by the Permittee and the District, the Permittee shall submit an implementation plan to the Water Use Permit Bureau, for review and approval, within 30 days after the feasibility report is approved in writing by the Water Use Permit Bureau Chief. The District will require the construction and implementation of the approved tailwater recovery system into the Permittee's irrigation operation within a period of time agreed upon by the District and the Permittee. A modification of the Water Use Permit may be required by the District after approval of the implementation plan.
(542)

14. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
15. The Permittee shall 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)
16. 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)
17. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 1, 3, and 7 Permittee ID Nos. 17-1, 17-3, and 17-6. 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 sub

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

2. **Accuracy Test Requirements:** The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:
- A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
 - B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
 - C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
 - D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:
- A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.014.00 (07/08) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

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

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

January 22, 2019

Consent Agenda

Consent Order – Unauthorized Construction – New Pleasant Grove Baptist Church, Inc. – CT No. 387385 – Pinellas County

New Pleasant Grove Baptist Church, Inc., (“Owner”) is the owner of real property located at 3455 21st Avenue South, St. Petersburg, Pinellas County, Florida (“Property”).

On February 24, 2016, ERP Application No. 725181 (“Application”) was submitted to the District for the approval of a surface water management system to serve the Property. The Owner received a Clarification of Received Information letter (“CLAR”) on June 16, 2016, and subsequently received two time extensions by which to respond to the CLAR.

The Application was denied on February 22, 2017, for lack of completeness, because the District never received a response to the CLAR.

While the Application was still under District review, District staff observed that a 9,630 square foot building had been constructed on the Property. Following the Application’s denial, the District issued two Notices of Unauthorized Activities to the Owner, and made attempts to contact the Owner, before referring the file to the Office of General Counsel (“OGC”). OGC staff issued a Notice of Violation and Proposed Consent Order to the Owner on November 9, 2018.

In its final form, the Consent Order includes \$4,317.00 in penalties for construction without a permit and \$2,000.00 in enforcement costs for a total payment of \$6,317.00. The Consent Order also contains deadlines by which the Owner must apply for an ERP, obtain the District’s approval for an ERP, and complete construction of the stormwater management system approved therein.

The Consent Order was signed by the Owner and submitted to the District on December 6th, 2018.

Staff Recommendation:

Approve the proposed Consent Order and authorize the initiation of litigation against New Pleasant Grove Baptist Church, Inc., and any other necessary parties to obtain compliance, recover administrative fines and civil penalties for any violations, and to recover District enforcement costs, court costs, and attorneys’ fees, if necessary.

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

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF _____

IN RE: NEW PLEASANT GROVE BAPTIST CHURCH, INC.
CT NO. 387385
SEC/TWP/RGE: 27/31S/16E
PINELLAS COUNTY, FLORIDA

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes ("F.S."), this Consent Order is entered into by and between the Southwest Florida Water Management District ("District") and New Pleasant Grove Baptist Church, Inc. ("Church"), collectively referred to as the "Parties," 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 rules promulgated thereunder as Chapter 62-330, Florida Administrative Code ("F.A.C.").
2. The Church owns a parcel of real property located within Section 27, Township 31S, Range 16E, in Pinellas County, Florida ("Property").
3. On February 24, 2016, the Church submitted Environmental Resource Permit ("ERP") Application No. 725181 ("Application") to the District for the construction of a surface water management system to serve a church site consisting of a 9,630-square foot building, parking, and infrastructure ("Project"). District staff inspected the Project site on September 26, 2016, and observed that the building had been constructed without obtaining the necessary authorization. After failing to respond to a Clarification of Received Information letter, the Church's Application was denied on February 22, 2017, for lack of completeness.

4. The District issued Notices of Unauthorized Activities on May 1, 2017, and August 30, 2017, advising the Church to submit a new ERP application so that the Project could be authorized, to which Church did not respond.

5. As of the date of this Consent Order, an ERP application has not been received by the District and the Project's construction remains unauthorized.

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

CONCLUSIONS OF LAW

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

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

9. The activities described in paragraph three herein constitute the construction or alteration of a surface water management system as defined in the ERP Applicant's Handbook Volume I, Section 2.0(a)(18), incorporated by reference in Rule 62-330.010(4), F.A.C.

10. The activities described in paragraph three herein are regulated activities that require an ERP pursuant to Rule 62-330.020(2), F.A.C., and are not exempt from permitting requirements.

11. The activities described in paragraph three herein constitute a violation of Sections 373.413 and 373.403(1)(b), F.S., and Rule 62-330.020(2), F.A.C.

CORRECTIVE ACTIONS

12. The Church shall not engage in any further construction activity on the Property that constitutes the construction, alteration, operation, or abandonment of a project subject to regulation pursuant to Chapter 373, F.S., unless and until an ERP is obtained from the District. Any further activity shall be authorized by and in accordance with an ERP.

13. Within 30 days of this Consent Order's approval by the District's Governing Board, the Church shall submit a new ERP application to request authorization for the activities that have occurred on the Property.

14. The Church shall comply with any District requests for additional information or clarification relating to the ERP application referenced in paragraph 13 herein within the time frames specified in the requests. The Church shall obtain District approval of an ERP no later than 180 days after the submittal of the ERP application.

15. Within 180 days of issuance of the ERP, the Church shall complete all construction authorized by the ERP. Within thirty days of completion of the construction authorized by the ERP, the Church shall submit to the District a properly completed As-Built Certification and Request for Conversion to Operation Phase form certifying that the construction of the Property has been completed in conformance with the ERP and otherwise meets District requirements. If the District discovers any deviations from the permitted design or other violations of District rules, the Church shall perform any necessary remedial work and, if requested, shall submit to the District a new As-Built Certification and Request for Conversion to Operation Phase form within 30 days of issuance of the District's written notification of such.

16. The Church shall pay to the District Four Thousand Three Hundred Seventeen Dollars (\$4,317.00) in penalties and Two Thousand Dollars (\$2,000.00) in enforcement costs, for a total of Six Thousand Three Hundred Seventeen Dollars (\$6,317.00), by certified check or money order within 30 days of this Consent Order's approval by the District's Governing Board. If mailed, the address for payment is:

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

17. The Church may apply in writing to the District for an extension of the time limits contained in this Consent Order no later than five days prior to the expiration of such time limit. The District may grant an extension of time in writing for good cause shown.

18. For each day of delay beyond any due date specified in this Consent Order, the Church shall pay to the District an additional sum of \$100 per day. This additional sum shall be due to the District immediately upon the District's mailing of a letter demanding such. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

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

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

21. The District hereby expressly reserves and retains the right to initiate appropriate legal action against the Church to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Consent Order. The Church acknowledges by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject the Owner to criminal prosecution, administrative action, or civil suit in which penalties of up to

Ten Thousand Dollars (\$10,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

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

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

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

25. 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.

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

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

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

ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (with the exception of item (2), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637, facsimile number (813) 367-9776 or (813) 367-9778, within twenty-one (21) days of receipt of this notice. The District does not accept filings via electronic mail. 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.

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WITNESS:

NEW PLEASANT GROVE
BAPTIST CHURCH, INC.

Sarah Anderson
Signature

SARAH ANDERSON
Printed Name

12-06-2018
Date

Ally R Hamill Chairman Trustee
Signature of Representative

Ally R Hamill Chairman Trustee
Printed Name of Representative

12/06/2018
Date

Approved by the Governing Board of the Southwest Florida Water Management District

this ____ day of _____, 20__.

Approved as to Legal Form and Content

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

By: _____
Jeffrey M. Adams, Chair

Attest: _____
Bryan K. Beswick, Secretary

Filed this ____ day of _____, 20__.

Deputy Agency Clerk

CONSENT ORDER
NEW PLEASANT GROVE BAPTIST CHURCH, INC.
CT NO. 387385
PINELLAS COUNTY, FLORIDA

GENERAL COUNSEL'S REPORT

January 22, 2019

Consent Agenda

Initiation of Litigation – Failure to Submit Meter Readings – B&G Family Partnership, LLLP – WUP No. 20006586.007 – CT No. 379578 – Levy County, Florida

This enforcement matter involves the initiation of litigation relating to conditions in WUP No. 20006586.007. Specifically, District staff seek approval to initiate litigation to address the failure to submit monthly meter readings and routine meter calibrations as required on the Permit for approximately the last three (3) years.

On May 23, 2011, the District issued Water Use Permit (“WUP”) No. 20006586.006 (”.006 Permit) to Corrie Bell authorizing groundwater withdrawals in the amount of 653,800 gallons per day (“gpd”) on an annual average basis. The .006 Permit was issued for agricultural irrigation of melons (300 acres), peanuts (300 acres), and livestock located in in Levy County, Florida. On May 19, 2015 the District approved a transfer of WUP No. 20006586.007 (“Permit”) to the new permittee, B&G Family Partnership, LLLP (“Permittee”).

Since July 2015, the Permittee has not provided proper meter readings to the District and meter calibrations have not been done. On July 29, 2015, and March 24, 2016, the Permittee was notified that it had failed to submit required reporting data pursuant to Special Conditions 6 and 7 of the Permit. On June 21, 2016 Permittee provided some meter readings for the date of May 11th, 2016, but the corresponding meter numbers were not provided and some data was reported missing. No other data has been provided as of the date of this report.

On November 20, 2018 the Office of General Counsel mailed a Notice of Violation and proposed Consent Order to the Permittee. On November 30, 2018 the Permittee’s representative, Arlene Bell, contacted counsel for the District and informed counsel that readings were not available for all the required months. Permittee reported that it would submit whatever readings were available, but no documents were submitted thereafter.

Pursuant to Special Condition No. 6 of the Permit, all withdrawals from District ID numbers 6 and 7 are required to be metered and recorded on a monthly basis. Special Condition No. 6 of the Permit also requires flow meters to be tested and calibrated once every five (5) years. Flow meter readings and accuracy reports from District ID numbers 6 and 7 have not been submitted from May 2015 to present.

Special Condition No. 7 of the Permit requires all withdrawals from District ID numbers 8, 9, 10, and 11 to be metered and recorded on a monthly basis as long as the withdrawals points are in use. Meter accuracy reports are also required to be submitted once every five (5) years for District ID numbers 8, 9, 10, and 11. Flow meter readings and accuracy reports from District ID numbers 8, 9, 10, and 11 have not been submitted from May 2015 to present.

The Permittee has been given many opportunities and sufficient information to obtain and accurately report the data as required under the Permit. Despite many attempts by staff to encourage compliance without pursuit of litigation, the Permittee remains delinquent and has not responded to District requests for information. As a result, District staff seek authorization to

Item 11b

initiate litigation against the Permittee in order to achieve compliance. If approved, an Administrative Complaint and Order will be issued to address these violations.

Staff Recommendation:

Authorize the initiation of litigation against B&G Family Partnership, LLLP, and any other necessary parties, to obtain compliance, recover an administrative fine/civil penalty, and to recover District enforcement costs, litigation costs, and attorneys' fees.

Presenter: Elizabeth M. Fernandez, Staff Attorney

GENERAL COUNSEL'S REPORT

January 22, 2019

Consent Agenda

Initiation of Litigation - Operating a System Without a Permit-Etcetera, Etc. Inc. - DeSoto County

On May 17, 1989, the District issued General Management of Surface Water (MSW) Permit No. 404221.01 (Permit) to Pembroke Land Development, Inc. (Pembroke) for the construction of a surface water management system to serve an 84.970- acre residential project in DeSoto County, Florida (Project). The Project consisted of a single surface water management system that collected stormwater runoff from the residential portion of the Project and conveyed it into lakes and created wetlands on golf course tracts, with each lake interconnected by an equalizer pipe. At the time of permit issuance, Pembroke owned a total of 94.331 acres.

On October 8, 1992, the District transferred the Permit to Pembroke for operation and maintenance. By Certificate of Sale, Etcetera acquired the property on October 21, 2009. Since then, Etcetera has operated the surface water management system without a permit.

On August 26, 2015, the District received a complaint from DeSoto County that two inlet pipes, which were part of the surface water management system, were subsiding. On September 10, 2015, District staff conducted a site inspection and observed several permit violations, including the following:

1. Non-functioning drainage inlets and pipes adjacent to 12734 Pembroke Circle, 12755 Pembroke Circle, 12807 Pembroke Circle, 13029 Pembroke Circle, and 12912 Pembroke Circle;
2. A non-functioning junction box between Lake L and Lake N;
3. A missing outfall weir between Wetland H and Wetland C; and
4. The operation of a surface water management system without a permit.

On September 25, 2015, the District sent a Notice of Permit Condition Violations to Etcetera notifying Etcetera of the above referenced violations, that it was operating a surface water management system without a permit, and that recertification for the surface water management system was overdue.

On November 30, 2015, the District sent a Final Notice of Permit Condition Violation to Etcetera again notifying them of the problems identified in the September 25, 2015 letter. By email dated December 7, 2015, Etcetera requested an extension of time to respond to the violations and the District granted Etcetera an extension until January 29, 2016.

In response to the District's letter, a meeting was held on July 15, 2016 between District staff and Etcetera during which Etcetera's consultants requested an extension of time until October 5, 2016 to investigate the nature of the violations and submit a corrective action plan. On March 24, 2017, the District received a list of corrective action items and the cost to implement a correction action plan. Yet, despite numerous emails between counsel for Etcetera and the District requesting the status of the corrective plan, no corrective plan was ever received by the District.

Item 11c

On January 4, 2018, the District sent Etcetera a Notice of Violation and proposed Consent Order. To date, Etcetera has not executed the Consent Order. Accordingly, District staff is seeking authorization to initiate litigation against Etcetera in order to achieve compliance by requiring Etcetera to obtain an ERP and correct any outstanding violations of District rules and state statutes.

Staff Recommendation:

Authorize the initiation of litigation against Etcetera, Etc. Inc. and any other appropriate parties, to recover an administrative fine/civil penalty, and to recover District enforcement costs and attorney's fees.

Presenter: Vivian Arenas-Battles, Assistant General Counsel

EXECUTIVE DIRECTOR'S REPORT

January 22, 2019

Consent Agenda

Approve Governing Board Minutes - December 11, 2018

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

BROOKSVILLE, FLORIDA

DECEMBER 11, 2018

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on December 11, 2018, at the Brooksville Office. The following persons were present:

Board Members Present

Jeffrey M. Adams, Chair
Ed Armstrong, Vice Chair
Bryan Beswick, Secretary
Michelle Williamson, Treasurer
H. Paul Senft, Member *via phone
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 *via phone
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
Ken L. Frink, Division Director
Alba E. Más, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director

Board Administrative Support

Caroline McKnight, 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 (Video – 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.

2. Invocation and Pledge of Allegiance

Board Member Adams 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: Margit Crowell, August Fox and Silas Rooker

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated the following changes were made to the agenda:

The following item was deleted:

Regulation Committee

Consent

10. Individual Water Use Permits Referred to the Governing Board

b. WUP No. 20004600.009 - Sweetwater Preserve, LLC/Sweetwater Preserve, LLC (Hardee County)

The following item was added:

Operations and Land Management Committee

Discussion

52. Authorization to proceed, together with Sarasota County, with the terms of the 6th Amendment to the Carlton Escrow Agreement, SWF Parcel No. 21-694-103C

Board Member Schleicher requested that the following items be moved to Discussion:

Resource Management Committee

6. Bethel Farms, LLLP – Hog Bay Phase 2

Regulation Committee

10. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20001635.010 – Bethel Farms, LLLP/DeSoto County Farm; Bethel Farms, LLLP (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. (Audio 00:09:06)

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

Chair Adams noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda.

Mr. David Ballard Geddis, Jr., spoke against water district taxation.

CONSENT AGENDA

Chair Adams asked that before the Board considers action on the Consent Agenda whether there was anyone in the audience who wished to address the Board regarding an item listed on the Consent Agenda.

Resource Management Committee

6. Bethel Farms, LLLP – Hog Bay Phase 2

Staff recommended the Board:

- 1) ~~Approve the Bethel Farms, LLLP – Hog Bay Phase 2 project for a not to exceed project reimbursement of \$338,000 with \$338,000 provided by the Governing Board;~~
- 2) ~~Authorize the transfer of \$338,000 from fund 010 H017 Governing Board FARMS Fund to the~~

- ~~H775 Bethel Farms, LLLP – Hog Bay Phase 2 project fund;~~
3) ~~Authorize the Assistant Executive Director to sign the agreement.~~

Finance/Outreach & Planning Committee

7. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for November 2018.

Operations, Lands and Resource Monitoring Committee

8. Acceptance of Perpetual Easement Donation – Central Florida Water Initiative (CFWI) Project, Lake Wales Ridge Arbuckle and Walk in the Water Tracts, SWF Parcel No. 20-020-149, 20-020-150, 20-020-151 & 20-020-152

Staff recommended the Board:

- Accept the donation of a perpetual easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the CFWI Project 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.

9. Acceptance of Perpetual Easement Donation – Central Florida Water Initiative (CFWI) Project, Lake Wales Ridge Mountain Lake Cutoff Tract, SWF Parcel No. 20-020-154 & 20-020-155

Staff recommended the Board:

- Accept the donation of a perpetual easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the CFWI Project 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

10. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20001635.010 – Bethel Farms, LLLP/DeSoto County Farm; Bethel Farms, LLLP (DeSoto County)

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

b. WUP No. 20004600.009 – Sweetwater Preserve, LLC/Sweetwater Preserve, LLC (Hardee County)

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

General Counsel's Report

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

a. Amendment to Conservation Easement for Fox Branch Ranch Wetland Mitigation Bank – ERP No. 43042632.000 – Polk County

Staff recommended the Board approve, accept, and execute the attached First Amendment to Deed of Conservation Easement Third Party Beneficiary Rights to USACE for the Fox Branch Ranch Mitigation Bank.

12. Rulemaking – None

Executive Director's Report

13. Approve Governing Board Minutes - November 13, 2018

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (00:12:56)

Chair Adams relinquished the gavel to the Resource Management Committee Chair Rice, who called the meeting to order. (00:13:43)

Resource Management Committee

Discussion

14. Consent Item(s) Moved for Discussion

6. Bethel Farms, LLLP – Hog Bay Phase 2

Board Member Schleicher asked how many current Facilitating Agricultural Resource Management Systems (FARMS) applicants qualify for the 75 percent reimbursement. Mr. Chris Zajac, Farms Program manager, responded that 128 of the 200 Board approved projects qualified for the 75 percent reimbursement.

Board Member Wiggins asked how many FARMS grants have been received by this applicant. Mr. Zajac responded there have been five previous projects completed. Board Member Wiggins asked what the total dollar amount is for the five previous grants. Mr. Zajac responded the amount is approximately \$750,000. Board Member Wiggins asked what the District's portion is. Mr. Zajac responded approximately \$525,000 for Board approved projects. Mr. Zajac outlined the criteria and regional areas associated with the 75 percent and the 50 percent cost-share programs.

Board Member Henslick asked why Best Management Practices (BMPs) are not a standard requirement for FARMS permits. Ms. Alba Más, Regulation director, responded that applicants are encouraged to use BMPs through use of effective irrigation systems, maintaining quantities on standby and allocation of water provided. Mr. Brian Armstrong, executive director, stated that water allocations are only permitted for efficient water systems.

Staff recommended the Board:

- 1) Approve the Bethel Farms, LLLP - Hog Bay Phase 2 project for a not-to-exceed project reimbursement of \$338,000 with \$338,000 provided by the Governing Board;
- 2) Authorize the transfer of \$338,000 from fund 010 H017 Governing Board FARMS Fund to the H775 Bethel Farms, LLLP - Hog Bay Phase 2 project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve the staff recommendation. The motion carried ten in favor and one against. (00:37:42)

15. Fiscal Year 2019-20 Cooperative Funding Process

Mr. Jay Hoecker, Water Supply Section manager, provided a presentation regarding the Fiscal Year (FY) 2019-20 cooperative funding initiative. This overview included a schedule for the review and ranking of requests, comparison of funding requests, preliminary funding requests by region, regional subcommittee structure and the cooperative funding meeting schedule for February and April.

Staff recommended the Board approve the proposed February and April subcommittee meeting schedule and agenda topics staff has proposed for the February regional subcommittee meetings.

A motion was made and seconded to approve the staff recommendation. The motion carried ten in favor and one against. (00:43:50)

16. City of Haines City – Reclaimed Water Ground Storage Tank and Pumping Stations – Preliminary Design and Third-Party Review (N898)

Mr. JP Marchand, Water Resources Bureau chief, provided a presentation on the City of Haines City reclaimed water tank and pump stations project. Mr. Marchand provided an overview of the project description, project costs estimates, results of the third-party results, staff evaluation and a list of third-party reviews completed to date with the District cost share.

Mr. Marchand explained that the project consists of four major elements: a storage tank, transfer pump station, high service pump station, and a booster station. This project will provide improved reclaimed water availability and quality in the Ridge Lakes area. He stated this project is in a Rural Economic Development Initiative area (REDI).

Board Member Maggard asked why the project was ranked medium. Mr. Marchand explained the project was ranked medium because it increases the availability and quality of the existing system but does not add new customers.

Ms. Tracey Mercer, City of Haines City director, explained the potential for new customers with the improvement of storage for reclaimed water to provide alternative water supply. She explained there are additional projects, Lake Eva and Lake Boomerang, that will be using reclaimed water for additional recharge.

Staff recommended the Board:

1. Authorize continuation of the Reclaimed Water Tank and Pump Stations project to final design, permitting, and construction.
2. Authorize staff to amend cooperative funding agreement with the City to include final design, permitting, and construction with a total project budget of \$6,800,000 with the District funding \$4,620,000 and the City funding \$2,180,000.

A motion was made to delay the vote on this agenda item until the January 22 Governing Board meeting. The motion was seconded and carried with nine in favor three against (01:16:56)

17. Pasco County – Scope Changes for the Cypress Preserve Reclaimed Water Transmission Project Phase 1 (N837 and Q021)

Mr. Eric DeHaven, Resource Management assistant director, provided a presentation regarding phase one project N837 and phase two project Q021 and associated scope changes associated.

Mr. DeHaven reminded the Board that Pasco County (County) submitted project Q021 for the FY2019 Cooperative Funding Initiative (CFI) cycle at the May 2018 Board meeting. He stated the Board agreed to provide funds if several conditions were met. Mr. DeHaven stated that staff believes the County has met those conditions. However, as a part of meeting those conditions, the County has requested a Scope of Work (SOW) change to the Phase one project N837.

Mr. DeHaven provided an overview of projects N837 and Q021 and the SOW change to project N837. He outlined the conditions that were proposed at the May 2018 Board meeting.

Mr. DeHaven stated the County has submitted a funding request for phase three project Q098 and provided a brief overview.

Board Members asked for clarification regarding cost benefit. Mr. DeHaven explained the cost benefit is based on quantity of water usage, not the number of homes.

Staff recommended the Board:

1. Approve the revision to the project scope for the Cypress Preserve Reclaimed Water Transmission Project Phase 1 (N837) to decrease the number of homes served with no change to the project measurable benefit (0.19 mgd);
2. Approve the measurable benefit (0.20 mgd) and number of homes served (296 homes) for the Cypress Preserve Reclaimed Water Transmission Project Phase 2 (Q021) and provide final approval for the project to receive FY 2019 funding.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (01:34:12)

Submit & File Reports

18. Annual Status of the Southern Water Use Caution Area

Routine Reports

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

19. Minimum Flows and Levels Status Report

20. Significant Water Resource and Development Projects

Committee Chair Rice relinquished the gavel to the Finance/Outreach & Planning Committee Chair Williamson, who called the meeting to order. (01:34:43)

Finance/Outreach & Planning Committee Discussion

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

22. Knowledge Management Program and Governing Board Policy Overview

Ms. Amanda Rice, assistant executive director, provided a presentation regarding the knowledge management program and governing board policies. Ms. Rice provided an overview of the knowledge management program. She stated that division and bureau level documents were reviewed in FY2018, resulting in 578 documents being migrated to repository, 83 documents archived, 78 new documents identified for creation and 207 documents updated or created.

Ms. Rice stated that governing board and executive director level procedures will be addressed in FY2019. She provided an overview of the policies that will be reviewed. Ms. Rice stated these will include the advisory committee policies and outlined the proposed changes. The proposed changes include: combining the Agricultural and Green Industry Advisory Committees; removing the names of committee members; removing the requirement of quorum for election of officers or recommendations to the Governing Board, removing the limitation of two consecutive terms for officers; and removing the requirement that missing three consecutive meetings without prior notice results in removal from the committee. Ms. Rice stated these proposed changes have been presented to the advisory committees and were favorably received. She stated that a follow-up recommendation on policy changes will be presented at the January 2019 Governing Board meeting.

Board Members expressed concern regarding the removal of term limits and attendance requirements. Ms. Rice suggested that because of the comments received from the Board, this item will be readdressed and presented at the January Governing Board meeting. The Board agreed to this.

This item was presented for the Board's information, and no action was required. The attached revised policies will be included in a consent item in the January 2019 Board packet and approval of the revisions will be requested at that time.

23. Preliminary Budget for FY2020

Mr. John Campbell, Management Services director, provided a presentation that included FY2020 budget calendar, expenditures goals/outcomes, expenditures by category, program expenditures, expenditures by areas of responsibility, revenues by source and projected available reserves.

Mr. Campbell stated the budget was developed in accordance with the direction provided at the October Governing Board meeting. All budget requests will be subject to Governing Board review and approval during the development of the final budget for FY2020.

Mr. Campbell stated that at the June 2019 Governing Board meeting, staff will present and request approval of the Recommended Annual Service Budget (RASB). At the July 2019 Governing Board meeting, staff will present a budget update, including information regarding the results of the Certifications of Taxable Value, and will request approval to submit the FY2020 Tentative Budget Submission to the Governor and Florida Legislature on August 1, 2019.

Staff recommended the Board approve the submittal of the FY2020-21 Preliminary Budget Submission to the Florida Legislature on or before January 15, 2019.

A motion was made and seconded to approve the staff recommendation. The motion carried with ten in favor and one opposed. (02:02:13)

24. Office of the Inspector General Annual Report Fiscal Year Ending September 30, 2018

Mr. Brian Werthmiller, inspector general, provided a presentation regarding the Office of Inspector General Annual Report. Mr. Werthmiller stated that during the period of October 1, 2017 to September 30, 2018, five audits were completed, testing was performed on Information Technology (IT) systems, reviews were completed on overtime budget and travel procedures and one investigation was completed. No significant issues were determined.

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

25. Auditor General Six-Month Follow Up

Mr. Brian Werthmiller, inspector general, provided a presentation regarding the auditor general six-month follow-up requirements. He provided an overview of the Florida Statute and District policy that mandates the requirements for this report. Mr. Werthmiller outlined a timeline associated with the six-month report requirements. He outlined findings and actions taken since July 2018 when the auditor general report was released.

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

Submit & File Reports

26. Strategic Plan Update

Mr. Michael Molligan, Employee and External Relations director, referenced the inclusion of the District Strategic Plan in this month's packet under the Submit and File heading. The Strategic Plan will be included in the draft Consolidated Annual Report that will be presented at the January Governing Board meeting. The Strategic Plan will also be presented for final approval as part of the Consolidated Annual Report at the February Governing Board meeting. Mr. Molligan requested Board members to contact him if they have any questions regarding the Strategic Plan or if there are any discussions they would like to have regarding the Strategic Plan at the January meeting.

Routine Reports

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

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

Committee Chair Williamson relinquished the gavel to Operations, Lands & Resource Monitoring Committee Chair Maggard and called the meeting to order. (02:09:01)

Operations, Lands & Resource Monitoring Committee

Discussion

32. Consent Item(s) Moved for Discussion

52. Authorization to proceed, together with Sarasota County, with the terms of the 6th Amendment to the Carlton Escrow Agreement, SWF Parcel No. 21-694-103C

Mr. Rick Vaughn, Land Resources manager, provided a presentation regarding the Mabry Carlton Ranch Escrow Agreement. He provided an overview of the initial agreement. Mr. Vaughn explained that this item is related to a conservation easement acquired through a partnership with Sarasota County in December 2007. Mr. Vaughn stated that at the time of acquisition, approximately 20 percent of the mineral interests were held by third parties. He stated that the tri-party Escrow Agreement required that \$2.5 million in acquisition funds be held in reserve to allow an opportunity for Carlton Ranch to obtain the outstanding mineral interests. Currently, 2.6 percent of mineral interests remain outstanding and are held by two owners. The Escrow Agreements provides the District and Sarasota County the option to proceed to acquire the outstanding mineral interests upon notice to the Carltons and the Escrow Agent. The County would like to proceed with the District to obtain the remaining mineral interests. Notification must be provided within 30 days from December 12.

Mr. Vaughn explained that voluntary offers will be made to the two remaining mineral right holders. He also mentioned that eminent domain is an allowable option.

A Memorandum of Understanding (MOU) was also executed by the District and Sarasota County in 2007 that establishes the respective roles and responsibilities of the parties with regard to the jointly held property. The MOU includes a provision that addresses the responsibilities for proceeding with the exercise of the option under the Escrow Agreement.

Board Member Henslick asked if it is common practice to purchase property without mineral rights. Mr. Frink responded in the negative and stated that this was an exception to policy due to the urgency to complete the purchase related to the Myakka conservation area.

Board Member Henslick asked if the conservation easement is accessible to the public. Mr. Armstrong explained that there is no public access to the easement since the District does not own it in fee. This conservation easement was purchased for the protection of the water resources.

Board Member Schleicher expressed concern regarding the potential use of eminent domain. Board Member Maggard concurred. He stated the land owner should be responsible for obtaining the remaining mineral rights.

Board Member Wiggins asked what the expiration date is for this agreement. Ms. Karen West, General Counsel, responded that the Escrow Agreement indicates eleven years after the closing date on the property, which was December 20, 2007. Board Member Wiggins asked if the eleven-year time-period could be extended. Ms. West responded in the affirmative and stated if the parties are agreeable.

A motion was made and seconded to approve the staff recommendation. The motion carried with eleven in favor and one opposed. (02:36:57/2:43:28)

Submit & File Reports

33. Hydrologic Conditions Report

Routine Reports

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

34. Surplus Lands Update

35. Structure Operations

36. Significant Activities

Committee Chair Maggard relinquished the gavel to Regulation Committee Chair Taylor and called the meeting to order. (02:43:47)

Regulation Committee

Discussion

37. Consent Item(s) Moved for Discussion

10. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20001635.010 – Bethel Farms, LLLP/DeSoto County Farm; Bethel Farms, LLLP (DeSoto County)

Mr. Darrin Herbst, Water Use Permitting Bureau chief, provided a presentation on the Bethel Farms Water Use Permit (WUP). Mr. Herbst explained that the WUP application is requesting an increase in quantities. He explained how agricultural demands are determined.

Board Member Wiggins asked if this property has any Facilitating Agricultural Resource Management Systems (FARMS) grants. Mr. Chris Zajac, FARMS Program manager responded in the affirmative. He stated there are two existing cost-share agreements.

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

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (02:44:23/2:55:14)

38. Denials Referred to the Governing Board

None were presented

Submit & File Reports – None

Routine Reports

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

39. Dover/Plant City Water Use Caution Flow Meter AMR Implementation Program Update

40. Overpumpage Report

41. Individual Permits Issued by District Staff

Ms. Alba Más, Regulation Division director, provided an update regarding the proposed changes for the Statewide Environmental Resource Permit (SWERP) Program. Ms. Más commented that the State is prepared to advertise the rule changes that have been proposed to reflect time lines, coordination and forms to match with the Army Corps of Engineers (ACOE). Comments from Environmental Protection Agency (EPA) have been incorporated. This rule will be sent to the Office of Fiscal Accountability and Regulatory Reform (OFFAR). Ms. Más said that once OFFAR approves the rule it will be published. If there are no rule challenges, the Florida Department of Environmental Protection (FDEP) will send the 404 assumption package to EPA for approval. FDEP will implement the rule, with assistance from the water management districts.

Board Member Henslick asked about staffing to assist with implementing this rule. Ms. Michelle Hopkins, Environmental Resource Permitting Bureau chief, stated that FDEP will be implementing the program and they have retained vacant positions to assist with implementation.

Committee Chair Taylor relinquished the gavel to Chair Adams. (02:59:50)

General Counsel's Report

Discussion

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

Ms. Karen West, general counsel, informed the Board that the parties involved in the administrative challenge to the Peace River Manasota Regional Water Supply Authority (PRMRWSA) permit modification have reached a settlement agreement. The Polk Regional Water Cooperative and the PRMRWSA will be presenting the agreements at their respective Boards for approval.

Submit & File Reports – None

Routine Reports

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

43. December 2018 Litigation Report

44. December 2018 Rulemaking Update

Committee/Liaison Reports

45. Agricultural Advisory Committee

46. Green Industry Advisory Committee

47. Other Committee/Liaison Reports

Executive Director's Report

48. Executive Director's Report

Mr. Brian Armstrong, executive director, stated there has been a request to switch the Governing Board meeting locations for January and February. This would make the January 22 meeting in Sarasota and the February 26 meeting in Tampa. The Board agreed.

Mr. Armstrong informed the Board that Tampa Bay Water will be holding a workshop on December 17 to discuss the Tampa Augmentation Project (TAP).

Mr. Armstrong stated the District's Communications staff received awards last month at the Public Relations Society of America (PRSA) Tampa Bay PRestige Awards. The District was recognized for the 2017 My Home My Springs social media campaign and video series and won an Award of Excellence in both categories. Mr. Armstrong stated the 2017 My Home My Springs Campaign won a PRestige Award in community relations and the Crystal River/Kings Bay Minimum Flows Outreach won a PRestige Award in public affairs. The District has received 13 local and state awards this year.

Chair's Report

49. Chair's Report

Chair Adams stated he received a request to speak card.

Ms. Taren Wadley spoke regarding drought levels and improvement of water quality in Florida Lakes, specifically Lake Hancock. Staff will assist Ms. Wadley with her concerns. Board Member Smith asked for an update at the January 2019 Governing Board meeting. Board Member Wiggins asked if staff could provide a eutrophication status for Lake Hancock.

Chair Adams commended District leadership for their transparency and willingness to address items that have been presented in the media.

50. Other

51. Employee Milestones

The meeting was adjourned at 12:14 p.m.

Attest:

Chair

Secretary

DRAFT

Attachment: GB-12112018 - Draft (4170 : Approve Governing Board Minutes - December 11, 2018)

**Governing Board Meeting
January 22, 2019**

RESOURCE MANAGEMENT COMMITTEE

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RESOURCE MANAGEMENT COMMITTEE

January 22, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

RESOURCE MANAGEMENT COMMITTEE

January 22, 2019

Discussion Item

Peace River Manasota Regional Water Supply Update

Purpose

To provide the Board with an overview of the Peace River Manasota Regional Water Supply Authority's regional water supply system, including water supply facilities, expansion of the regional integrated loop system and vision for the future.

Background/History

Alan Maio, Peace River Manasota Regional Water Supply Authority Chair and Sarasota County Commissioner, will update the Board regarding the status of the Authority's water supplies, regional pipeline interconnection projects and vision for the future. The Authority has constructed over \$300,000,000 in new infrastructure over the past decade through partnership with the District working to create a reliable, environmentally sustainable and affordable water supply for the four-county region of Charlotte, DeSoto, Manatee and Sarasota counties that comprise the Authority. The Authority's last update was provided at the February 2018 Board meeting.

Staff Recommendation:

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

Presenters:

Alan Maio, Chair, Peace River Manasota Regional Water Supply Authority and Sarasota County Commissioner

Patrick Lehman, Executive Director, Peace River Manasota Regional Water Supply Authority

RESOURCE MANAGEMENT COMMITTEE**January 22, 2019*****Discussion Item*****City of Haines City – Reclaimed Water Ground Storage Tank and Pumping Stations – Preliminary Design and Third-Party Review (N898)*****Purpose***

The purpose of this item is to provide the Board with additional information and request Governing Board approval to amend the Cooperative Funding Agreement to include final design, permitting, and construction. At the December 11, 2018 Governing Board meeting, the results of the project's Third-Party Review (TPR) and the City of Haines City's current construction cost estimate were presented to the Board. The Board delayed voting on this item and requested staff quantify the benefits associated with this reclaimed water storage and pump station project and present this information at the January Governing Board meeting.

Background/History

Efficient use of reclaimed water protects the overall water resource by meeting demands that otherwise would impact potable water supplies. Storage and the associated pumping facilities are necessary components for an efficient reclaimed water system. Peak supply of reclaimed water occurs during the day and needs to be stored temporarily to efficiently use the reclaimed water and to meet peak demands that usually occur at night. Utilities have tried to use large, open-water ponds as a relatively inexpensive way to provide the needed storage. However, when used as the sole storage method, this can lead to deterioration of the water quality. Storage tanks provide the needed storage to smooth out the supply and demand peaks while also preserving the water quality and improving reliability required by the customers.

Of 62 reclaimed water systems within the District, all but 15 have storage tanks. Fourteen of the 15 systems with no storage tanks provide reclaimed water directly to their customers and the customers provide the storage. The last of the 62 systems, the City of Haines City (City) system, is the only system still relying solely on a large, central pond for storage. Consistent with cooperative funding guidelines, the District has provided funding in the past for four similar projects to retrofit reclaimed water systems from pond-only storage to also include tank storage. In all four of those projects, the cooperator had initially relied on a large pond for storage. Water quality became a problem, and it was necessary to add tank storage. These are the same issues that the City of Haines City is experiencing.

In total, the District has helped fund all but eight of the 62 reclaimed water systems within the District. Some of those projects were transmission line only projects, some were transmission line and storage projects, and others were storage and pumping only projects. The storage and pumping only projects do not usually include expanding service to any new customers; therefore, our Cooperative Funding Initiative (CFI) Guidelines provide for evaluation of these projects based on "Unspecified Water Resource Quantities." The CFI Guidelines specify criteria for evaluating project Cost Effectiveness using detailed records of previous construction costs for similar projects. These records are updated annually as new projects are built. Project benefit is the provision of the storage and pumping needed within the system.

Item 16

The District has assisted the City with development of its reclaimed water system by helping to fund two reclaimed water pipeline projects, P481 and N065, serving the Southern Dunes Golf Course and the Southern Reuse Area respectively. Each of these projects provided service to new customers and are assigned a required average use of reclaimed water as shown in the table below. The City considered including tank storage with these pipeline projects but, in the interest of reducing costs, they decided to try to serve their customers while relying on a large, central pond for storage. This has not been successful. Due to problems with the reclaimed water quality stored in the pond, some customers have not been able use the reclaimed water, and the City is not meeting their required use of reclaimed water. This is also shown in the table below.

Project No.	Project Customers	Required Use (mgd)	Actual 2018 Use (mgd)
P481	Southern Dunes Golf Course	0.50	0.48
N065	Southern Reuse Area Industrial, Commercial, Recreational	0.31	0.16

Benefits/Costs

Completion of the proposed N898 Storage Tank and Pumping Stations project will address the water quality problem and is expected to enable the City to exceed their required reclaimed water use. The additional use achieved through construction of the N898 project is shown below and is based on expanded use by existing customers and potential new customers that might be connected in the future:

Project No.	Required Use (mgd)	Total Potential Use with N898 (mgd)	N898 Value Added Use (mgd)
P481	0.50	0.60	0.10
N065	0.31	0.56	0.25
Total	0.81	1.16	0.35

The 30 percent design and TPR have been completed, and the City is requesting approval to continue with final design and construction of the project. The City is a Rural Economic Development Initiative (REDI) Community and funding was approved by the Governing Board, pending the TPR and subsequent Governing Board approval, at a 75 percent District/25 percent City cost share basis. The project FY2019 CFI funding table is shown below:

Funding Source	Prior	FY2019	Future	Total
Haines City (REDI)	\$75,000	\$375,000	\$1,090,000	\$1,540,000
District	\$225,000	\$1,125,000	\$3,270,000	\$4,620,000
Total	\$300,000	\$1,500,000	\$4,360,000	\$6,160,000

Item 16

The City and their consultant reviewed the TPR and, based on that review, they made some modifications to the design and prepared a revised project total cost estimate of \$6,800,000 which is a \$640,000 (10 percent) increase over the FY2019 cost estimate. The City has agreed to pay for the \$640,000 additional project cost and is not requesting additional District funding.

The project was re-evaluated at the current City cost estimate, and the overall project is ranked as medium and recommended for funding. The project evaluation is included as an Exhibit.

Staff Recommendation:

1. Authorize continuation of the Reclaimed Water Tank and Pump Stations project to final design, permitting, and construction.
2. Authorize staff to amend the cooperative funding agreement with the City to include final design, permitting, and construction with a total project budget of \$6,800,000 with the District funding \$4,620,000 and the City funding \$2,180,000.

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

RESOURCE MANAGEMENT COMMITTEE**January 22, 2019*****Submit and File Report*****Proposed Minimum Flow for the Chassahowitzka and Homosassa Rivers Prior to Independent Scientific Peer Review Update*****Purpose***

To provide, for information only: 1) recommended minimum flows for the Chassahowitzka River/Chassahowitzka Spring Group (including Blind Spring), and the Homosassa River/Homosassa Spring Group that were developed as part of the reevaluation of minimum flows currently established for the two river/spring systems; 2) summarize the methods used to develop the recommendations; and 3) provide an update on plans for peer review of and opportunities for stakeholder input on the proposed minimum flows.

Background/History**Chassahowitzka River System:**

The Chassahowitzka River System includes the watercourse from the Chassahowitzka Main Springs Complex to the Gulf of Mexico, including contributing tributaries, Blind Springs and all named and unnamed springs that discharge to the river. The Chassahowitzka River and its springshed spans portions of Citrus and Hernando Counties. The main stem of the Chassahowitzka River flows approximately 6 miles to the mouth in Chassahowitzka Bay, which is connected to the Gulf of Mexico. From the full period of record beginning February 20, 1997 to September 1, 2016, the mean spring flow at the United States Geological Survey (USGS) Chassahowitzka River near Homosassa gage (No. 02310650) was 59 cubic feet per second or 38 million gallons per day. Current groundwater withdrawal impacts result in an approximate 1.4 percent reduction in spring discharge to the Chassahowitzka River System.

Homosassa River System:

The Homosassa River System includes the watercourse from the Homosassa Main Springs Complex to the Gulf of Mexico, including the southeast fork of the Homosassa River, Halls River, Hidden River and all named and unnamed springs that discharge to these rivers. The Homosassa River is within Citrus County, while its springshed is within both Citrus and Hernando Counties. The Homosassa River flows approximately 8 miles to its mouth near Shell Island in the Homosassa Bay region of the Gulf of Mexico. From the full period of record beginning October 1, 2000 to October 12, 2017, the mean combined spring flows at the USGS Homosassa Springs at Homosassa Springs Gage (No. 02310678) and USGS SE Fork Homosassa Spring at Homosassa Springs Gage (No. 02310688) was 146 cubic feet per second or 94 million gallons per day. Current groundwater withdrawal impacts result in an approximate 1.9 percent reduction in spring discharge to the Homosassa River System.

Purpose/Approach

The purpose for establishing minimum flows is to identify limits beyond which further withdrawals would be significantly harmful to the water resources or ecology of the areas. District Rules 40D-8.041(16,17), F.A.C., establishing minimum flows for the Chassahowitzka and Homosassa river systems, respectively, require reevaluation of the minimum flows in 2019, six years from their initial adoption in 2013. As part of the currently ongoing reevaluations, recommended minimum flows were developed for the Chassahowitzka and Homosassa river

system using the best information available, as required by the Florida Statutes, and were based on all relevant environmental values identified in the Florida Water Resource Implementation Rule for consideration when setting minimum flows.

Hydrodynamic modeling was used to evaluate the effects of potential flow reductions on salinity habitats, water temperature, and water-residence time in the Chassahowitzka River System and the Homosassa River System. Environmental values considerations in both systems included fish community surveying, shoreline vegetation mapping, oyster health assessment, submerged aquatic vegetation monitoring, and water quality analyses.

Chassahowitzka River System:

Among the various habitats assessed in the Chassahowitzka River System, there were three criteria that were mutually the most sensitive to reductions in spring flow: 1) the area of water less than 1 practical salinity unit, 2) the volume of water less than 1 practical salinity unit and 3) the volume of temperature-based Common Snook habitat. These three criteria were reduced by 15 percent when flow was reduced by 8 percent. The recommended minimum flow is an 8 percent allowable flow reduction, equivalent to 92 percent of the flow that would exist in the absence of withdrawal impacts. Reevaluation of this minimum flow is recommended within ten years of its adoption into rule.

The minimum flow recommendation for the Chassahowitzka River System is protective of all relevant environmental values identified for consideration in the Water Resource Implementation Rule when establishing minimum flows and levels. Because updated groundwater modeling (Northern District Model, Version 5) indicates that the predicted spring flow decline for the Chassahowitzka Spring Group under 2015 pumping conditions is approximately 1.4 percent, the proposed minimum flow is being met, and a recovery strategy is currently not required. Similarly, based on a maximum 2 percent flow reduction associated with water-use demand projected by 2035, development and implementation of a specific prevention strategy is not required.

The data, methodologies, and models used to develop the recommended minimum flow are summarized in the report “Reevaluation of the *Minimum Flow for the Chassahowitzka River System - Peer Review Draft*,” which is provided under separate cover.

Homosassa River System:

Among the various habitats assessed in the Homosassa River System, the most sensitive criteria was the area of temperature-based Common Snook habitat, which was reduced by 15 percent when flow was reduced by 5 percent. The recommended minimum flow is a 5 percent allowable flow reduction, equivalent to 95 percent of the flow that would exist in the absence of withdrawal impacts. Reevaluation of this minimum flow is recommended within ten years of its adoption into rule.

The minimum flow recommendation for the Homosassa River System is protective of all relevant environmental values identified for consideration in the Water Resource Implementation Rule when establishing minimum flows and levels. Because updated groundwater modeling (Northern District Model, Version 5) indicates that the predicted spring flow decline for the Homosassa Spring Group under 2015 pumping conditions is approximately 1.9 percent, the proposed minimum flow is being met, and a recovery strategy is currently not required. Similarly, based on a maximum 3 percent flow reduction associated with water-use

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demand projected for 2035, development and implementation of a specific prevention strategy is not required

The data, methodologies, and models used to develop the recommended minimum flow are summarized in the report “Reevaluation of the *Minimum Flow for the Homosassa River System - Peer Review Draft*,” which is provided under separate cover.

Benefits/Costs

The recommended minimum flows were developed to ensure that the environmental values associated with the Chassahowitzka and Homosassa river systems are protected from significant harm that could result from further withdrawals. The adopted minimum flows for these systems will support the District’s water supply planning, water use permitting, and environmental resource permitting programs.

The next step toward establishing revised minimum flows for the Chassahowitzka and Homosassa river systems involves peer review of the recommended minimum flows by an independent scientific panel. A single panel will conduct their review of the minimum flows proposed for both systems, with public and stakeholder input, and report to the Governing Board at a future meeting. Staff response to the peer review will also be provided to the Board at that time. In addition to the planned peer review, staff will be facilitating opportunities for stakeholder input, including the hosting of a publicly-noticed meeting or meetings for sharing information concerning the recommended minimum flows. Following staff consideration of the peer review report and stakeholder input, staff will return to the Board with proposed rule language to establish revised minimum flows for the Chassahowitzka and the Homosassa river systems.

Staff Recommendation:

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

Presenter: Gabe Herrick, Senior Environmental Scientist, Natural Systems & Restoration Bureau

RESOURCE MANAGEMENT COMMITTEE

January 22, 2019

Submit and File Report

Five-Year Water Resource Development Work Program

Purpose

To provide an update of the District's 2019 Five-Year Water Resource Development Work Program (Work Program and its approval by the Florida Department of Environmental Protection (DEP.

Background/History

The District is required by Florida Statutes (Subsection 373.536(6) to prepare a Work Program each year. This Work Program describes the District's implementation strategy for the water resource and water supply development components of the approved Regional Water Supply Plan (RWSP. The current Work Program covers the period from fiscal year (FY 2019 through FY2023 and is a comprehensive discussion of the District's projects and activities intended to assist in making water resources available to meet demands. A draft of the Work Program must be submitted to DEP and specified state and local government officials within 30 days after adoption of the District's final budget. The Governing Board authorized the submittal of the draft Work Program at the September 25, 2018 meeting. District staff submitted the draft on October 12, 2018.

The DEP reviewed the draft Work Program and responded to the District in a letter received November 8, 2018. The letter states the DEP's approval of the proposed expenditures for water resource and water supply development, and the Work Program's consistency with the District RWSP and the Central Florida Watershed Initiative RWSP. No revisions to the Work Program were requested. The DEP is required to prepare a final evaluation report of its review of water management district Work Programs and submit a copy of the report to the Governor, President of the Senate, and Speaker of the House of Representatives. The District's final Work Program will be resubmitted as part of the 2019 Consolidated Annual Report as required by Florida Statutes (Subsection 373.036(7).

Staff Recommendation:

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

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

RESOURCE MANAGEMENT COMMITTEE**January 22, 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.

District staff continues to work on various phases of the development or reevaluation of MFLs for water bodies included on the 2018 Priority List and Schedule approved by the Governing Board in October 2018. This report highlights phased tasks that have been completed for prioritized water bodies since the last Governing Board meeting and summarizes cumulative progress for all currently prioritized water bodies.

Phase 1 (Data collection). Data collection was completed for the reevaluation of minimum flows established for the Chassahowitzka River/Chassahowitzka Spring Group and Homosassa River/Homosassa Spring Group during the past month. To date, data collection has been completed for 20 of the 93 water bodies scheduled for MFLs adoption or reevaluation by 2027.

Phase 2 (Data analyses and development of draft MFLs reports). Data analyses and draft report development were completed for the reevaluation of minimum flows established for the Chassahowitzka River/Chassahowitzka Spring Group and Homosassa River/Homosassa Spring Group during the past month. To date, analyses and draft, internal-review reports have been completed for 15 of the 93 water bodies scheduled for MFLs adoption/reevaluation by 2027.

Phase 3 (a. Presentation of draft MFLs reports to the Governing Board prior to peer review; b. presentation of peer review reports and staff responses to the Governing Board; c. public workshops; and d. presentation of final MFLs reports to the Governing Board for acceptance).

- a) Draft MFLs reports addressing reevaluation of minimum flows established for the Chassahowitzka River/Chassahowitzka Spring Group and Homosassa River/Homosassa Spring Group were presented to the Governing Board this month and will be subjected to peer review. To date, draft reports addressing eight of the 93 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been presented to the Governing Board prior to peer review.
- b) No peer review reports or staff response to peer review findings were presented to the Governing Board this month. To date, peer review reports and associated staff responses have been presented to the Governing Board for three of the 93 water bodies scheduled for MFLs adoption/reevaluation by 2027.
- c) No public workshop on proposed MFLs were held during the past month. To date, public workshops addressing seven of the 93 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been conducted.
- d) No final reports on proposed MFLs were submitted to the Governing Board this month. Final reports addressing seven of the 93 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been accepted by the Governing Board.

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Phase 4 (Recovery Strategy Development). No new recovery strategies were developed for Governing Board consideration this month. The previously approved Northern Tampa Bay Water Use Caution Area recovery strategy has been identified as necessarily applicable to three of the 93 water bodies scheduled for MFLs adoption/reevaluation through 2027. No need for recovery has been determined for four of the 93 prioritized water bodies. The need for recovery has not yet been determined for the 86 other water bodies.

Phase 5 (Governing Board Approval of Rule Amendments). No rule amendments associated with proposed MFLs were presented to the Governing Board this month. To date, requests to initiate rulemaking associated with reevaluated MFLs for seven of the 93 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been approved.

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

January 22, 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. **New Activities Since Last Meeting:** Driller is pressure testing the recharge well. The first of the Avon Park zone monitoring wells is complete and work is ongoing on the Suwannee Limestone monitoring well. Jones Edmunds and Associates continues work on the design of the diversion infrastructure. *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 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. Pursuant to the recovery strategy, since December 31, 2007, 75 percent of up to 11 cubic feet per second (cfs) (i.e., 8.2 cfs) transferred to the reservoir from the TBC is being pumped to the base of the Hillsborough River Dam. The District received notification from the COT on November 7, 2011,

that the Sulphur Springs Run Lower Weir project was complete and the pumping facilities and Upper Weir modifications to assist in meeting the MFL were completed in January 2012. The COT completed construction for the Blue Sink pipeline in April 2016 and construction restoration was completed in May 2016. In November 2017 the COT began operation of the Blue Sink pumping facility. 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 on other alternative supplies to meet the MFL, specifically associated with the Tampa Augmentation Project (TAP - Q028). In 2017, the COT began the process of taking over operation of pump stations on the TBC, as required by the recovery strategy. In addition, a CFA between the COT and the District for the LHR Dam Control Gate Facilities (N492) was completed to construct a new sluice gate in the dam to allow the city to pass the full quantity of water needed to meet minimum flows. In accordance with the permit issued to the District by the FDEP for planned minimum flow recovery pumping from Morris Bridge Sink, the District submitted a review/assessment of the recovery strategy to FDEP in December 2017. 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. In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Acquisition of necessary permits and other unforeseen issues have delayed construction and full implementation of some recovery strategy projects. However, 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 - Q028 project. 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. Water quality monitoring, soil subsidence monitoring and biological sampling for FY2018 for the WUP for Morris Bridge Sink has been completed. The annual reports to FDEP for permit compliance for the S-161 WUP and Morris Bridge Sink WUP were submitted on March 30, 2018. Vegetation monitoring and wildlife monitoring for the WUP for Morris Bridge Sink has been completed. The first pilot algal removal event for Sulphur Springs was conducted on May 31, 2018. The second and final pilot algal removal event for Sulphur Springs was conducted on June 29, 2018. The technical memo summarizing the results of the pilot algal removal project was submitted to the District on August 30, 2018. This project is now complete. Negotiations for the FY2019 Morris Bridge Sink Environmental Monitoring required by the WUP are ongoing. District staff have reviewed the draft biological sampling report for the LHR recovery strategy five-year assessment and provided comments. The City of Tampa submitted the final Summary Report on the Investigation of Storage or Additional Water Supply Options (H400) on October 31, 2018. This completes the work for this project. **New Activities Since Last Meeting:** A draft of the Five-Year Assessment of the LHR Recovery Strategy was submitted on December 14, 2018 and is being reviewed by District staff. The TWA for the FY2019 Morris Bridge Sink Environmental Monitoring required by the WUP (H404) has been approved. The City of Tampa has submitted a Water Use Permit application for the operation of pumping facilities at the S-161 structure on the Tampa By-Pass Canal. *Project Managers: Barbara Nordheim-Shelt; Mary Spence*

Aquifer Recharge Projects

City of Clearwater - Groundwater Replenishment Project - Phase 3

This is an ongoing project which previously completed work 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, improving groundwater levels in the Northern Tampa Bay Water Use Caution Area, and increasing the City's future water supply potential from their existing wellfields. 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 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 100 percent and final designs are complete at this time. Three public meetings were conducted by the City between November 2016 and May 2017. Permit Applications for the Advanced Water Purification Plant were logged in at the FDEP on October 20, 2017 and were initially anticipated to be issued at the beginning of 2018. Site Development Permit Applications were reviewed by FDEP Environmental Resource Permitting, Florida Department of Transportation Right of Way Access, the City and the County. The final UIC Class I and Class V permits for the injection and recharge well construction and testing were issued by the FDEP on August 17, 2018. All FDEP permits for construction have been issued. The City is working on a master plan for their water supply system and will be providing an updated schedule for the project. **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. **New Activities Since Last Meeting:** A request for extensions of the Construction and CEI tasks through the end of the construction Agreement (N666) period has been approved. However, the County expects that both tasks will be completed by the end of the 2018 calendar year. The optimization effort (N943) is on schedule and moving forward. *Project Manager: Mike Hancock*

South Hillsborough County Aquifer Recharge Program (SHARP)

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the Hillsborough County's Big Bend facility near Apollo Beach in southern Hillsborough County (County). The goal of the project is to improve water levels within the Most Impacted Area of the Southern Water Use Caution Area and possibly slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. The County received a letter from FDEP on July 13, 2015 authorizing recharge operations to begin. **New Activities Since Last Meeting:** Recharge testing and monitoring continued during the months of November and December. The total injected volume for December was approximately 69 MG for the month. Estimated injection volume for December was not available at the time (December 18th) this update was prepared, Total recharge volume through November is 2.471 billion gallons since the beginning of the project. The County requested a contract amendment to extend the recharge testing phase to evaluate an increased injection rate prior to applying for an operation permit. The no cost increase schedule and contract extension amendment was sent to the County on August 2, 2018. The District met with the County on November 6, 2018 to discuss the status of the amendment and it is anticipated that it will be executed in January 2019. *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. ***New Activities Since Last Meeting:*** Phase II cooperative funding agreement was executed and the City is scheduling a kick-off meeting. The City submitted a Fiscal Year 2020 Cooperative Funding application for 60 percent design for some of the TAP infrastructure. *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. No applications have been received to-date, and outreach is ongoing. *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
January 22, 2019**

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

January 22, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

FINANCE/OUTREACH & PLANNING COMMITTEE

January 22, 2019

Discussion Item

Investment Strategy Quarterly Update

Purpose

Provide quarterly update of the investment portfolio.

Background

The District's Investments Policy requires quarterly investment reports that shall include the following:

1. A listing of individual securities by class and type held at the end of the reporting period.
2. Percentage of available funds represented by each investment type.
3. Coupon, discount, or earning rate.
4. Average life or duration and final maturity of all investments.
5. Par value and market value.
6. In addition to the standard gross-of-fee-performance reporting that is presented, net-of-fee performance will be provided by the Investment Manager.
7. A summary of District's investment strategy.
8. The year-end quarterly report ended September 30th will show performance on both a book value and total rate of return basis and will compare the results to the portfolio's performance benchmarks. All investments shall be reported at fair value per GASB standards. Investment reports shall be available to the public.

Exhibit will be provided separately.

Staff Recommendation:

Accept and place on file the District's Quarterly Investment Reports for the quarter ended December 31, 2018.

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

FINANCE/OUTREACH & PLANNING COMMITTEE**January 22, 2019*****Discussion Item*****Status of the 2019 Consolidated Annual Report*****Purpose***

To provide the Board with information on the preparation of the District's Consolidated Annual Report and to solicit input prior to the February 26 Board meeting.

Background/History

Section 373.036, Florida Statutes (F.S.) requires the water management districts to prepare a "Consolidated Water Management District Annual Report." The agency formerly produced these components individually and submitted them to the Governing Board for approval at various times of the year. The Consolidated Annual Report aims to streamline these required reporting documents so that they now come forward in one package.

The 10 chapters that make up the report are substantially complete and are provided under separate cover. Staff will finalize all required document components in February. The finished report will be a part of the Board packet for the February meeting. The report includes the following components:

The Water Management District Performance Measures Annual Report

The Minimum Flows and Levels Annual Priority List and Schedule

The Minimum Flows and Levels/Water Quality Grade for Projects Report

The Annual Five-Year Capital Improvements Plan

The Alternative Water Supplies Report

The Five-Year Water Resource Development Work Program

The Polk Regional Water Cooperative Status Report

The Florida Forever Work Plan

The Mitigation Donation Annual Report

The Strategic Plan 2019-2023 (updated February 2019), and the Annual Work Plan Report

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

Report Highlights:

- *The Water Management District Performance Annual Report* states an estimated 473 mgd of water has been made available to date by completed, District-funded projects. In addition, there has been a steady increase in the quantity of wastewater reused, from 104 mgd in 1995 to 228 in 2017.
- *The Minimum Flows and Levels Annual Priority List and Schedule* is draft until approval is received from DEP. As of FY2018, 210 MFLs, including 33 that have been

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reevaluated and revised and those for all five Outstanding Florida Springs and one water reservation, have been adopted.

- *The Polk Regional Water Cooperative Status Report* identifies a prioritized list of three cooperative and 11 local member government projects that are being submitted for FY2019-20 funding consideration by the Florida Legislature.
- *The Alternative Water Supplies Annual Report* states the District has funded 375 reclaimed water projects that are anticipated to make available more than 252 mgd of capacity.

The Strategic Plan Annual Work Plan notes the second, five-year assessment was completed in 2018 for the Southern Water Use Caution Area. Additionally, stormwater management construction projects were completed this year for lakes June-in-Winter and McCoy.

Staff Recommendation:

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

Presenter: Trisha Neasman, Planning Lead, Government and Community Affairs Office

FINANCE/OUTREACH & PLANNING COMMITTEE

January 22, 2019

Discussion Item

Governing Board Policy Deletions

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 FY2016 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 FY2018 and 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.

The following Governing Board Policies have been identified by staff as obsolete. The District's Governing Board approved a resolution to merge the budgets of the eight Basin Boards into the Governing Board in May 2011, therefore, the three Basin Board policies listed below are no longer needed. The Plain Language Initiative, which was initiated by former Governor Charlie Crist in 2007, was written to ensure that all types of documents intended for the public are as easy to understand and use as possible. Since the District is committed to providing clear, concise and easy to understand communications to the public, this policy also is no longer needed.

- Board Policy 110-4 Basin Boards Functions and Duties
- Board Policy 170-7 Basin Board Education Committee
- Board Policy 170-8 Basin Board Land Resources Committee
- Board Policy 110-9 Plain Language Initiative

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 obsolete policies will be included in a consent item in the February 2019 Board packet and approval of the deletions will be requested at that time.

Presenter: Robyn Felix, Communications & Board Services Bureau Chief

BOARD POLICY
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 110-4 PAGE 1 of 3

TITLE: Basin Boards Functions and Duties

SECTION/DEPARTMENT: Executive

APPROVED: *Chris C. O'Neil* EFFECTIVE DATE: *9-1-92* SUPERSEDES: 110-4, dated 8/30/89

STATEMENT OF POLICY:

The Basin Boards have been assigned specific functions and duties which are consistent with Chapter 373, Florida Statutes (F.S.), and the programs of the water management district. Basin Boards assume taxing responsibility for those non-regulatory water resource programs of particular benefit to the residents of the respective basin. Basin Plans shall be consistent with Basin Board functions and duties and spending authority as specified in statute.

(A) Basin Board Functions

The various Basin Boards shall be responsible for discharging the following described functions in their respective basins:

1. Provide for individual or collective hydrological investigations; provide aerial photogrammetry, remote sensing, and flood plain mapping of basin water resources; develop hydrologic and engineering plans for identification, development and protection of basin water resources.
2. Development of a plan for local (secondary), private and public flood control measures within the Basin.
3. Preparation of a budget to perform Basin Board functions consistent with Chapter 373, F.S., and the water management program of the District and transmission of the Basin Board budget to the Governing Board of the District.
4. Approval of final construction plans of the District for works within the basin; construction of basin water management facilities/structures; Basin Plans in accordance with designated duties.
5. Provision for necessary administrative functions of designated basin activities.
6. Assistance to regional water supply authorities in the basin as provided in Chapter 373, F.S.
7. Review of Save Our Rivers.
8. Plugging of uncontrolled artesian wells in the basin.

Attachment: BasinBoardFunctionsandDuties (4169 : Governing Board Policy Deletions)

BOARD POLICY
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 110-4

PAGE 2 of 3

TITLE: Basin Boards Functions and Duties

SECTION/DEPARTMENT: Executive

APPROVED: *Chas. A. O'Brien*

EFFECTIVE DATE:

9-1-92

SUPERSEDES: 110-4, dated 8/30/89

(B) Basin Board Authorized Expenditures

Basin board monies shall be utilized for:

1. Preparation of final plans for and construction, operation and maintenance of basin water management facilities and structures.
2. Payment for real property interests for works of the basin.
3. Road, bridge, railroad and utility modifications and changes resulting from basin works.
4. Aquatic weed control activities for works of the basin and local aquatic weed programs of special need.
5. Commissions for tax assessors.
6. Necessary administrative functions of designated basin activities.
7. Engineering studies of works of the basin.

(C) Basin Plans

1. Each Basin Board shall develop and adopt a Basin Plan which established priorities for water resource projects and programs within the Basin.
2. Basin Plans shall be adopted biennially, at a minimum.
3. Basin Board expenditures shall be consistent with the adopted Basin Plan and Governing Board Funding Policy 130-4.

(D) Basin Taxes

1. The respective Basins may annually, by resolution, request the Governing Board of the District to levy ad valorem taxes within such Basin.
2. Upon receipt of the request specified in subsection (1), and subject to review in accordance with Section (E), a Basin tax levy shall be made by the Governing Board to finance Basin functions enumerated in Section (A), subject to the millage limits in Section 373.503(3), F.S.

Attachment: BasinBoardFunctionsandDuties (4169 : Governing Board Policy Deletions)

BOARD POLICY
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 110-4

PAGE 3 of 3

TITLE: Basin Boards Functions and Duties

SECTION/DEPARTMENT: Executive

APPROVED: *Chris C. Blake* EFFECTIVE DATE: *9-1-92* SUPERSEDES: 110-4, dated 8/30/89

(E) Budget Modification Process

1. Basin Boards are authorized to fund projects or programs within their designated functions and duties. The Governing Board may modify (diminish) or delete projects or programs contained in Basin Board budgets under the following conditions:
 - a. The Governing Board determines that a project is not within the designated Basin responsibilities; or
 - b. A project, program or activity is not consistent with the current water management program of the water management district.
2. With any deletions from or modifications (diminutions) to a Basin Board budget, the Governing Board will advise the Basin Board of its action.

Attachment: BasinBoardFunctionsandDuties (4169 : Governing Board Policy Deletions)

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: BASIN BOARD EDUCATION COMMITTEE			
SECTION/DEPT.: COMMUNICATIONS DEPARTMENT	NUMBER: 170-7	PAGE: 1 of 2	
APPROVED BY: <i>C. A. Neil</i>	C.A. "NEIL" COMBEE, CHAIR	EFFECTIVE DATE: 4/28/2009	SUPERSEDES: 7/26/2005

STATEMENT OF POLICY:

The purpose of this policy is to set forth the purpose, activities and membership guidelines of the Basin Board Education Committee.

Purpose

The purpose of the Basin Board Education Committee is to be a conduit of effective communication and education between the District and the Basin Boards relative to education efforts implemented by the Basin Boards.

The Basin Board Education Committee communicates with the Governing Board through the Governing Board's Outreach and Planning Committee and has direct communication with the Communications Director and other District staff.

Substantive audiences on which to focus education efforts:

1. Governing and Basin Board members to facilitate the understanding, approval and advancement of education objectives.
2. The general public, which includes citizens, visitors, residents, homeowners.
3. Targeted audiences, which include business, agriculture and industry representatives; builders and developers; community leaders; decision-makers and others who affect the use and management of water resources.
4. Elected officials when appropriate and as designated by and in conjunction with the Communications Director who will coordinate efforts with the Community and Legislative Affairs Director.
5. Students and teachers in grades kindergarten through 12 in public, private, home school and non-formal education settings.

Specific Committee tasks include:

- Assist with (through direct input), support and identify education opportunities to the aforementioned audiences within the District's water management plan and strategic direction, understanding that the Committee is one of many sources of such input.
- Represent the member's respective Basin in the review of that Basin's Community Education Grants.
- Assist the Communications Department in the development of an education strategy and in planning and implementing education initiatives for the District.

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: BASIN BOARD EDUCATION COMMITTEE			
SECTION/DEPT.: COMMUNICATIONS DEPARTMENT	NUMBER: 170-7	PAGE: 2 of 2	
APPROVED BY: <i>C.A. Neil Combee</i>	C.A. "NEIL" COMBEE, CHAIR	EFFECTIVE DATE: 4/28/2009	SUPERSEDES: 7/26/2005

- Be the conduit of information and communication (including training as necessary) between the Committee and each member's respective Basin Board, informing all parties of the Basin education initiatives.
- Provide education/communication and leadership to the general public through strategic public speaking opportunities where appropriate, maintaining the District's water management communications goals and policies.
- Proactively encourage new education programs for all audiences and recommend such efforts to District staff and all Boards for information and joint implementation as required. Review education efforts aligned with the District's strategic plans and initiatives.

Membership

Membership shall consist of one representative from each Basin Boards and a Governing Board member. Each year when Basin elections occur, each Basin Board will select a primary and alternate representative for the Committee. Every year, when Governing Board elections occur, the Governing Board Chair will select a Governing Board member for the committee.

Terms of Membership

Terms of membership for Basin Board members shall be at the discretion of the Basin Board Chair Ex Officio. Term of membership for the Governing Board representative shall be at the discretion of the Governing Board Chair. Continuity of membership of the committee is encouraged.

Officers and Duties

The Governing Board representative will act as Chair of the Committee. The Chair will serve as liaison between the Committee and the Governing Board and will direct staff on development of the Committee meeting agendas. Each year the committee will elect a Vice Chair who will serve for a one-year term. The Vice Chair can serve consecutive terms. The Vice Chair shall serve as Chair in the Chair's absence.

Meetings

Meetings of the Committee will be held at the call of the Chair, with input from Committee members and as recommended by staff. Meetings will be held three times per year, unless otherwise warranted. Notice of Committee meetings will be handled in accordance with District policies and procedures. Meetings shall be conducted in accordance with Robert's "Rules of Order" as described in Robert's "Rules of Order Newly Revised," originally written by General Henry M. Robert (1876), unless specified otherwise by law or this policy. Committee members are subject to the Government-in-the-Sunshine Law and all other applicable laws and regulations.

AUTHORITY: Chapter 373, Florida Statutes

REFERENCES: Section 286.011, Florida Statutes (Government-in-the-Sunshine Law)
Rules of Order Newly Revised, originally by Henry M. Robert (1876)

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: BASIN BOARD LAND RESOURCES COMMITTEE			
SECTION/DEPT.: LAND RESOURCES DEPARTMENT	NUMBER: 170-8	PAGE: 1 of 2	
APPROVED BY: <i>C.A. "NEIL" COMBEE</i>	C.A. "NEIL" COMBEE, CHAIR	EFFECTIVE DATE: 4/28/2009	SUPERSEDES: 1/25/2005

STATEMENT OF POLICY:

The purpose of this policy is to set forth the purpose, responsibilities and membership of the Basin Board Land Resources Committee.

Purpose

The purpose of the Basin Board Land Resources Committee is to guide, aid and assist District Land Resources staff with Land Resources initiatives, including acquisition, management and the establishment of land use parameters consistent with statutory directives and established water management goals and policies. Committee members serve as conduits of effective communication between the District and the Basin Boards for the promulgation of education initiatives aimed at specific groups and the general public, regarding the aforementioned and their relationship to the District's land acquisition and management programs.


The Basin Board Land Resources Committee will communicate with the Governing Board through the Resource Management Committee and will have direct access to the Land Resources Director and other appropriate District staff.

The Committee's education initiatives will be primarily directed toward the following three groups:

1. The general public and interested parties to enhance awareness of water management goals and objectives and policies regarding land acquisition, management and public use;
2. Elected officials and business leaders when appropriate and suggested by the Land Resources Director; and
3. Governing and Basin Board members to facilitate the understanding, approval and advancement of land resource objectives.

Specific Committee responsibilities include:

- Gaining an understanding of land acquisition, management and public use statutory directives.
- Providing input on land acquisition, management and public use policies, procedures and guidelines.
- Providing review and comment, consistent with statutory directives and District policies, on resource management issues brought before the Committee. These issues may include but are not limited to research and innovative management techniques and strategies.
- Coordination with Communications staff in the development and implementation of environmental education initiatives on District lands consistent with water management goals and District policies and procedures.
- Facilitation of the implementation of land acquisition, management and public use initiatives through direct contact with elected officials and community business leaders.

BOARD POLICY		
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT		
TITLE: BASIN BOARD LAND RESOURCES COMMITTEE		
SECTION/DEPT.: LAND RESOURCES DEPARTMENT	NUMBER: 170-8	PAGE: 2 of 2
APPROVED BY: 	C.A. "NEIL" COMBEE, CHAIR	EFFECTIVE DATE: 4/28/2009 SUPERSEDES: 1/25/2005

- Facilitation of District public outreach initiatives by providing community leadership and participating in public speaking engagements, where appropriate and in a manner consistent with District water management goals and communications policies.
- Support of and participation in new education programs on land acquisition, management and public use initiatives for all audiences.

Membership

Membership of the Committee will consist of one representative from each Basin Boards and a Governing Board member. Annually, each Basin Board will select a primary and alternate representative to serve on the Committee.

Terms of Membership

Terms of membership for Basin Board members will be at the discretion of the Basin Board Chair Ex Officio, but to optimize members' knowledge and increase Committee efficacy, memberships longer than one term are encouraged. Term of membership for the Governing Board representative will be at the discretion of the Governing Board Chair.

Officers and Duties

The Governing Board representative will act as Chair of the Committee and will serve as liaison between the Committee and the Governing Board. He or she will direct staff on the development of each Committee meeting agenda. The Committee will elect a Vice Chair annually, to serve a one-year term. The Vice Chair may serve consecutive terms and will serve as Chair in the Chair's absence.

Meetings

Meetings of the Committee will be scheduled by the Chair, with input from Committee members and as recommended by staff. Meetings will be held three times per year, unless otherwise warranted. Meetings shall be conducted in accordance with Robert's "Rules of Order" as described in Robert's "Rules of Order Newly Revised," originally written by General Henry M. Robert (1876), unless specified otherwise by law or this policy. Committee members are subject to the Government-in-the-Sunshine Law and all other applicable laws and regulations.

AUTHORITY: Chapter 373, Florida Statutes

REFERENCES: Section 286.011, Florida Statutes (Government-in-the-Sunshine Law)
Rules of Order Newly Revised, originally by Henry M. Robert (1876)

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: PLAIN LANGUAGE INITIATIVE			
SECTION/DEPT: COMMUNICATIONS	NUMBER: 110-9	PAGE: 1 OF 2	
APPROVED BY: <i>Talmar G. Rice</i> TALMAR G. RICE, CHAIR	EFFECTIVE DATE: 04/01/2007	SUPERSEDES: NEW	

STATEMENT OF POLICY:

Effective communication has always been critical to the mission and function of the Southwest Florida Water Management District (District). It is vitally important that all written correspondence is clear, concise and easy to understand.

In accordance with Governor Crist's Plain Language Initiative outlined in Executive Order 07-01, the District's policy will be to review all types of documents intended for the general public to make them as easy to understand and use as possible.

Overall, the District's Plain Language Initiative will promote:


- Clear language that is commonly understood by the intended audience;
- Providing specific answers in logical sequences;
- Using short sentences written in an active verb; and
- Layout and design that help the reader absorb meaning easily.

OBJECTIVE:

To establish guidelines for the implementation of the District's Plain Language Initiative.

IMPLEMENTATION:

1. Stress the expectation that using plain language is part of everyone's job at the District to ensure that information communicated to the public is clear, consistent, concise, easy-to-read and relevant.
2. Apply plain language standards and best practices in all District communication areas including the following:
 - written correspondence
 - e-mail
 - web sites
 - meeting summaries and minutes
 - publications and printed material
 - rules and regulatory language
 - forms and applications
 - reports
 - oral communication
 - presentations
3. Communicate to staff that the use of plain language is an essential job skill and that the deputy executive directors and department directors are responsible for supporting, implementing and evaluating the District's plain language plan.
4. Adopt a procedure that will provide guidelines for staff, including:
 - Making plain language use a part of the District's priorities.
 - Making plain language a part of the review process for regulatory and non-regulatory documents and updating as necessary.
 - Using plain language in all letters, e-mail and all new documents, publications and reports that are meant for public consumption.
 - Designating a leadership team to oversee and monitor the District's plain language efforts and to ensure that the initiative moves forward agency wide.

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
PLAIN LANGUAGE INITIATIVE			
SECTION/DEPT: COMMUNICATIONS	NUMBER: 110-9	PAGE: 2 OF 2	
APPROVED BY:  TALMADGE G. RICE, CHAIR	EFFECTIVE DATE: 04/01/2007	SUPERSEDES: NEW	

- Establishing training opportunities for employees to improve writing skills that embrace the goals and objectives of the Governor's Plain Language Initiative.
- Instruction on the use of plain language as part of the orientation for new employees.
- Posting the Governor's Plain Language Initiative handbook on the District's intranet site along with the other administrative standards for easy access by all employees.

REFERENCE: Executive Order 07-01
Plain Language Initiative Handbook, Governor's Office of Citizen Services

HISTORY: New

FINANCE/OUTREACH & PLANNING COMMITTEE

January 22, 2019

Discussion Item

FY2018-19 Inspector General Audit Plan

In accordance with Governing Board Policies 140-1, 140-3, and Section 20.055(6)(i), Florida Statutes, the inspector general shall submit an audit plan to the District Governing Board that shows the individual audits and related resources to be devoted to the respective audits during the year. In addition, the audit plan shall also include a long-term projection. This plan is submitted to the Governing Board for approval and a copy of the approved plan will be submitted to the Auditor General.

The audit plan is the result of a District-wide risk assessment and reflects individual audits planned over the next 12 months and long-term. Findings from other audits and meetings with each Board member, District management, and District staff was also included as part of the risk assessment. The categorization of these audits into short-term and long-term is based on resources that will be allocated to auditing activities. The audit plan ensures that resources are available for additional functions of the inspector general such as special request, investigative, other accountability, and administrative activities.

Per Governing Board Policy 140-1 and 20.055(6), Florida Statutes, the Governing Board may at any time request the inspector general to perform an audit of a special program, function, or organizational unit.

Exhibit will be provided separately.

Staff Recommendation:

Approve the FY2018-19 Inspector General Audit Plan.

Presenter: Brian Werthmiller, Inspector General

FINANCE/OUTREACH & PLANNING COMMITTEE

January 22, 2019

Submit and File Report

Inspector General Quarterly Update - October 1, 2018 to December 31, 2018

In accordance with Governing Board Policies 140-1 and 140-3, the Office of Inspector General is required, on a quarterly basis, to update the Committee regarding work and other matters.

Exhibit will be provided separately.

Staff Recommendation:

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

Presenter: Brian Werthmiller, Inspector General

FINANCE/OUTREACH & PLANNING COMMITTEE

January 22, 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 December 31, 2018, 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).

Exhibit will be provided separately.

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

January 22, 2019

Routine Report

Monthly Financial Statement

Purpose

Presentation of the December 31, 2018, 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 Third Month Ended December 31, 2018."

Exhibit will be provided separately.

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

January 22, 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 December 31, 2018.

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 separately.

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

January 22, 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 January 3, 20

Project	Amendment Type	Assigned	Completed	Description	10YWSFW
Auburndale 18-2	ESR	10/25/2018	11/6/2018	Comments addressed conservation, flood prone areas and existing wells. Also encouraged use of available reclaimed water and scheduling of a preapplication meeting with ERP staff.	<input type="checkbox"/>
Auburndale 18-3	ESR	10/25/2018	11/6/2018	No substantive comments.	<input type="checkbox"/>
Coleman 18-2	ESR	10/22/2018	11/27/2018	Comments addressed water supply availability.	<input type="checkbox"/>
Desoto 18-1	ESR	10/15/2018	11/1/2018	Comments addressed the potential for onsite wetlands, the proper abandonment of unused water wells and regulatory responsibility.	<input type="checkbox"/>
DeSoto 18-2	ESR	11/21/2018	11/22/2018	No substantive comments.	<input type="checkbox"/>
Dundee 18-1ER	EAR-based	11/6/2018	12/6/2018	No substantive comments.	<input type="checkbox"/>
Hillsborough 18-4	ESR	10/22/2018	11/21/2018	Comments addressed water supply planning, conservation, floodplains, wetlands, an existing District data collection site and existing wells. Also encouraged reclaimed water supply use and scheduling of an ERP preapplication meeting.	<input type="checkbox"/>
Inglis 18-1	ESR	11/26/2018	12/18/2018	Advised that the 10-Year Water Supply Facilities Work Plan update is overdue and District staff is available to provide technical assistance.	<input type="checkbox"/>
Lake 18-10	ESR	10/15/2018	11/7/2018	No substantive comments.	<input type="checkbox"/>
Lake 18-11ACSC	Regular	11/2/2018	11/26/2018	Advised amendment site lies within SJRWMD.	<input type="checkbox"/>
Lake 18-12	ESR	12/7/2018		Map amendment.	<input type="checkbox"/>
Lake 18-13	ESR	12/7/2018		Map amendment.	<input type="checkbox"/>
Lake 18-9ACSC	Regular	10/15/2018	10/26/2018	No substantive comments.	<input type="checkbox"/>
Manatee 18-3	ESR	11/9/2018	12/3/2018	Comments addressed reuse and conservation.	<input type="checkbox"/>
Marion 18-5	ESR	10/28/2018	11/27/2018	Advised amendment site lies within SJRWMD.	<input type="checkbox"/>
Palmetto 18-1	EAR-based	10/15/2018	10/26/2018	Advised that the Water Supply Facilities Work Plan is past due and offered technical assistance.	<input type="checkbox"/>
Pasco 18-10	ESR	12/6/2018		Map amendment.	<input type="checkbox"/>

Attachment: CPARR (4146 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Polk City 18-3ACSC	Regular	10/16/2018	11/1/2018	Comments addressed statutory requirements for a potable water analysis.	<input type="checkbox"/>
Redington Beach 18-1	EAR-based	11/13/2018	12/17/2018	Comments addressed water supply concurrency.	<input type="checkbox"/>
Sarasota 18-5	ESR	11/21/2018	12/18/2018	Comments addressed statutory requirements for water supply planning, floodplains, wetlands and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Sumter 18-7	ESR	10/1/2018	11/5/2018	Comments encouraged maximization of water conservation, implementation of LID strategies to minimize/avoid impacts to flood prone areas and scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Sumter 18-8	ESR	10/1/2018	11/5/2018	Comments addressed water supply availability, water conservation and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Sumter 18-9	ESR	12/4/2018	12/28/2018	No substantive comments.	<input type="checkbox"/>
Tarpon Springs 18-2	ESR	12/6/2018		Text amendment.	<input type="checkbox"/>
Tarpon Springs 18-3	ESR	12/6/2018		Text amendment.	<input type="checkbox"/>
Venice 18-1	ESR	11/2/2018	11/26/2018	No substantive comments.	<input type="checkbox"/>
Webster 18-1DRI	ESR	10/3/2018	11/5/2018	Comments addressed water conservation, implementation of LID strategies to avoid/minimize impacts to flood prone areas, proper abandonment of unused water wells and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Wildwood 18-5	ESR	10/15/2018	11/15/2018	Comments addressed water supply availability, conservation and encourage scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Wildwood 18-6	ESR	12/6/2018		Text amendment.	<input type="checkbox"/>
Wildwood 18-7	ESR	12/6/2018		Map and text amendments.	<input type="checkbox"/>
Winter Haven 18-3	ESR	10/15/2018	11/7/2018	Comments addressed reuse, conservation, flood prone areas, wetlands, existing wells and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>

Abbreviations:

ACSC Area of Critical State Concern
DRI Development of Regional Impact
ESR Expedited State Review

FINANCE/OUTREACH & PLANNING COMMITTEE

January 22, 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

NO REPORT FOR DECEMBER 2018

**Governing Board Meeting
January 22, 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

January 22, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Ken Frink, P.E., Division Director, Operations, Lands, and Resource Monitoring

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**January 22, 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 December, 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 December 1-31 indicate amounts have been significantly above-normal in all three regions of the District. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- Northern region rainfall has averaged 10.39 inches, equivalent to the 99th percentile
- Central region rainfall has averaged 7.93 inches, equivalent to the 99th percentile.
- Southern region rainfall has averaged 5.54 inches, equivalent to the 99th percentile.
- District-wide, average rainfall has been 7.78 inches, equivalent to the 99th percentile.

Streamflow

Streamflow data for December indicate that flow has increased in all three regions of the District, compared to the previous month. Based on streamflow conditions for the three regional index rivers indicated below, flow is at the upper-end of the normal range in the northern region and above-normal in the central and southern regions. Normal streamflow is defined as flow that falls on or between the 25th and 75th percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 74th percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 95th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 92nd percentile.

Groundwater Levels

December groundwater data indicates that levels in the Floridan/Intermediate aquifer increased in all three regions of the District, compared to last month. Groundwater levels ended the month at above-normal levels in all three regions. Normal groundwater levels are defined as those falling on or between the 25th and 75th percentiles.

- The average groundwater level in the northern region was in the 91st percentile.
- The average groundwater level in the central region was in the 87th percentile.
- The average groundwater level in the southern region was in the 76th percentile.

Lake Levels

Water level data for December indicates that regional lake levels increased in the northern, Tampa Bay and Polk Uplands regions, while levels decreased in the Lake Wales Ridge region, compared to the previous month. The northern, Tampa Bay and Polk Uplands regions ended the month with levels above the base of the annual normal range, while the Lake Wales Ridge region ended the month 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 increased 0.54 foot and were 0.53 foot above the base of the annual normal range.
- Average lake levels in the Tampa Bay region increased 0.65 foot and were 1.65 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region increased 0.14 foot and were 1.73 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.11 foot and were 0.05 foot below the base of the annual normal range.

Issues of Significance

December historically marks the third month of the eight-month (October through May) dry season and rainfall totals throughout the District were well above-normal in all three regions of the District. The monthly rainfall totals for the northern region rank as the 2nd wettest December in 103 years, while the monthly totals for the central and southern regions, and District-wide, rank as the 3rd wettest December during that time-period.

Rainfall received during December was abundant, regionally variable and associated with several cold front systems moving across the District that interacted with tropical wind currents laden with moisture. Analysis of the partial dry-season (October-December) rainfall indicates District-wide totals were 4.1 inches above the historic long-term average. The District-wide provisional 12- and 24-month cumulative rainfall totals increased, ending the month at approximately 6.8 and 7.1 inches, respectively, above their long-term historic average.

Most hydrologic indicators throughout the District saw improvements in December. Regional groundwater and streamflow conditions ended the month at normal to above-normal levels, while regional lake levels saw improvements in the northern, Tampa Bay and Polk Uplands regions, while levels in the Lake Wales Ridge region lagged and saw some declines. Major public surface water supply reservoirs remain at good levels.

The US Drought Monitor (as of 1/1/2019) indicates that some areas of Charlotte, DeSoto, Highlands and Polk counties located within the District are experiencing “abnormally dry” conditions. There is an increased risk for wildfire in these areas.

NOAA climate forecasts continue to predict above-normal rainfall from January through June 2019, based on expectations that the Pacific Ocean will transition into weak El Niño conditions within the next several months, which could bring wetter-than-normal rainfall conditions to the District.

Item 33

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

Staff Recommendation:

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

Presenter: Granville Kinsman, Hydrologic Data Manager

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

January 22, 2019

Routine Report

Surplus Lands Update

Purpose

This report provides a monthly status on the District's surplus lands program. Information is through December 11, 2018.

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	1,517	28	\$8,146,484
Closing pending Includes Annutteliga Hammock (AH)	2	4	\$17,541
Listed with broker with approved minimum sale price	834	12	
Listed with broker without minimum sale price	301	5	
AH Project	547	996	
AH lots offered to adjacent owners	23	12	
Agency request	599	8	
Non-marketable	20	4	
On hold	1,098	13	
Grand Total	4,941	1,082	\$8,164,025

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 four offers signed by the Governing Board Chair and closing is pending.

Activity from 11/7/2018 to 12/11/2018				
SWF Parcel Id. Number	Date Closed	Acres	Contract Price	Appraised Value
15-228-1499S	11/27/2018	0.53	\$4,541.00	\$3,800
15-228-1415S	12/7/2018	0.46	\$4,500.00	\$3,200
Total		0.99	\$9,041.00	\$7,000

Item 34

	Previous Month Activity Summary Report (9/25/18 - 11/6/18)	Activity Summary Report (9/25/2018 to 12/11/2018)
Parcels	2	4
Acreage	1.38 acres	2.37 acres
Appraised Values	\$9,200	\$16,200
	\$6,667 per acre	\$6,835 per acre
Contract Values	\$14,000 total sales	\$23,041 total sales
	\$10,145 per acre	\$9,722 per acre
Basis Values (Average of all parcels)	\$7,373 total purchase price	\$12,663 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: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

January 22, 2019

Routine Report

Structure Operations

Summary of the operations made from November 8 through December 12, 2018.

- 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 level. Lake Rousseau's monthly average elevation was of 27.59 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 closed 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 39.72 feet NGVD.
- Alafia River Watershed: The Medard Reservoir structure was closed to maintain water level. The monthly average water level for the Medard Reservoir was 58.88 feet NGVD, compared to the recommended maintenance level of 59.00 feet NGVD.
- Hillsborough River Watershed: The Thirteen Mile Run system and Flint Creek (Thonotosassa discharge) structure were closed to maintain water levels. The average monthly water level for Lake Thonotosassa was 36.28 feet NGVD, compared to the recommended maintenance level of 36.50 feet NGVD.
- Tampa Bay/Ancote Watershed: Structures in the Rocky Creek, Sweetwater Creek were operated to maintain water lake 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 were operated to maintain the lake level. Lake Tarpon's average water level for the month was 3.24 feet NGVD, compared to the recommended maintenance level of 3.20 feet NGVD.
- Peace River Watershed: Lake Hancock structure was closed to maintain water level. The average monthly water level for Lake Hancock was 99.95 feet NGVD, compared to the recommended maintenance level of 100.20 feet NGVD.
- Lake Wales Ridge Watershed: Structure G-90 was closed to maintain water level in Lake June-in-Winter. The average monthly water level for Lake June-in-Winter was 74.21 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

January 22, 2019

Routine Report

Significant Activities

Staff Recommendation:

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

Operations, Lands and Resource Monitoring Committee
Jan 22, 2019

Significant Activities

This report provides monthly information from October 1, 2018 through December 18, 2018 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

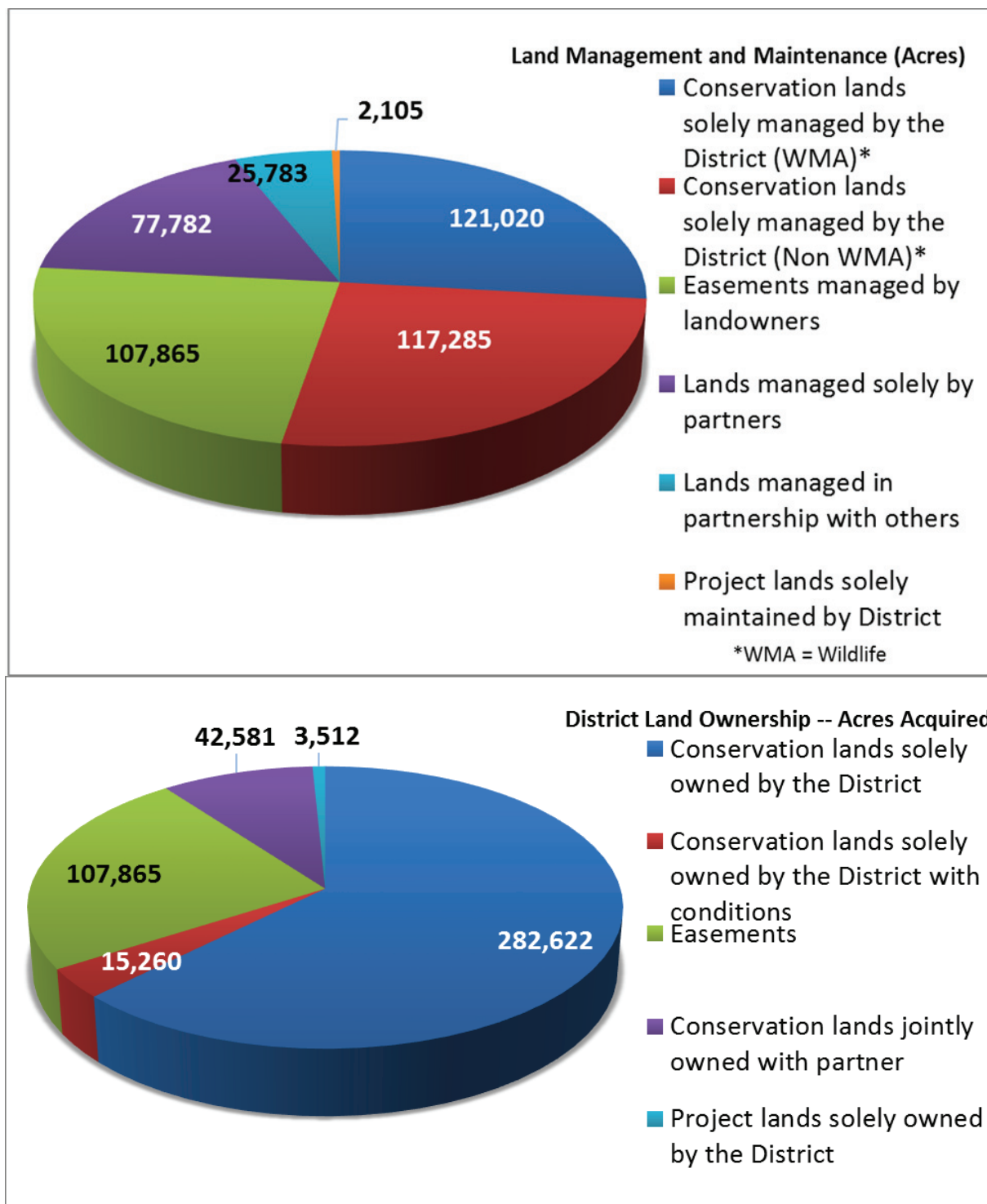
- Staff applied prescribed fire to 3,704 acres of conservation lands. Staff completed FY2019 prescribed burn planning and their annual workplans. Staff worked closely with Communication and Board Services staff to develop prescribed fire communication tools including door hangers and community signs.
- Staff treated 3,254 acres of invasive vegetation on District conservation lands.
- There have been 182 feral hogs removed from District conservation lands. A total of 146 feral hogs were removed during hog management hunts and 36 feral hogs were removed by staff.
- Staff generated \$32,904.37 in revenue on conservation lands. This includes apiary license agreements, cattle leases, cell tower leases, billboard leases, easement inspections, and feral hog hunt permits.
- Staff is conducting a hazard fuel reduction project in Sarasota County on the Deer Prairie Creek and Schewe Preserves in the wildland urban interface. This project entails mowing shrubs and mid-story vegetation along five miles of the property boundary adjacent to North Port and Warm Mineral Springs.

Land Resources/Land Use and Protection

Issued Special Use Authorization to the following:

- University of South Florida for vehicle access to outplant one-year old mangrove saplings in the Tampa Bay Estuarine Ecosystem borrow pit saltwater lagoon and assess growth trends with the interaction of oyster reefs. Up to three participants are expected with weekly visits over a two-year time frame.
- West Pasco Audubon Society for vehicle access for two groups of bird count participants (2-5 participants per group) to conduct a Christmas bird count within Starkey Wilderness Preserve – Serenova and Anclote Tracts.
- Hernando Audubon Society for vehicle access for two groups of bird count participants (2-5 participants per group) to conduct a Christmas bird count within Weekiwachee Preserve.

- Tampa Audubon Society for vehicle access for up to five participants to utilize the District's Tampa Service Office parking area in conjunction with a bird count event conducted at Tampa Bypass Canal.
- Volunteers provided 168 hours of service at a value of approximately \$3,958.08 to the District's conservation/recreation lands. Volunteer services included campground maintenance, trash removal, fence repair, and tree trimming.
- Processed 184 requests and provided 638 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.

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

**Governing Board Meeting
January 22, 2019**

REGULATION COMMITTEE

Discussion Items

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Submit & File Reports – None

Routine Reports

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REGULATION COMMITTEE

January 22, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

REGULATION COMMITTEE

January 22, 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

January 22, 2019

Routine Report

Dover/Plant City Water Use Caution Area Flow Meter AMR Implementation Program Update

At their December 2010 meeting, the Governing Board adopted a minimum aquifer level in the Dover/Plant City Water Use Caution Area (DPCWUCA); Rule 40D-8.626, Florida Administrative Code (F.A.C.), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and automatic meter reading (AMR) equipment installations to monitor and reduce resource impacts from future frost/freeze pumping events. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It was originally estimated as of June 16, 2011 that there were 626 flow meters and 961 AMR devices needing installation within the 256-square mile DPCWUCA. As of December 1, 2016 it was estimated that 573 flow meters and 954 AMR devices will need to be installed, currently, a revised assessment completed of December 20, 2018 estimated a program total of 547 flow meters and 868 AMR devices. This revised assessment is due to expired permits, use change, and deletion of withdrawals not required to be metered and have AMR devices. Total costs of the program were estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$316,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage, Inc. The contract was executed on November 14, 2013. Letters with flow meter reimbursement information were sent on March 28, 2018 to the remaining permittees who have not yet installed a flow meter and/or AMR unit. ***New Activities Since Last Meeting:*** As of January 1, 2019, a total of 535 flow meters have been installed (98 percent complete) and 841 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

January 22, 2019

Routine Report

Overpumpage Report

Please see the attached reports (December 2018 and January 2019).

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 September 2018

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>						
2063.007	Scott Stevenson ¹	Agriculture – Citrus	215,400 gpd	07/01/2018 347,915 gpd 61.52%	09/01/2018 300,784 gpd 39.64%	Bartow

- (1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.
 (2) A permit application is in-house for review.
 (3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

Overpumpage Report September 2018

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
Continuing From Previous Report						
10857.006	Burton Ranch, LLC ¹	Agriculture – Citrus	53,400 gpd	05/01/2018 116,887 gpd 118.89%	09/01/2018 106,544 gpd 99.52%	Bartow
3612.005	William K. and Elizabeth A. Durrance ¹	Agriculture – Citrus	111,600 gpd	04/01/2018 176,959 gpd 58.57%	09/01/2018 129,762 gpd 16.27%	Bartow
12900.002	Minto Bradenton LLC (Perico Island Development) ¹	Recreation - Lawn/Landscaping	130,500 gpd	11/01/2017 196,759 gpd 50.77%	09/01/2018 140,123 gpd 7.37%	Sarasota
696.006	Gardinier Florida Citrus, Inc. ¹	Agriculture – Citrus	210,600 gpd	05/01/2017 293,762 gpd 39.49%	09/01/2018 247,740 gpd 17.64%	Bartow
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%	09/01/2018 1,298,493 gpd 24.42%	Sarasota
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%	09/01/2018 2,961,238 gpd 15.90%	Brooksville
7002.004	MHC FR Utility Systems, LLC ³	Public Supply	97,100 gpd	04/01/2015 104,929 gpd 8.06%	09/01/2018 160,171 gpd 64.95%	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)

Attachment: Jan19 Dec18 Routine Reports - Overpumpage Report_September18_FINAL (4168 :

Overpumpage Report October-November 2018

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>						
11724.005	Smoak Groves, Inc. ¹	Agriculture – Citrus	203,000 gpd	09/01/2018 218,265 gpd 7.52%	11/01/2018 235,104 gpd 15.81%	Bartow

- (1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.
 (2) A permit application is in-house for review.
 (3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

Overpumpage Report October-November 2018

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>						
10857.006	Burton Ranch, LLC ¹	Agriculture – Citrus	53,400 gpd	05/01/2018 116,887 gpd 118.89%	011/01/2018 106,481 gpd 99.40%	Bartow
3612.005	William K. and Elizabeth A. Durrance ¹	Agriculture – Citrus	111,600 gpd	04/01/2018 176,959 gpd 58.57%	11/01/2018 126,622 gpd 13.46%	Bartow
12900.002	Minto Bradenton LLC (Perico Island Development) ¹	Recreation - Lawn/Landscaping	130,500 gpd	11/01/2017 196,759 gpd 50.77%	11/01/2018 141,123 gpd 8.14%	Sarasota
696.006	Gardinier Florida Citrus, Inc. ¹	Agriculture – Citrus	210,600 gpd	05/01/2017 293,762 gpd 39.49%	11/01/2018 268,832 gpd 27.65%	Bartow
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%	11/01/2018 1,271,611 gpd 21.85%	Sarasota
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%	11/01/2018 3,027,247 gpd 18.48%	Brooksville
7002.004	MHC FR Utility Systems, LLC ³	Public Supply	97,100 gpd	04/01/2015 104,929 gpd 8.06%	11/01/2018 164,685 gpd 69.60%	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)

Attachment: Jan19 Routine Reports - Overpumpage Report_Oct-Nov18_FINAL corrected (4168 :

REGULATION COMMITTEE

January 22, 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 – JANUARY 2019

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
20042998.073	The Villages of Southern Oaks Mass Grade – Phase 5B	Sumter	Mass grading of 451 acres for future subdivision	454.30	3.37	3.37	0.00
20043390.001	The Villages of Southern Oaks Storm Water Earthworks Plan – Phase 4B	Sumter	Mass grading for a future residential site	683.45	330.25	4.09	0.00
20042124.002	LT Ranch Neighborhood 1/Access Road/Roadway “A”	Sarasota	Mixed use subdivision with single-family, multi-family and community parks, amenities facilities and commercial	466.00	149.09	5.90	47.77
20043156.001	Bellaviva	Polk	Construction of single-family lots, multi-family duplexes, multi-family apartments	100.13	35.70	7.14	29.15

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 – JANUARY 2019

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
20013279.001	World Woods Golf Club	Hernando / Citrus	Renewal with changes to the golf course irrigation plan and reduction of personal sanitary allocation	Landscape / Recreation	782,000	734,800	10

**Governing Board Meeting
January 22, 2019**

GENERAL COUNSEL'S REPORT

Discussion Items

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Submit & File Reports – None

Routine Reports

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GENERAL COUNSEL'S REPORT

January 22, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

January 22, 2019

Routine Report

January 2019 Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT

January 2019

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

DELEGATED ADMINISTRATIVE HEARING MATTERS

2 Cases as of January 2, 2019

OPEN ENFORCEMENT CASES

49 Cases as of January 2, 2019

ENFORCEMENT CASES IN ACTIVE LITIGATION

0 Cases as of January 2, 2019

(Including Administrative Complaints)

PERMIT/AGENCY ACTION CHALLENGES

3 Cases as of January 2, 2019

STYLE: Polk Regional Water Cooperative et al v. SWFWMD and Peace River Manasota Regional Water Supply Authority
COURT/CASE NO.: Division of Administrative Hearings, Case No. 18-3276
ATTORNEY: C. Tumminia/ A. Vining/ M. Bray
ACTION: Administrative hearing challenging Water Use Permit No. 20010420.010

DESCRIPTION: On April 24, 2018, the District issued a Notice of Proposed Agency Action recommending approval of Water Use Permit ("WUP") No. 20010420.010 ("Permit") to the Peace River Manasota Regional Water Supply Authority ("Authority") authorizing a renewal and modification to the Authority's existing WUP to extend the duration of the Permit and increase the allocated annual average and maximum daily withdrawals. From May 14, 2018, to May 18, 2018, the District received Petitions for Administrative Hearing ("Petitions") from the Polk Regional Water Cooperative, Polk County, the City of Winter Haven, the City of Lakeland, the City of Wauchula, the City of Fort Meade, and the City of Bartow ("Petitioners"). On June 25, 2018, the District referred the Petitions to the Division of Administrative Hearings ("DOAH"). The case was assigned to an Administrative Law Judge ("ALJ"), who issued an Initial Order on June 27, 2018.

On July 5, 2018, the District and the Authority joined in filing a Response to the Initial Order, and the Petitioners joined in filing a separate Response. The ALJ entered an Order of Pre-Hearing Instructions on July 12, 2018 and scheduled the final hearing in this matter to occur at the District's Tampa Service Office from January 28, 2019 through February 15, 2019.

On July 18, 2018, the District filed a Consolidated Motion to Dismiss the Petitions. The Authority also moved to dismiss all seven Petitions. The ALJ granted the Petitioners an additional 10 days to respond to the Motions to Dismiss over the District's objection. On August 3, 2018, the Petitioners filed responses to the Motions to Dismiss.

On August 10, 2018, the ALJ entered an order denying the District and the Authority's Motions to Dismiss. The parties subsequently agreed to have retired Administrative Law Judge Bram Canter serve as the negotiation facilitator for the mediation scheduled to occur on October 8, 2018. Over the course of the time spanning this Litigation Report, the Parties have engaged in extensive written discovery and preliminary discussions regarding potential resolution of this administrative proceeding. In addition to the currently scheduled mediation, the District has invited the Polk Regional Water Cooperative

and its member governments to an open discussion with District, Hillsborough County, and Tampa Bay Water staff regarding the District's proposed alternative water supply project in southern Hillsborough County.

On October 3, 2018, the District held a meeting at the Tampa Service Office, where the Polk Regional Water Cooperative was invited to obtain additional details from Hillsborough County and Tampa Bay Water staff regarding the proposed alternative water supply project to resolve the litigation. Subsequently, the Parties attended Mediation on October 8, but were unable to reach a settlement agreement and, as a result, the Parties are continuing to litigate this case. As part of the litigation efforts, the Cooperative has scheduled the depositions of Brian Armstrong, Jennette Seachrist, Brian Starford, April Breton, and Luke LeMond, which are to occur between October 30, 2018 and November 6, 2018. The District has filed two motions for protective order regarding these five currently scheduled depositions. The first motion was filed on October 21, 2018, and the second was filed on October 24, 2018. The ALJ's orders on the District's motions are expected prior to the depositions for which they apply. Additionally, the depositions of the District's expert witnesses have been scheduled for December 5–8, 2018. The depositions of the Cooperative's experts are anticipated to be scheduled between November 6, 2018 and December 2, 2018, with the Parties continuing to discuss mutually available dates. Should the Parties fail to conduct all the required depositions prior to the December 10, 2018 discovery deadline, the District will utilize the instructions in the ALJ's Order of Pre-Hearing Instructions to determine the appropriate course of action.

On November 7, 2018, representatives from the Authority and the PRWC reached an agreement in principle to resolve the pending administrative challenge to the Authority's Permit. In pertinent part, the agreement provides for the following: (1) issuance of the Permit to the Authority for the quantities authorized in the April 24, 2018 Notice of Proposed Agency Action; (2) addition of a condition in the Permit that would reduce the Authority's maximum daily withdrawal by up to 48 MGD to enable the PRWC to withdraw water from the Peace River in Polk County, contingent upon the PRWC obtaining a WUP for the withdrawals within 8 years of the date the Authority's Permit is issued; (3) the formation of a Coordinating Committee comprised of the Authority, the PRWC, and the City of Lakeland for the purpose of gathering and sharing information relating to projects on the Peace River; (4) an agreement among the members of the Coordinating Committee to formally request that the District revise the Lower Peace River Minimum Flow; and (5) an agreement among the Petitioners to dismiss the Petitions with prejudice following execution of the finalized settlement agreement. Subsequently, representatives from the District, the Authority, and the PRWC agreed to cancel the administrative hearing scheduled for January 28, 2019, and to place all litigation activities on hold for a period of 45 days to finalize the settlement agreement. **On December 19, 2018, the Board of Directors for the PRWC and PRMRWSA executed a settlement agreement to resolve this litigation. Polk County and the Cities of Bartow, Fort Meade, Lakeland, Wauchula, and Winter Haven are anticipated to execute the settlement agreement at their respective governing board meetings through January 23, 2019. Following execution of the settlement agreement by the remaining members of the Cooperative, the Parties will file a Motion with the ALJ to close the administrative proceeding. The PRMRWSA Permit will then be brought back to the Governing Board for approval.**

STYLE: Sumter, LLC v. FDOT Florida's Turnpike Enterprise and SWFWMD
COURT/CASE NO.: Division of Administrative Hearings, Case No. 18-2780
ATTORNEY: H. Ryan/J. Fussell
ACTION: Administrative hearing challenging Environmental Resource Permit No. 43010725.009

DESCRIPTION: On February 10, 2017, the District issued Environmental Resource Permit ("ERP") No. 43070725.009 to FDOT Florida's Turnpike Authority ("Turnpike") authorizing modifications to interchange improvements previously permitted for the I-75/Turnpike Interchange, which will improve traffic flow at the same time FDOT is widening I-75. The District issued a Corrected ERP on February 15, 2017, after District staff discovered an error in the ERP previously issued, which resulted in

updates to the wetland impact acreages, functional losses, and the total excess mitigation available. On March 2, 2017, Sumter, LLC ("Petitioner") submitted a Petition for Administrative Hearing ("Petition"), requesting denial of the Corrected ERP.

On March 20, 2017, Petitioner and Turnpike submitted a letter to the District, jointly requesting the District delay referral of the Petition to DOAH for 30 days so the parties could attempt to resolve the dispute. The District entered an Order Granting Request to Hold Case in Abeyance on March 20, 2017, stating no further action would be taken by the District on the matter until April 19, 2017.

On March 31, 2017, Petitioner and Turnpike filed a Joint Motion for Extension of Time until July 1, 2017, as the parties had agreed to run the 100-year floodplain model with updated parameters. An extension of an additional 90 days was requested for time to generate the results of the updated model and for the parties to review of those results. On April 4, 2017, the District entered an Order Granting Joint Motion for Extension of Time, holding the case in abeyance until July 3, 2017, and stating no further action would be taken by the District on the matter until July 5, 2017.

On June 22, 2017, Petitioner and Turnpike filed a Second Joint Motion for Extension of Time until August 7, 2017, to allow the parties additional time to finish running the 100-year floodplain model with updated parameters. On June 27, 2017, the District entered an Order Granting Second Joint Motion for Extension of Time, holding the case in abeyance until August 7, 2017, and stating no further action would be taken by the District on the matter until August 8, 2017.

On July 27, 2017, Petitioner and Turnpike filed a Third Joint Motion for Extension of Time until September 25, 2017, as efforts were ongoing to update the floodplain model and additional time was needed to finish the work. On July 27, 2017, the District entered an Order Granting Third Joint Motion for Extension of Time, holding the case in abeyance through September 25, 2017.

On September 15, 2017, Petitioner and Turnpike filed a Fourth Joint Motion for Extension of Time until October 11, 2017, as the parties expected the District to receive updated modeling on September 15, 2017, and time was needed to allow for the District's review and comments of those results, as well as for Petitioner's and Turnpike's subsequent review of the District's comments. On September 18, 2017, the District entered an Order Granting Fourth Joint Motion for Extension of Time, holding the case in abeyance through October 11, 2017.

On October 10, 2017, Petitioner and Turnpike filed a Fifth Joint Motion for Extension of Time until October 23, 2017, to conduct a settlement conference. On October 10, 2017, the District entered an Order Granting Fifth Joint Motion for Extension of Time, holding the case in abeyance through October 23, 2017.

On October 18, 2017, Petitioner and Turnpike filed a Sixth Joint Motion for Extension of Time to conduct a settlement conference, which was to occur no later than November 21, 2017. On October 19, 2017, the District entered an Order Granting Sixth Joint Motion for Extension of Time, holding the case in abeyance through November 22, 2017.

A settlement conference was held on November 17, 2017. On November 20, 2017, Petitioner and Turnpike filed a Seventh Joint Motion for Extension of Time until February 1, 2018, to finish re-processing the model and conduct a follow-up settlement conference. On November 28, 2017, the District entered an Order Granting Seventh Joint Motion for Extension of Time, holding the case in abeyance through February 1, 2018.

A second settlement conference was held on January 22, 2018, at which the parties determined additional time was needed for the Turnpike to investigate the feasibility of settlement options. On January 24, 2018, Petitioner and Turnpike filed an

Eighth Joint Motion for Extension of Time until May 15, 2018. On January 25, 2018, the District entered an Order Granting Eighth Joint Motion for Extension of Time, holding the case in abeyance through 15, 2018.

After conferring with counsel for Turnpike, the District referred the Petition to Florida's Division of Administrative Hearings (DOAH) on May 31, 2018; that same day, Administrative Law Judge (ALJ) Francine M. Ffolkes was assigned to the matter, now DOAH Case No. 18-2780, and ALJ Ffolkes entered an Initial Order. The District coordinated with Petitioner's and Turnpike's counsel and submitted a timely response to the Initial Order on June 7, 2018.

The final hearing was initially scheduled to occur on September 11 – 14, 2018, at the District's Tampa Service Office, pursuant to the ALJ's Notice of Hearing entered on June 11, 2018.

The Turnpike served the Petitioner with written discovery on June 14, 2018; the Turnpike subsequently granted Petitioner an indefinite extension in responding to Turnpike's discovery requests. The District served Petitioner with written discovery on July 27, 2018, responses to which were due to the District 30 days after service.

The District agreed to extend the deadline for receipt of Petitioner's discovery responses until October 10, 2018, because Petitioner and Turnpike were granted a continuance rescheduling the final hearing to January 22 – 25, 2019. The District received Petitioner's responses to written discovery on October 10, 2018.

On January 3, 2019, Petitioner and Turnpike indicated that they are close to formalizing a written settlement agreement regarding this matter; as such, the Turnpike is drafting an unopposed motion requesting the ALJ cancel the scheduled hearing and place the case in abeyance until the settlement agreement is finally executed.

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

Long Bar Pointe, LLLP v. Lake Flores I, LLC, & SWFWMD
Division of Administrative Hearings, Case No. 17-005609
C. Tumminia/J. Fussell
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.**

MISCELLANEOUS
4 Cases as of January 2, 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:	<p>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.</p> <p>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.</p> <p>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.</p> <p>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,</p>

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.

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.

STYLE:

Janet Denlinger and Harry Denlinger 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 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.

APPEALS

0 Cases as of January 2, 2019

DELEGATED CONSENT ORDERS

2 Cases as of January 2, 2019

VIOLATOR: Michael Nault
BOARD POLICY: 160-6
ATTORNEY: E. Fernandez
VIOLATIONS: Construction of water wells without a well construction permit.

STATUS: Consent Order SWF No. 18-036 was fully executed on December 19, 2018. Administrative penalties in the amount of \$500.00 were assessed.

VIOLATOR: Larry Bush
BOARD POLICY: 160-6
ATTORNEY: A. Vining
VIOLATIONS: Construction of a water well without a well construction permit and failure to file an accurate Well Completion Report.

STATUS: Consent Order SWF No. 18-032 was fully executed on December 10, 2018. Administrative penalties in the amount of \$600.00 were assessed and have been received by the District.

GENERAL COUNSEL'S REPORT

January 22, 2019

Routine Report

January 2019 Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

RULEMAKING UPDATE
JANUARY 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	TBD	June 2017
3. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Dosson Lake located in Hillsborough County	June 2018	Effective January 23, 2019	June 2018
4. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Sunshine Lake located in Hillsborough County	June 2018	Effective January 23, 2019	June 2018
5. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Correct Scrivener's Errors in Tables 8-2 and 8-3	June 2018	Effective Approx. February 2019	June 2018
6. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C. to Adopt Minimum and Guidance Levels for Lakes Allen, Virginia and Harvey in Hillsborough County	September 2018	Effective Approx. February 2019	September 2018
7. 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 Approx. February 2019	September 2018
8. 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. February 2019	November 2018

COMMITTEE/LIAISON REPORTS

January 22, 2019

Discussion Item

Environmental Advisory Committee

Staff Recommendation:

Presenter: Michelle Williamson, Board Member

COMMITTEE/LIAISON REPORTS

January 22, 2019

Discussion Item

Other Committee/Liaison Reports

Staff Recommendation:

Presenter: Board Members

EXECUTIVE DIRECTOR'S REPORT

January 22, 2019

Discussion Item

Executive Director's Report

Staff Recommendation:

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

CHAIR'S REPORT

January 22, 2019

Discussion Item

Chair's Report

Staff Recommendation:

Presenter: Jeffrey M. Adams, Chair

CHAIR'S REPORT

January 22, 2019

Discussion Item

Other

Staff Recommendation:

Presenter: Jeffrey M. Adams, Chair

CHAIR'S REPORT

January 22, 2019

Routine Report

Employee Milestones

Staff Recommendation:

Presenter: Jeffrey M. Adams, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau
10	01/12/2009	Jason Patterson	Hydrogeologist	Brooksville	Water Resources
15	01/20/2004	Patti Werner	Senior Geomatics Technician	Brooksville	Data Collection
20	01/11/1999	Scott White	Senior Application Systems Administrator	Tampa	Information Technology
20	01/20/1999	Bob Dasta	Lead Engineer	Tampa	Environmental Resource Permit
30	01/30/1989	Deborah Gillett	Senior GIS Analyst	Brooksville	Data Collection