

Governing Board Meeting

Agenda and Meeting Information

May 24, 2022

9:00 a.m.

7601 US-301 • Tampa, Florida
(813) 985-7481 • 1-800-423-1476

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



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

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Final Agenda GOVERNING BOARD MEETING

**MAY 24, 2022
9:00 AM**

**7601 US 301 North, Tampa, FL 33637
(813) 985-7481**

All meetings are open to the public

- › Viewing of the Board meeting will be available through the District's website at www.WaterMatters.org.
- › Public input will be taken only at the meeting location.
- › Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

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

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

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

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

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

The current Governing Board agenda and minutes of previous meetings are available at WaterMatters.org.

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

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

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

MEETING NOTICE

1. CONVENE PUBLIC MEETING

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

2. CONSENT AGENDA

- 2.1 **Finance/Outreach and Planning Committee:** Hammock Creek Watershed Management Plan (Q013) - Budget Transfer
- 2.2 **Resource Management Committee:** FARMS - Spanish Trails Farming and Land Company, LLC (H803), DeSoto County
- 2.3 **Resource Management Committee:** Approve the Haines City Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Polk County (N813)
- 2.4 **Resource Management Committee:** Pasco County PHSC Berm/Boggy Creek Flood Protection Implementation Project (Q042)
- 2.5 **Operations, Lands and Resource Monitoring Committee:** Assignment of Easement to the District, Green Swamp (GSE-3), SWF Parcel No. 10-200-1307P
- 2.6 **Operations, Lands and Resource Monitoring Committee:** Sale of Easement to Pasco County at Cypress Creek Preserve for CR 54 Widening Project, SWF Parcel No. 13-500-404S
- 2.7 **Operations, Lands and Resource Monitoring Committee:** Easement and Access for ROMP 34 Data Collection Site – SWF Parcel No. 21-020-024
- 2.8 **Operations, Lands and Resource Monitoring Committee:** Donation of Right of Way to Polk County - Marshall Hampton Reserve, SWF Parcel No. 20-503-265S
- 2.9 **Regulation Committee:** Water Use Permit No. 20009492.007 - Bay Grove / T & T Environmental, LLC and Kimworth Investments, LLC (DeSoto County)
- 2.10 **General Counsel's Report:** Approval of Settlement Agreement between SWFWMD and Holloway Park Foundation, Inc. - Unauthorized Construction Activities - CT No. 376309 - Polk County
- 2.11 **General Counsel's Report:** Amended Corrected Deed of Conservation Easement for Horse Creek Mitigation Bank - ERP No. 43041539.000 - DeSoto County
- 2.12 **General Counsel's Report:** Approval of Settlement Agreement Between SWFWMD and Arthur L. Schaer Revocable Trust - Unauthorized Construction - CT No. 383658 - Pasco County
- 2.13 **Executive Director's Report:** Approve Governing Board Minutes - April 26, 2022

3. RECOGNITION OF FORMER GOVERNING BOARD MEMBER

- 3.1 Recognition of Former Governing Board Member Rebecca Smith

4. FINANCE/OUTREACH AND PLANNING COMMITTEE

- 4.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 4.2 **Discussion:** Action Item: Fiscal Year 2020-21 Annual Comprehensive Financial Report
- 4.3 **Discussion:** Information Item: Overview of Independent Auditing Services Selection Process
- 4.4 **Submit & File:** Information Item: Budget Transfer Report

5. RESOURCE MANAGEMENT COMMITTEE

- 5.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 5.2 **Discussion:** Action Item: Fiscal Year 2023 Cooperative Funding Update
- 5.3 **Submit & File:** Information Item: Existing Validated and New Proposed Wetland-Based Criteria for Minimum Wetland and Lake Level Development and an Update on the Ongoing Peer Review of the Criteria

6. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

- 6.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 6.2 **Discussion:** Information Item: 2022 Hurricane Preparedness

7. REGULATION COMMITTEE

- 7.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 7.2 **Discussion:** Action Item: Denials Referred to the Governing Board
- 7.3 **Discussion:** Information Item: Spruce Creek Golf, LLC (WUP No. 20010923.002) Water Use Permit
- 7.4 **Discussion:** Action Item: Water Use Permit No. 20008836.015 - Sarasota County Utilities Consolidated Permit / Sarasota County BOCC (Sarasota and Manatee Counties)

8. GENERAL COUNSEL'S REPORT

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

9. COMMITTEE/LIAISON REPORTS

- 9.1 **Discussion:** Information Item: Environmental Advisory Committee
- 9.2 **Discussion:** Information Item: Well Drillers Advisory Committee

10. EXECUTIVE DIRECTOR'S REPORT

- 10.1 **Discussion:** Information Item: Executive Director's Report

11. CHAIR'S REPORT

- 11.1 **Discussion:** Information Item: Chair's Report
- 11.2 **Discussion:** Information Item: Employee Milestones

ADJOURNMENT

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective October 4, 2021

OFFICERS	
Chair	Kelly S. Rice
Vice Chair	Joel Schleicher
Secretary	Michelle Williamson
Treasurer	Ed Armstrong

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

RESOURCE MANAGEMENT COMMITTEE
Seth Weightman
Jack Bispham
Michelle Williamson
William Hogarth

REGULATION COMMITTEE
Joel Schleicher

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

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

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

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

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

1/13/2022

Governing Board Meeting

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

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

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

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

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

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

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

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

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

Cooperative Funding Initiative – all meetings begin at 10:00 a.m.
2022 – February 2 – Northern Region, (Audio Visual Communication)
2022 – February 3 – Southern Region, (Audio Visual Communication)
2022 – February 9 – Heartland Region, Bartow City Hall
2022 – February 10 – Tampa Bay Region, (Audio Visual Communication)
2022 – April 6 – Northern Region, Brooksville Office
2022 – April 7 – Southern Region, Sarasota County Commission Chambers
2022 – April 13 – Heartland Region, Bartow City Hall (Audio Visual Communication)
2022 – April 14 – Tampa Bay Region, Tampa Office

Meeting Locations

Brooksville Office – 2379 Broad St., Brooksville, FL 34604
Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637
Sarasota County Commission Chambers – 1660 Ringling Blvd., Sarasota, FL 34236
Bartow City Hall – 450 N. Wilson Ave., Bartow, FL 33830

Governing Board Meeting
May 24, 2022

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CONVENE PUBLIC MEETING

May 24, 2022

Call to Order

The Board Chair calls the meeting to order. The Board Secretary confirms that a quorum is present. The Board Chair then opens the public meeting. Anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. Comments will be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. Several individuals wishing to speak on the same issue/topic should designate a spokesperson.

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

May 24, 2022

Invocation and Pledge of Allegiance

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

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

May 24, 2022

Election of Governing Board Officers

According to Board Policy 110-7, election of officers shall occur annually in May. Elections will take place during the beginning of the District Business portion of the May Governing Board meeting. New officers will assume offices 24 hours prior to the June Governing Board meeting.

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

May 24, 2022

Additions/Deletions to Agenda

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

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

Staff Recommendation:

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

Presenter:

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

CONVENE PUBLIC MEETING

May 24, 2022

Public Input for Issues Not Listed on the Published Agenda

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

Presenter:

Kelly S. Rice, Chair

Governing Board Meeting

May 24, 2022

2. CONSENT AGENDA

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

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CONSENT AGENDA

May 24, 2022

Finance/Outreach and Planning Committee: Hammock Creek Watershed Management Plan

(Q013) - Budget Transfer

Purpose

Request approval of a \$398,021.32 budget transfer from the Peace River Manasota Regional Water Supply Authority (PRMRWSA) Regional Loop System – Phase 1 Interconnect Design and Construction (N416) Cooperative Funding Initiative (CFI) project to the Hammock Creek Watershed Management Plan (Q013) CFI project led by the District.

Background

Hammock Creek Watershed Management Plan (Q013) is an ongoing District-led FY2019 approved CFI project with Pasco County. It entails the completion of a watershed management plan that identifies floodplain, establishes level of service (LOS), and evaluates flooding concerns in the watershed. The approved total project cost is \$1,800,000 with a 50/50 cost-share for the District and Pasco County. The District is the lead party; therefore, the District's budget includes the County's share and the County is billed for reimbursement. The FY2022 funding request fully funded the project, but staff has learned previously budgeted funds in the amount of \$398,021.32 were inadvertently lapsed during the fiscal year-end process.

The PRMRWSA Regional Loop System – Phase 1 Interconnect Design and Construction (N416) CFI project was completed under budget this fiscal year. The balance of N416 funds is available for this budget transfer.

Benefits/Costs

The \$398,021.32 budget transfer requested is not a cost increase to Hammock Creek Watershed Management Plan (Q013) CFI project. This request will replace previously budgeted funds that were inadvertently lapsed and allow staff to continue contracting the services that will analyze flooding problems that exist in the watershed where flood analysis models are either not available or greater than 10 years old.

Staff Recommendation:

Approve the budget transfer of \$398,021.32 from PRMRWSA Regional Loop System – Phase 1 Interconnect Design and Construction (N416) CFI project to the Hammock Creek Watershed Management Plan (Q013) District-led CFI project.

Presenter:

Andrea Shamblin, Budget Manager, Finance Bureau

CONSENT AGENDA

May 24, 2022

Resource Management Committee: FARMS - Spanish Trails Farming and Land Company, LLC (H803), DeSoto County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Spanish Trails Farming and Land Company, LLC and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$529,000 (70 percent of total project costs). Of this amount, \$529,000 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$759,000.

Project Proposal

The District received a project proposal from Spanish Trails Farming and Land Company, LLC for their 5,504 acre sod and cattle property located 12 miles south of Arcadia, in southern DeSoto County, within the Southern Water Use Caution Area (SWUCA) and Shell, Prairie, and Joshua Creek watersheds (SPJC). This project will involve excavation of a four-acre surface water reservoir to collect tailwater and surface water from the farm property and surrounding watershed to offset Upper Floridan aquifer groundwater used in supplemental irrigation of 300 acres of turfgrass sod. The Water Use Permit (WUP) authorizes an annual average withdrawal of 2,533,500 gallons per day (gpd) to irrigate 955 acres of turfgrass sod. FARMS project components consist of one surface water pump station to deliver water from the reservoir to the irrigation system, filtration system, valves, tailwater culverts and the piping necessary to connect the surface water reservoir to the existing irrigation system.

Benefits/Costs

The proposed project involves water quantity and water quality best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated six percent savings of permitted quantities for daily irrigation, or 140,000 gpd, yields a daily cost of \$3.23 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for sod operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$3,603,722 remaining in its FARMS Program budget.

Staff Recommendation:

1. Approve the Spanish Trails Farming and Land Company, LLC project for a not-to-exceed project reimbursement of \$529,000 with \$529,000 provided by the Governing Board;
2. Authorize the transfer of \$529,000 from fund 010 H017 Governing Board FARMS Fund to the H803 Spanish Trails Farming and Land Company, LLC project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

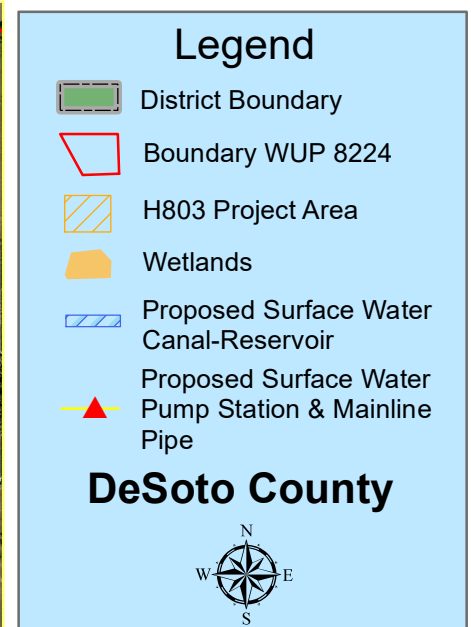
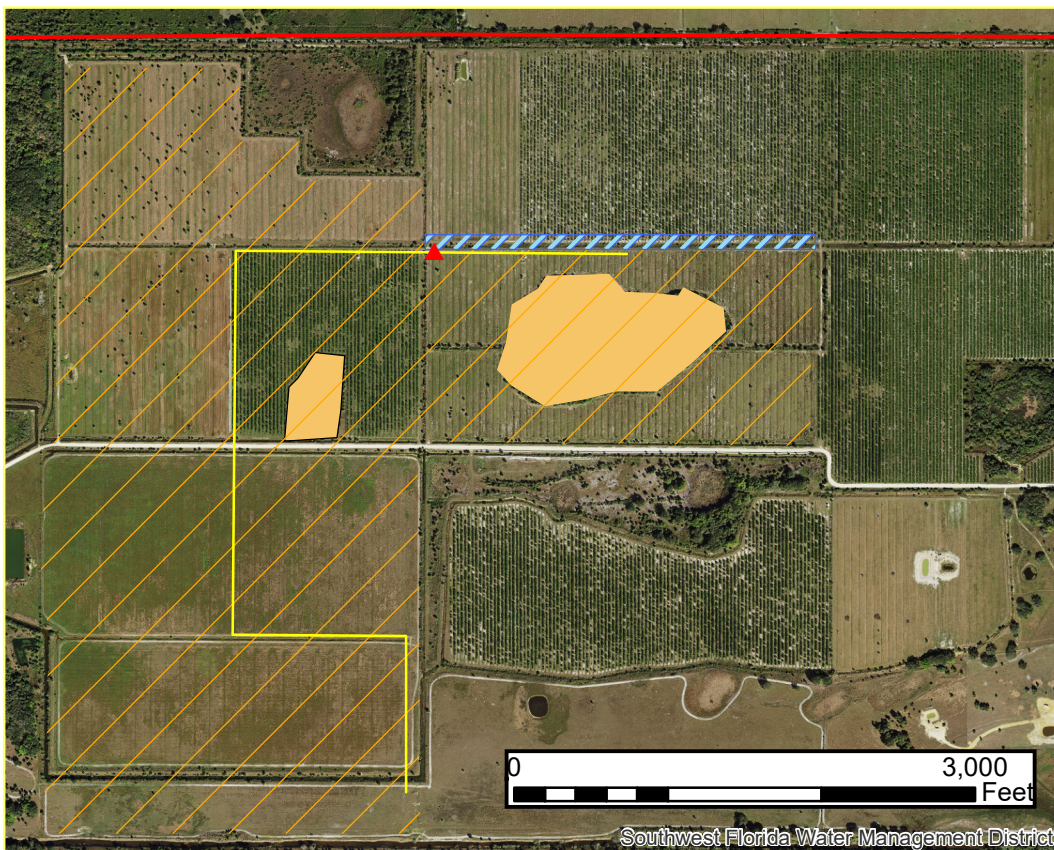
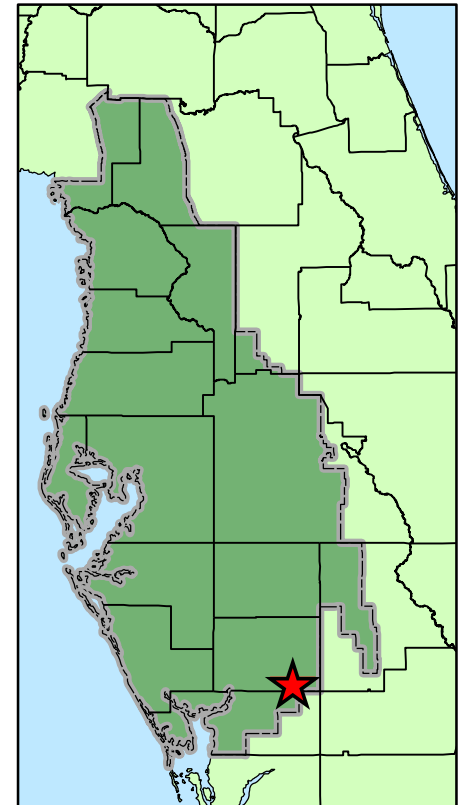
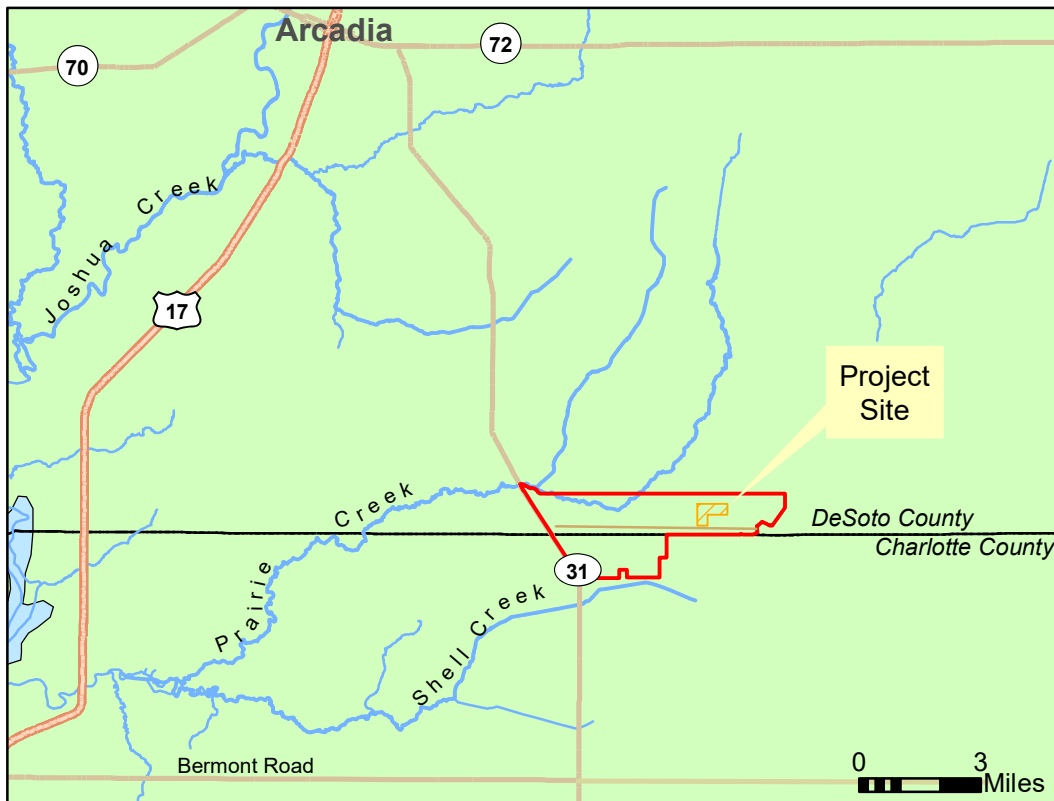
Presenter:

Jay Hoecker, PMP, Bureau Chief, Water Resources

Location Map

FARMS Project H803

Spanish Trails Farming & Land Company, LLC



Southwest Florida
Water Management District

DLB March 2022
2020 Aeria
2012 NAVTE

CONSENT AGENDA**May 24, 2022****Resource Management Committee: Approve the Haines City Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Polk County (N813)***Purpose*

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

Background/History

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for 91 watersheds throughout the District. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2021-2025. Upon the Governing Board's approval, WMP floodplain information for these watersheds is used as best information available by the ERP program.

Floodplain information for the Haines City watershed was prepared by Wood Environment & Infrastructure Solutions, Engineering Firm of Record, reviewed by District and City staff, and then reviewed by the District's independent peer review consultant, Applied Sciences Consulting. Floodplain information for the watershed was presented virtually for review and comment through a public engagement website hosted by the District. During the outreach period the website received more than 1445 unique pageviews and thirty comments were submitted. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Staff Recommendation:

Approve use of the Haines City Watershed Management Plan floodplain information for best information available by the District ERP program and to update Flood Insurance Rate Maps in the watershed.

Presenter:

Terese Power, P.E., CFM, Engineering & Watershed Management Section Manager

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CONSENT AGENDA**May 24, 2022****Resource Management Committee: Pasco County PHSC Berm/Boggy Creek Flood Protection Implementation Project (Q042)***Purpose*

The purpose of this item is to provide the results of the 30% design of the PHSC Berm/Boggy Creek Flood Protection Implementation project (Q042) and to request Governing Board approval of staffs recommendation to authorize amending the Cooperative Funding Agreement (CFA) to eliminate the third-party review with a corresponding decrease in funding. With this proposed change, the District's funding for this project would conclude at the 30% design stage.

Background/History

The project proposed the design and construction of Boggy Creek conveyance improvements to reduce flooding in Pasco County. This project was originally co-funded in FY2019 as Cooperative Funding Agreement 19CF0001844 with a third-party review recommended due to the complexity of the project and to confirm provided conceptual level construction costs. Funding for the 30% design and third-party review was approved for \$250,000 with Pasco County and the District each funding \$125,000. The project measurable benefit is the completion of the 30% design package for the proposed project. The County has completed the 30% design package.

When the PHSC Berm/Boggy Creek Flood Protection Implementation project concept was initially submitted, the project was anticipated to reduce flooding and the benefit/cost ratio was estimated to be greater than 1.0. Based on this, the project was initially given a high-cost effectiveness ranking. Total project cost was estimated at \$3,250,000.

Benefits/Costs

The 30% Design Package for the Q042 project was provided by the County to the District. The Design Package included design and watershed modeling updates for the proposed project and showed that the project would cause offsite flood stage increases and a revised benefit/cost ratio less than 0.5. Based on the offsite adverse impacts and extremely low-cost effectiveness, District staff recommends not moving forward with design and construction of the project. Additionally, staff does not consider it necessary to conduct the third-party review as it is not expected to improve the benefit/cost ratio or the low overall project ranking. District staff recommends eliminating the third-party review from the Cooperative Funding Agreement and Pasco County concurs with this recommendation. Elimination of the third-party review will reduce the Cooperative Funding Agreement budget by \$40,000, saving both the County and the District \$20,000.

Staff Recommendation:

Authorize staff to amend the project Cooperative Funding Agreement to eliminate the third-party review and reduce the total project budget to \$210,000 (District Share of \$105,000).

Presenter:

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

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CONSENT AGENDA

May 24, 2022

Operations, Lands and Resource Monitoring Committee: Assignment of Easement to the District, Green Swamp (GSE-3), SWF Parcel No. 10-200-1307P

Purpose

Recommend the Governing Board approve acceptance of an assignment of easement (Easement Assignment), attached as Exhibit 1, for access to the GSE-3 surplus parcel. A general location map and site map are attached as Exhibits 2 and 3, respectively.

Background

The Green Swamp Region consists of approximately 870 miles of which almost half has been protected through public ownership and conservation easements. The Green Swamp is a unique and critical natural asset with statewide significance. The water and natural resource values of the Green Swamp have made it a high priority for protection through public acquisition by the District and state and local governments. The District continually identifies opportunities that would enhance its ability to manage its ownerships within Green Swamp including dispositions that will still allow the water and natural resources to remain protected.

The property that will be immediately benefitted from acceptance of the Easement Assignment is the GSE-3 surplus parcel that comprises approximately 227 acres and, while located along the east side of the Van Fleet Trail, is landlocked without legal access for vehicles. The Easement Assignment will also provide the District with access to other landlocked property that it will continue to own and manage located to the west of the Van Fleet Trail. GSE-3 has been listed with Saunders Real Estate since April 2017 and while there has been increased interest in the property because of the current market conditions, the lack of vehicular access has made the property unmarketable. GSE-3 has been advertised through multiple media sources and personal contacts since being listed, and adjoining owners are aware the surplus property is available for purchase but have not been interested.

The Easement Assignment will provide vehicular access to District property via an existing trail road. The Easement Assignment is approximately 15 feet wide and runs approximately 1,760 feet from the existing Judy Road right-of-way to the southern boundary of the District's ownership and encompasses approximately .61 acres of land area.

Summary of Transaction

The Easement Assignment was negotiated at no cost to the District in exchange for the District acknowledgment on an IRS Form 8283 that the owner is donating this property to the District. The form requires a valuation from a qualified appraiser and the District offered to provide a valuation in exchange for the donation of the Easement Assignment. In accordance with the District Governing Board's policy, the value of the Easement Assignment donation was determined by District staff certified as a State Certified General Appraiser.

The restricted appraisal is attached for reference as Exhibit 4 and the Market Value for the donation of the Easement Assignment was estimated to be \$70,000.

Benefit/Costs

The Easement Assignment will increase the value and marketability of the surplus property and offer the District an opportunity to access its other properties in this area of the Green Swamp. The Easement Assignment is being conveyed at no cost to the District, except for customary recording fees.

Staff Recommendation:

- Accept the donation of an Assignment of Easement; and
- Authorize the Chairman of the Governing Board to execute the Assignment of Easement; and
- Authorize the Division Director or his assignee to acknowledge and sign the donation through use of IRS Form 8283; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter:

Ellen Morrison, J.D., Land Resources Bureau Chief

Exhibit 1

SWF Parcel No. 10-200-1307P

ASSIGNMENT OF EASEMENT

This Assignment made this ____ day of March 2021, by and between Pamela M Robb, having an address of _____, _____, Florida 3_____, hereinafter called "Assignor", and the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as "Assignee".

Assignor, for and in consideration of the sum of Ten Dollars and no cents (\$10.00) and other good and valuable consideration from Assignee to Assignor, the receipt and sufficiency of which are hereby acknowledged, hereby assigns and conveys to Assignee its non-exclusive, perpetual easement for ingress and egress recorded in Official Record Book 04349 Page 1671 of the Official Records of Polk County Florida, to enter upon, over and across and to use any and all lands more particularly described as follows:

An easement over a portion of, Section 1 and 12, Township 25 South Range 24 East, Polk County, Florida, the existing grade road, being a northerly extension of Judy Road, described in Map Book 8 Page 169 of the Public Records of Polk County.

Said assignment of easement is assigned without modification solely for the road and any related, utility and drainage purposes. Nothing herein shall be construed as creating an obligation upon the property owner to perform any act of construction or maintenance of said easement. The road shall be where it presently exists with right of Assignee to go outside the boundaries of the existing grade road, being a northerly extension of Judy Road for the purpose of maintaining the road and any necessary road ditches. Assignee shall promptly repair any damage they cause to the easement property and any surrounding property resulting from the use or maintenance of the easement property.

Assignee acknowledges that Assignor makes no representation or warranty with respect to the easement.

IN WITNESS WHEREOF, Assignor and Assignee has caused these presents to be executed the day and year first written above.

Signed, sealed and delivered
in the presence of:

ASSIGNOR:

Witness #1 signature

By: Pamela M. Robb

Print Witness #1 name

Witness #2 signature

Print Witness #2 name

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2022, by Pamela M. Robb who is personally known to me or produced _____ as identification.

(Notary Seal)

PRINT/TYPE NAME
Notary Public in and for the
County and State last aforesaid.

My Commission Expires: _____

Commission No.: _____

Signed, sealed and delivered
in the presence of:

ASSIGNEE:

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

By: Kelly Rice, Chair

ATTEST:

(Corporate Seal)

By: Michelle Williamson, Secretary

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence
or ☐ online notarization, this _____ day of _____, 2022, by Kelly Rice and
Michelle Williamson respectively, as Chair and Secretary of the Governing Board of the
Southwest Florida Water Management District, a public corporation, on behalf of the Southwest
Florida Water management District, who are personally known to me or produced
_____ as identification.

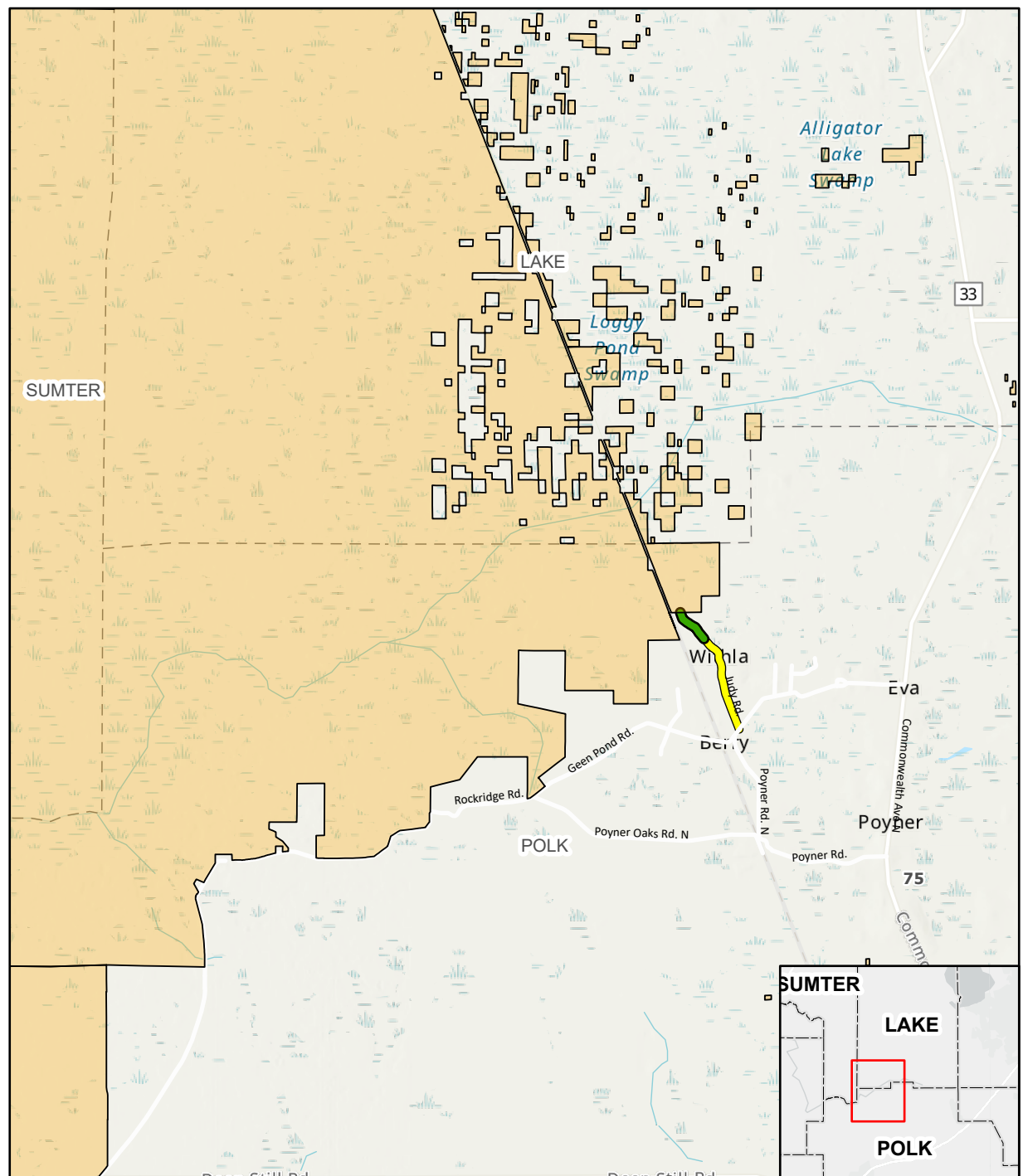
(Notary Seal)

PRINT/TYPE NAME
Notary Public in and for the
County and State last aforesaid.

My Commission Expires: _____

Commission No.: _____

Exhibit 2
GSE-3 SWF Parcel No. 10-200-1307P
Location Map



Esri, NASA, NGA, USGS, FEMA, FDEP, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, USDA, FDEP, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS

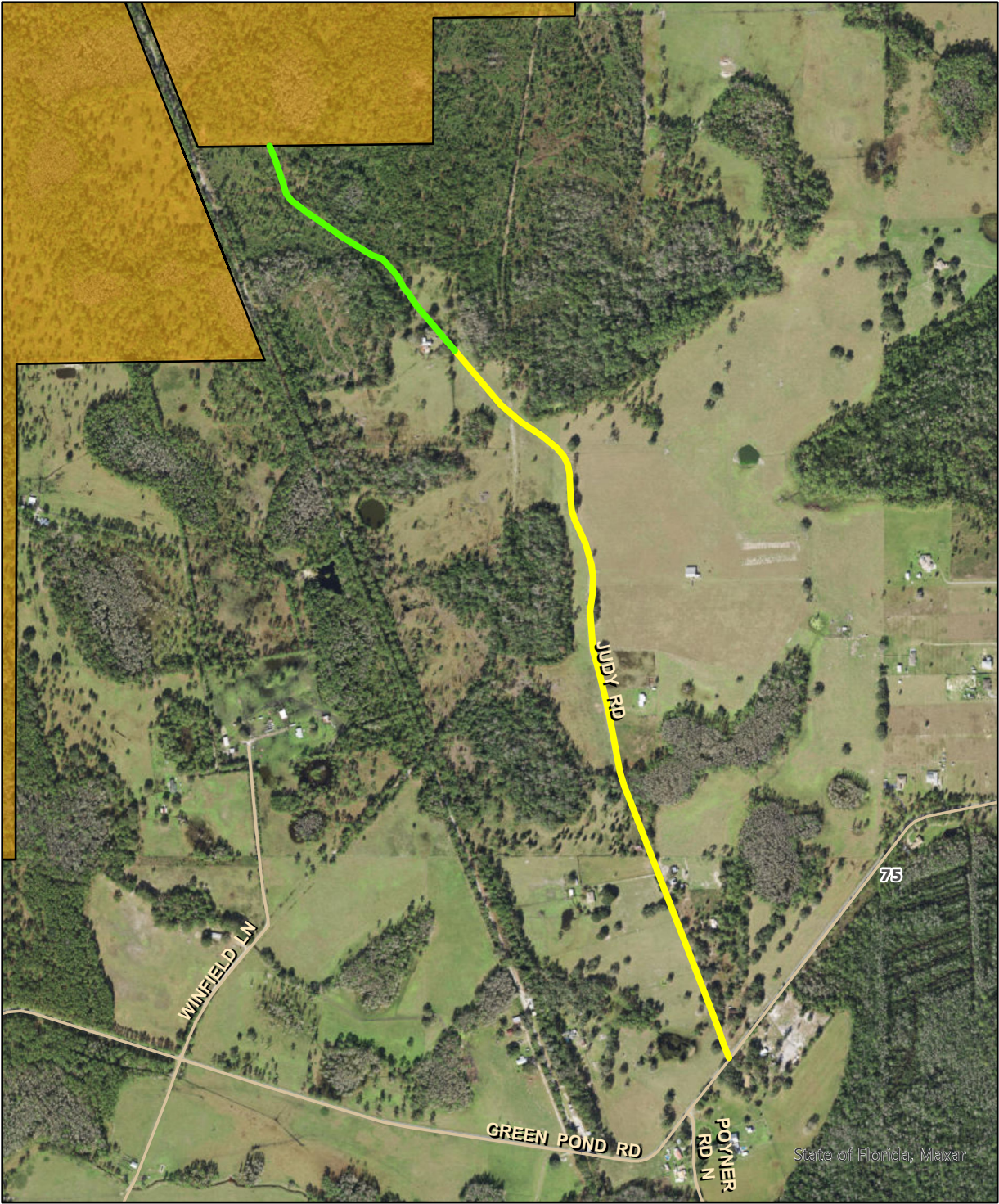
- Robb Easement (OR Book 4349, Page 1671)
- Judy Road (Map Book 88, Pages 169-175)
- District Owned Lands Fee Simple

0 0.75 1.5
 Miles



Southwest Florida
 Water Management District

Exhibit 3
GSE-3 SWF Parcel No. 10-200-1307P
Site Map



- Robb Easement (OR Book 4349, Page 1671)
- Judy Road (Map Book 88, Pages 169-175)
- District Owned Lands Fee Simple

0 500 1,000
Feet



Southwest Florida
Water Management District

March 10, 2022

APPRAISAL MEMORANDUM

TO: Pamela M. Robb, Esquire, Easement Property Owner

Through: Ellen Morgan Morrison, J.D., Bureau Chief, Land Resources Bureau
Southwest Florida Water Management District

FROM: Steven E. Blaschka, Real Estate Program Specialist
State Certified General Appraiser RZ 1411

SUBJECT: Restricted Appraisal for SWF Parcel 10-200-1307P Green Swamp Project -
Market Value of an easement interest. The assignment of easement will be
conveyed at no cost conditioned upon the District's acknowledgement of a
donation to the Internal Revenue Service per IRS Form 8283

Overview

The purpose of this appraisal is to provide the value for an easement interest to be assigned to the District. The easement will benefit adjacent property owned by the District that is landlocked from vehicular access. The subject easement will directly benefit the District parcels identified by the Polk County Property appraiser folio numbers 24-25-01-000000-013010 and 24-25-02-000000-011000. The easement encumbers property identified by the Polk County Property Appraiser folio number 24-25-01-000000-023000

This appraisal is developed, and the opinion reported **solely for the internal use of the clients, Pamela Robb, Esquire and the Southwest Florida Water Management District** (District). Any reader is cautioned that the opinions and conclusions set forth in **this report may not be understood properly without additional information in the appraiser's work file.**

This restricted appraisal was developed and is based on the conclusions determined in the attached narrative appraisal of the GSE-3 property, prepared by Nicholas J. Mancuso MAI, having a valuation date of January 19, 2022. The narrative appraisal contains the market information that was utilized to determine the value for the easement to be assigned to the District. The District's appraiser work file contains the supporting information related to the physical location and legal basis of the easement. The restricted appraisal of the easement interest to be assigned also has a date of valuation of January 19, 2022. Both appraisers referenced inspected the properties together on the date of valuation including both the District's GSE-3 surplus property and the easement in the vicinity of its point of beginning at Judy Road and at its intersection with the District property.

A copy of the easement to be assigned is included for reference in this report. This restricted appraisal was performed in conjunction with the narrative appraisal to assist the District in the evaluation and negotiation of a no cost transaction related to the conveyance of the easement. Both the narrative and restricted reports were prepared in conformance with District policy.

Property Description

Because of its water resources, the District has for many years protected property in Florida's Green Swamp Region, an area that consists of approximately 870 miles. To date almost one half of this area has been protected through public ownership and conservation easements. The

Green Swamp is a unique and critical natural asset with statewide significance. The water and natural resource values of the Green Swamp have made it a high priority for protection through public acquisitions by the District, State and Local governments.

The easement to be assigned consists of an existing trail road running between the end of the Judy Road right of way to the southern boundary of the District's GSE-3 property ownership. The easement is approximately 15 feet wide and runs approximately 1,760 feet and encompasses approximately .61 acres of land area. The easement offered for assignment to the District will provide vehicular access to the District property. The District's GSE-3 property to be benefited by the easement consists of 227 gross acres of which approximately 53% are uplands. The District Governing Board has declared the GSE-3 property to be surplus under the sale condition that a conservation easement be retained. The conservation easement would restrict the property to recreational uses and allow for a single residential entitlement.

Appraisal

In accordance with District policy, a certified appraiser in the Real Estate Services Section has completed an appraisal to determine a value for the property. The purpose of this restricted appraisal report is for the determination of the market value of the easement allowing vehicular access, that will benefit District GSE-3 property. The District intends to surplus this property subject to retaining a conservation easement. The District obtained an independent appraisal of the GSE-3 property based on being encumbered with a conservation easement and its current access limitations. This supplemental valuation presented in the restricted appraisal is for the easement interest that allows for vehicular access to a property encumbered by a conservation easement. This valuation was developed and supported based on the conclusions determined in the independently obtained narrative appraisal for the District's GSE-3 property.

Depending on the situation, the property interest to be valued by an appraiser may be developed based either on its "market value" or for a specific purpose or "use value". These two values are fundamentally different and typically not the same. For this assignment, the Market Value has been determined

The "Market Value" opined in this appraisal is defined as: "The most probable price which a property would bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- 1) Buyer and seller are typically motivated;
- 2) Both parties are well informed or well advised and acting in what they consider their own best interests;
- 3) A reasonable time is allowed for exposure in the open market;
- 4) Payment is made in terms of cash in US dollars or in terms of financial arrangements comparable thereto; and
- 5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale"

This report has an effective date of value of January 19, 2022. In developing this opinion of value, the appraiser relied on information obtained from the public records, The Polk County Property Appraiser, Polk County Survey Department and an independent narrative appraisal obtained by the District.

The Sales Comparison was utilized to estimate the Market Value of the property. Elements of the Cost Approach and the Income Approach were considered in the analysis however these approaches were not utilized to develop direct comparability to the subject in terms of market value but to provide support to a value for the subject, as defined and within the purpose and function of this report. **Additional information is contained in the work file about the Scope of Work, information and techniques employed in the appraisal process.**

As of the date of valuation the easement parcel has not been regularly utilized for access for several years. The District obtained title information on the adjoining property that indicates the easement remains an encumbrance. The District parcel to be benefited by the easement has been maintained in its natural condition and available to the public for passive recreational activities. The Highest and Best Use of the easement to be assigned was determined to be for its use to access the Districts GSE-3. The Highest and Best Use determined in the narrative appraisal of the District property was for passive recreational use. The restricted appraisal valuation of the easement allowing access was based on the District surplus property being encumbered with a conservation easement. There were no Extraordinary Assumptions or Hypothetical Conditions in the development of the opinions of value in the narrative appraisal.

Valuation

The narrative appraisal for the GSE-3 property utilized four comparable transactions. A summary grid of the sales related to the value as encumbered with a conservation easement is included on page 61 of the attached narrative report. The Mancuso report determined that the value of the District property, subject to a conservation easement with restricted access, to be \$1,300 per gross acre. Comparable sale two, which was considered the most inferior and having very poor access, provided a basis for analysis of easement value with its indication of \$986 per gross acre. The difference between the estimated encumbered value and the indication provide by comparable two (\$1,300 – \$986) reflects a difference of \$314 per gross acre attributable to property access.

The District's GSE-3 property would have a higher value if it had better access conditions. If the difference of \$314 is added to the encumbered value it would remain be within the range of the comparable indications. The increased value is be supported by other conservation easement transactions and comparable sales known to the appraiser. The value of this easement was determined based on its impact to the entire 227 gross acre GSE-3 property to be benefited by the acquisition (227 gross acres x \$314 = \$71,278).

As of the date of given above, it is my opinion that the Market value of the easement as defined in this report, as of January 19, 2021, for the intended use as defined above to be \$71,278 which has been rounded to:

SEVENTY THOUSAND DOLLARS

\$70,000

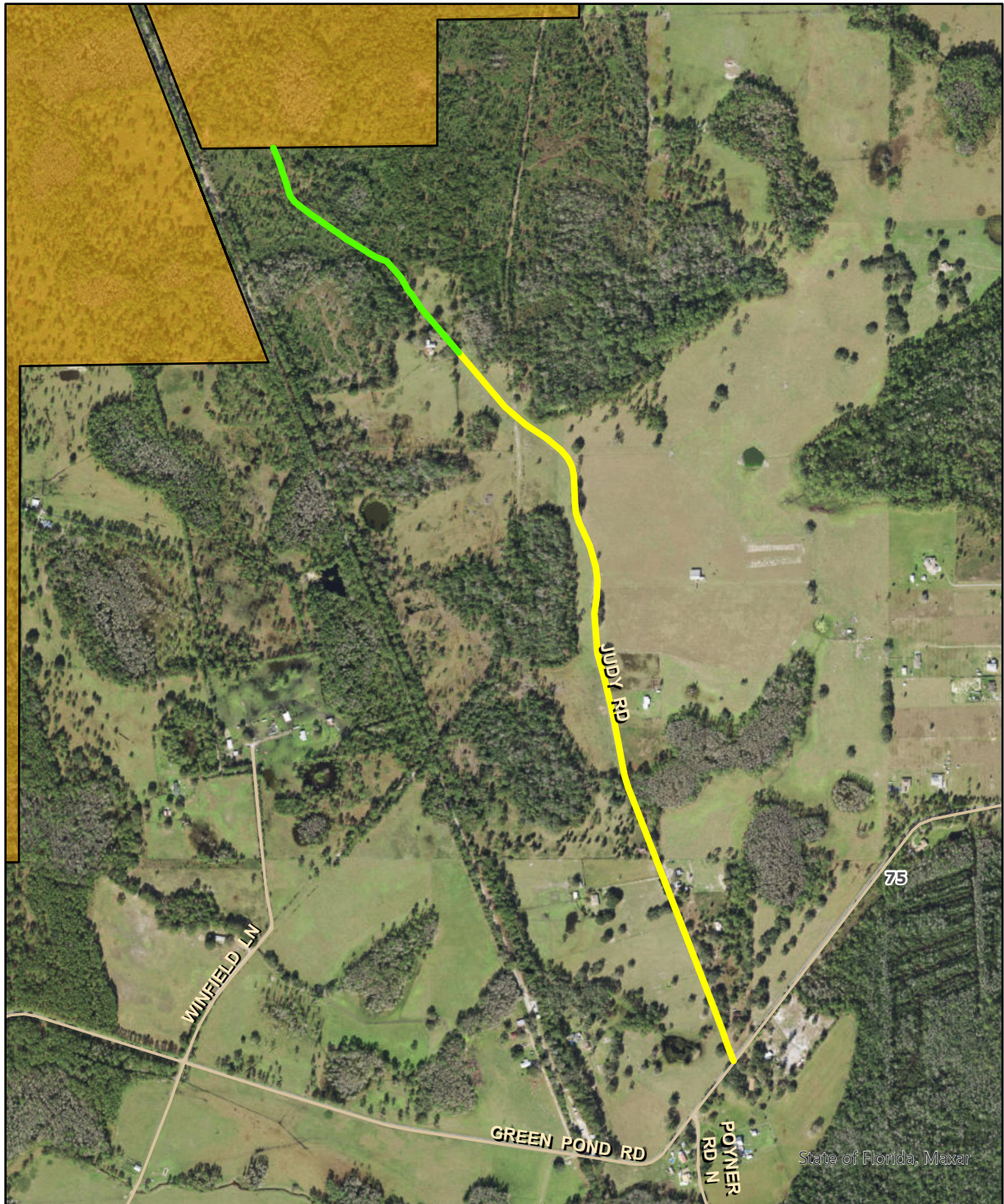
CERTIFICATION

I certify that, to the best of my knowledge and belief:

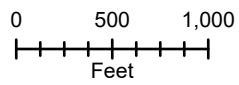
- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved. The undersigned Appraiser is an employee of the Intended User of this report. I have not performed any real estate services regarding the subject within the three year period preceding acceptance of the assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment. I am an employee of the client/intended user of this appraisal.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- no one provided significant real property appraisal assistance to the person signing this certification other than District personnel who provided cost information and explained the need for the testing to be performed.

Steven E. Blaschka,
State Certified General Appraiser, RZ1411

Exhibit – Easement Map



- Robb Easement (OR Book 4349, Page 1671)
- Judy Road (Map Book 88, Pages 169-175)
- District Owned Lands Fee Simple



Southwest Florida
Water Management District

Exhibit – Assignment of Easement

SWF Parcel No. 10-200-1307P

ASSIGNMENT OF EASEMENT

This Assignment made this ____ day of March 2021, by and between Pamela M Robb, having an address of _____, _____, Florida 3_____, hereinafter called "Assignor", and the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as "Assignee".

Assignor, for and in consideration of the sum of Ten Dollars and no cents (\$10.00) and other good and valuable consideration from Assignee to Assignor, the receipt and sufficiency of which are hereby acknowledged, hereby assigns and conveys to Assignee its non-exclusive, perpetual easement for ingress and egress recorded in Official Record Book 04349 Page 1671 of the Official Records of Polk County Florida, to enter upon, over and across and to use any and all lands more particularly described as follows:

An easement over a portion of, Section 1 and 12, Township 25 South Range 24 East, Polk County, Florida, the existing grade road, being a northerly extension of Judy Road, described in Map Book 8 Page 169 of the Public Records of Polk County.

Said assignment of easement is assigned without modification solely for the road and any related, utility and drainage purposes. Nothing herein shall be construed as creating an obligation upon the property owner to perform any act of construction or maintenance of said easement. The road shall be where it presently exists with right of Assignee to go outside the boundaries of the existing grade road, being a northerly extension of Judy Road for the purpose of maintaining the road and any necessary road ditches. Assignee shall promptly repair any damage they cause to the easement property and any surrounding property resulting from the use or maintenance of the easement property.

Assignee acknowledges that Assignor makes no representation or warranty with respect to the easement.

IN WITNESS WHEREOF, Assignor and Assignee has caused these presents to be executed the day and year first written above.

Signed, sealed and delivered
in the presence of:

ASSIGNOR:

Witness #1 signature

By: Pamela M. Robb

Print Witness #1 name

Witness #2 signature

Print Witness #2 name

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2022, by Pamela M. Robb who is personally known to me or produced _____ as identification.

(Notary Seal)

PRINT/TYPE NAME

Notary Public in and for the
County and State last aforesaid.

My Commission Expires: _____

Commission No.: _____

Signed, sealed and delivered
in the presence of:

ASSIGNEE:

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

By: Kelly Rice, Chair

ATTEST:

(Corporate Seal)

By: Michelle Williamson, Secretary

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence
or ☐ online notarization, this _____ day of _____, 2022, by Kelly Rice and
Michelle Williamson respectively, as Chair and Secretary of the Governing Board of the
Southwest Florida Water Management District, a public corporation, on behalf of the Southwest
Florida Water management District, who are personally known to me or produced
_____ as identification.

(Notary Seal)

PRINT/TYPE NAME
Notary Public in and for the
County and State last aforesaid.

My Commission Expires: _____

Commission No.: _____

CONSENT AGENDA

May 24, 2022

Operations, Lands and Resource Monitoring Committee: Sale of Easement to Pasco County at Cypress Creek Preserve for CR 54 Widening Project, SWF Parcel No. 13-500-404S

Purpose

Recommend the Governing Board approve the sale of an easement (Easement) at Cypress Creek Preserve (Preserve) to Pasco County (County) for the County Road 54 road widening project. A general location map and site map are included as Exhibits 1 and 2, respectively. The Purchase and Sale Agreement that includes the legal description for the Proposed Easement is included as Exhibit 3.

Background

The Preserve is located in Pasco County and consists of approximately 7,400 acres of conservation lands providing water resource benefits to the region. The Preserve includes a wellfield that is managed by Tampa Bay Water and serves as an important public water supply source for the surrounding region. The District began acquiring portions of the Preserve in 1962 and has continued acquisition until as recent as 2020 when the District accepted a donation of approximately 1,000 acres of land adjacent to the Preserve.

In March of 2019, the County sent the District a statutory notification and offer in advance of eminent domain indicating their desire to acquire an easement over a portion of the Preserve for their County Road 54 road widening project, specifically for a drainage easement. However, the parcel the County intended to acquire had been declared surplus by the District and was under a contract for purchase and sale. The County indicated they would pause their acquisition efforts with the District until after the sale closed and then resume those efforts with the buyer. The County was then able to obtain part of the necessary easement from the buyer; however, it has been determined that an additional 6,246 square feet of property still owned by the District is necessary to complete the CR 54 road widening project drainage easement. Accordingly, the County has requested to purchase an easement over this additional square footage, and the District obtained an appraisal dated May 3, 2022 for the Easement.

Appraisal and Price

The Easement was appraised by Kyle Catlett, MAI. The date of valuation of his report is April 21, 2022, with a reported value of the easement of \$39,950.00. The appraisal recognizes the size and configuration of the District-owned property. The complete appraisal is available upon request.

Benefits/Costs

The District will receive revenue of \$39,950.00 associated with the sale of the Easement. The County will maintain the Easement in accordance with the terms set forth in the Easement. There is no cost to the District related to the project.

Staff Recommendation:

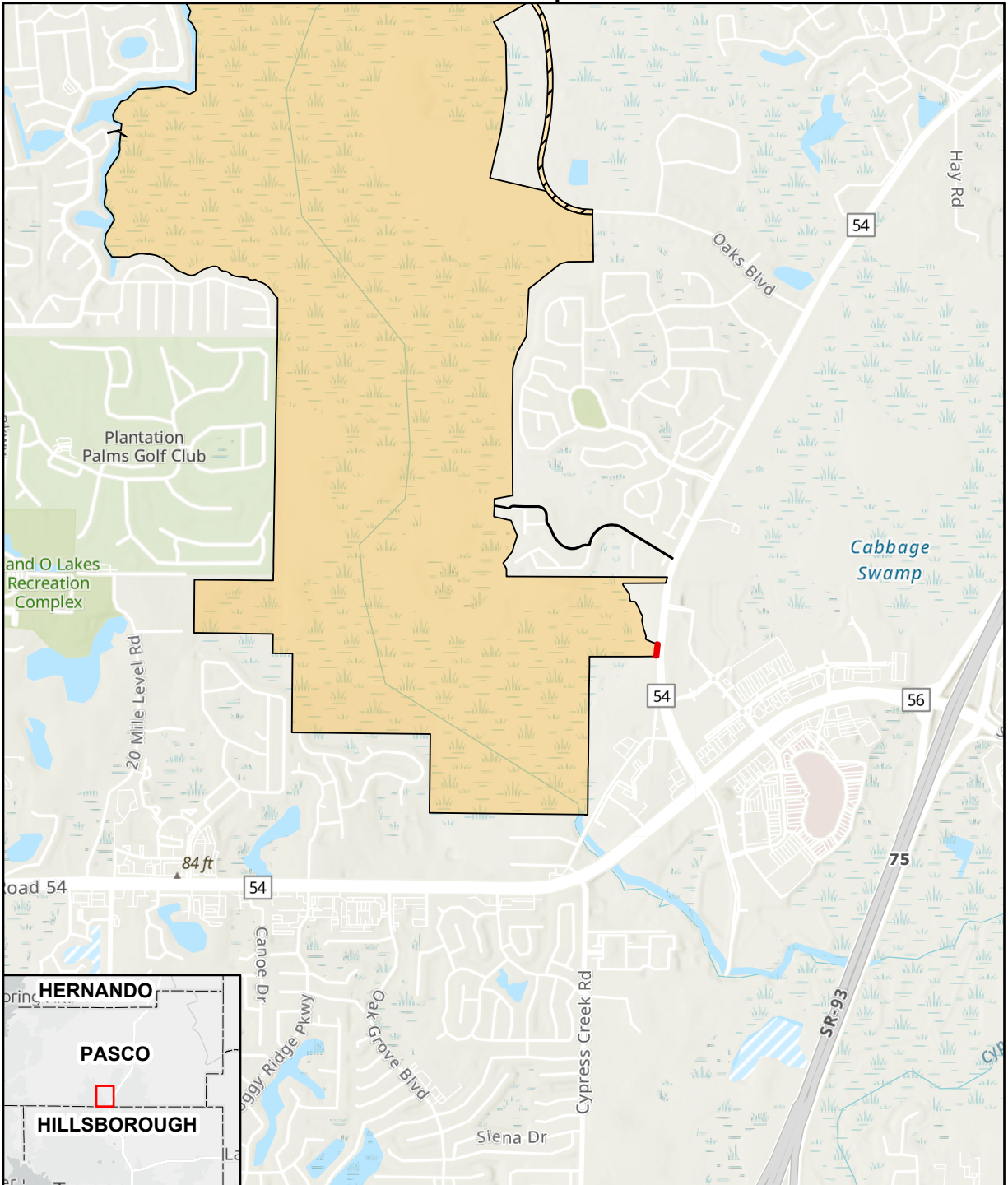
- Accept the offer of \$39,950.00; and
- Approve the Purchase/Sale Agreement and authorize the Executive Director to execute on behalf of the District; and
- Approve the Non-Exclusive Perpetual Easement and authorize the Chair and Secretary to execute on behalf of the District; and

- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter:

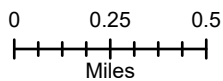
Ellen Morgan Morrison, J.D., Land Resources Bureau Chief

Exhibit 1
Cypress Creek Preserve
SWF Parcel No. 13-500-404S
Location Map



Esri, NASA, NGA, USGS, FEMA, FDEP, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, FDEP, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS

- SWF Parcel No. 13-500-404S
- District Owned Lands Fee Simple
- District Easement



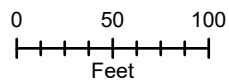
Southwest Florida
 Water Management District

**Exhibit 2
Cypress Creek Preserve
SWF Parcel No. 13-500-404S
Site Map**



State of Florida, Maxar, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

- SWF Parcel No. 13-500-404S
- District Owned Lands Fee Simple



Southwest Florida
Water Management District

CONTRACT FOR SALE AND PURCHASE

THIS Contract for Sale and Purchase ("Contract") is made this _____ day of _____, 2022, by and between the Southwest Florida Water Management District, a public corporation of the State of Florida, having an address of 2379 Broad Street, Brooksville, Florida 34604 ("District"), and Pasco County, Florida, having an address of _____ ("Buyer"), as follows:

1. **AGREEMENT TO SELL**: The District hereby agrees to sell and Buyer hereby agrees to buy, in accordance with this Contract, the real property that is more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference ("Property").

2. **TIME FOR ACCEPTANCE**: Upon execution of this Contract by Buyer, Buyer's offer shall be binding for Forty-five (45) days after such execution by Buyer. If this Contract is not executed by the District on or before Forty-five (45) days after execution of this Contract by Buyer, Buyer's offer contained in this Contract is withdrawn and this Contract shall terminate.

3. **EFFECTIVE DATE**: The effective date of this contract shall be the date of execution by the District.

4. **APPROVAL**: This Contract is subject to approval by the District's Governing Board. If the District's Governing Board does not approve this Contract and all the terms and conditions hereof, the District will notify the Buyer in writing and this Agreement shall terminate.

5. **PURCHASE PRICE**: The total purchase price for the Property shall be Thirty-Nine Thousand Dollars Nine Hundred Fifty and no/100 dollars (\$39,950.00), which shall be paid in the following manner:

a. **Balance**: The balance of the purchase price shall be paid at the time of closing by wire transfer from a financial institution as defined in Section 655.005, F.S., to the closing agent designated by the District.

6. **CLOSING, EXPENSE AND POSSESSION**: This Contract shall be closed no later than Sixty (60) days from the effective date referenced in Paragraph 3, unless this Contract is terminated pursuant to Paragraphs 2 or 4. The following are additional details of closing:

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

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

c. **Expenses**: Buyer shall be responsible for paying all closing costs associated with the Property including, but not limited to, Buyer's survey costs, documentary stamp tax on the deed, recording fees, abstract or title insurance fees, and Buyer's attorneys' fees. The District

Contract for Sale and Purchase
Parcel Name: _____
SWF Parcel No.: _____

Revised 6/8/2018

has designated _____ having an address of _____ as the escrow agent for closing. The Buyer shall pay any costs charged by such company or agent for this closing service. If Buyer obtains a survey of the Property, nothing contained therein shall affect the purchase price or terms of this Contract.

7. **REAL ESTATE TAXES, EASEMENTS, RESTRICTIONS, AND ENCUMBRANCES:**

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

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

9. **EVIDENCE OF TITLE:** Buyer may, at Buyer's expense, obtain evidence of title. Buyer understands that District may only convey title by Quit Claim Deed and Buyer agrees that this will not be an objection to title.

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

11. **DEFAULT:** If Buyer fails to close within Sixty (60) days from the effective date referenced in Paragraph 3, the District shall retain the Deposit, this Contract shall terminate, and the District and Buyer shall be relieved of all rights and obligations under this Contract. If the District fails to deliver the quit claim deed to Buyer within Sixty (60) days from the effective date referenced in Paragraph 3, the District shall return the Deposit to Buyer, this Contract shall terminate, and Buyer and the District shall be relieved of all rights and obligations under this Contract.

12. **ATTORNEYS' FEES AND COSTS:** In any claim or controversy arising out of or relating to this Contract, each party agrees to bear its own attorney fees and costs.

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

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

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

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

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

18. **AMENDMENTS:** This Contract contains the entire agreement and all representations of the parties. No amendment will be effective except when reduced to writing signed by all parties. Notwithstanding the foregoing, the parties acknowledge that the description of the Property is without the benefit of a current survey. The parties agree that if, in the opinion of the District, it becomes necessary to amend the description to correct errors, to more properly describe the Property, or to otherwise revise the description of the Property, the description to be used in the survey (if any) and in the closing instruments required by this Contract for the Property shall be revised by or at the direction of the District and shall be subject to the final approval of the District. Anything to the contrary hereinabove notwithstanding, such a revision of the description of the Property shall not require a written amendment to this Contract. In such event, the District's execution and delivery of the closing instruments containing the revised description and the Buyer's acceptance of said instruments and of the final survey (if any) containing the revised description shall constitute a full and complete ratification and acceptance of the revised description of the Property by the parties.

19. **SURVIVAL:** Paragraphs 6c, and 13 of this Contract will survive delivery and recording of deed and possession of the Property.

20. **ELECTRONIC/FACIMILE SIGNATURE:** The District agrees that this Agreement may be executed by the Buyer by electronic signature in a manner that complies with Chapter 668, F.S. This Agreement and any documents relating to it may be executed and transmitted to any other party by facsimile, which facsimile shall be deemed to be, and utilized in all respects as, an original, manually executed document.

21. **MINERAL RIGHTS:** The Buyer, by signature of this Agreement, hereby requests that all mineral interests owned by the District in the Property be transferred to the Buyer as provided in Section 270.11(3), F.S.

Contract for Sale and Purchase
Parcel Name: _____
SWF Parcel No.: _____

Revised 6/8/2018

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

Exhibit "A" Legal Description

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

COPY

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

DISTRICT:

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

By: _____

Name: Brian J. Armstrong

Title: Executive Director

Date: _____

BUYER:

By: _____

Name: _____

Title: _____

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

Contract for Sale and Purchase
Parcel Name: _____
SWF Parcel No.: _____

Revised 6/8/2018

EXHIBIT "A"
Legal Description

COPY

Contract for Sale and Purchase
Parcel Name: _____
SWF Parcel No.: _____

Revised 6/8/2018

CONSENT AGENDA

May 24, 2022

Operations, Lands and Resource Monitoring Committee: Easement and Access for ROMP 34 Data Collection Site – SWF Parcel No. 21-020-024

Purpose

To recommend the Governing Board accept donation of a perpetual easement via a Non-Exclusive Easement Agreement (Agreement), attached as Exhibit 1, from Manatee County (County) for a 400-square foot (20' X 20') well site and related 10-foot-wide access area, along with access to the Manatee Water Treatment Plant (Plant) site. A site map and a general location map are attached hereto as Exhibits 2 and 3, respectively.

Background/History

In August 1979, an easement was granted by the County to the District the ROMP 34 data collection site consisting of an Upper Floridan well and a Surficial aquifer well. In 1981, the Upper Floridan well was constructed (SWF Parcel No. 21-020-024) and in 1995 the Surficial aquifer well was constructed (SWF Parcel No. 21-020-015). Florida Department of Environmental Protection (FDEP) permitting regulations required the County to take over monitoring of the Upper Floridan well located on SWF 21-020-024 as part of the operating permit for the Plant, and at the request of the County, in 1994 the District quit-claimed the easement for the Upper Floridan well located on SWF Parcel No. 21-020-024 back to the County. The District still holds a perpetual easement for the Surficial aquifer well located on SWF Parcel No 21-020-015 within the Plant. When issuing a new operating permit to the County, FDEP indicated that the County will no longer be required to monitor the Upper Floridan well on SWF Parcel No. 21-020-024 and the County has requested the District resume monitoring efforts or abandon the well and has offered a perpetual easement for the Upper Floridan well located on SWF Parcel No. 21-020-024 in the event the District desires to continue monitoring efforts. Due to security changes for water treatment facilities brought about after 9/11, access to the site must also be relocated so District staff can access through the security gate, and the Agreement provides for that relocated access.

The Agreement was presented and executed by Manatee County BOCC on April 12, 2022.

Benefit/Costs

Data gathered from the ROMP 34 wells will improve the District's understanding of the geohydrology of central and eastern Manatee County, enhance groundwater modeling and provide for assessment of potential withdrawal-related impacts to water resources within the District. Acceptance of this donation will reduce time by allowing the District to immediately access and collect data from the site. The District has already obtained all historical water-level and water-quality data from Manatee County collected through their monitoring efforts. The District's transactional costs have been estimated to be less than \$2,000.

Deliverables

The District will continue to share the data with Manatee County.

Staff Recommendation:

Approve the Easement Agreement and authorize the Executive Director to sign on behalf of the District.

Presenter:

Ellen Morrison, J.D., Land Resources Bureau Chief

Exhibit 1

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34602

Return recorded original to:
Real Estate
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34602

ROMP 34 Data Collection Site
SWF Parcel No. 21-020-024

NON-EXCLUSIVE PERPETUAL EASEMENT AGREEMENT

This Easement Agreement (Agreement) is made this 13th day of April, 2022, by and between Manatee County, a political subdivision of the State of Florida, having a mailing address of PO Box 1000, Bradenton Florida 34206, hereinafter referred to as (Grantor), and the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, (Grantee).

Grantor, for and in consideration of the sum of Ten Dollars and no cents (\$10.00) and other good and valuable consideration from Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee a non-exclusive, perpetual easement to enter upon, over and across and to use any and all lands more particularly described in Composite Exhibit "A" attached hereto and made a part hereof (Easement Area) solely for the following purposes:

- a. To construct, maintain, repair, or replace one (1) monitor wells and install data monitoring equipment used to perform hydrologic measurements; and
- b. For ingress and egress to access the monitoring well and data monitoring equipment.

Grantee shall provide reasonable access at all time to the private road during any construction, maintenance, repair or replacement of the monitor well of related equipment.

Grantee shall exercise all its rights contained in this Agreement in the least intrusive manner so as not to interfere with Grantor's use of its property. Grantor reserves the right to use the Easement Area in any way without the prior written approval of Grantee. Grantee hereby agrees to restore the Easement Area to the same condition as it was prior to any construction, maintenance, repair, or access by Grantee.

All provisions of this instrument, including the benefits and burdens, run with the land, and are binding upon and inure to the benefit of the respective assigns, successors, and tenants of the parties hereto. This Agreement may be amended or modified only by an instrument signed by Grantor and Grantee.

This grant shall not constitute a dedication to the public, and no parties shall have any rights or entitlements pursuant to the terms of this Agreement except as specifically set forth herein.

Grantee agrees to indemnify and hold harmless the Granter, its agents, employees and officers from and against all liabilities claims, damages, expenses or actions, either at law or in equity, including attorney's fees and costs and attorney fees and costs on appeal, caused or incurred, in whole or in part, as a result of any negligent act or omission by Grantee, or anyone for whose acts or omissions Grantee may be liable as a result of Grantee's rights under this Easement. Nothing contained herein shall constitute a waiver of Grantee's sovereign immunity under Section 768.28, F.S., or to extend the limits of liability or recovery under Section 768.28, F.S. This indemnification provision shall survive recording and termination of this Easement.

The formation, interpretation and performance of this Agreement shall be construed pursuant to and governed by the laws of the State of Florida. In the event of any dispute arising out of this Agreement or any instrument given in connection herewith, or in the event it shall become necessary for any party to employ counsel to protect the party under this Agreement or any instrument given in connection herewith, each Party shall be solely responsible for paying its attorneys' fees and costs and paralegals' fees and costs in any dispute, litigation, trial, appeal, bankruptcy proceeding, post-judgment proceeding, dispute resolution proceeding, settlement negotiation or pre-litigation negotiation, arising under this Agreement.

[signature pages follow]

IN WITNESS WHEREOF, Grantor has caused these presents to be executed the day and year first written above.

Grantor:



Manatee County, a political
subdivision of the State of Florida

By: its Board of County Commissioners

By: [Signature]
Chairperson

Date: 4/12/2022

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: [Signature]
Deputy Clerk

IN WITNESS WHEREOF, Grantee has caused these presents to be executed in its name by its Executive Director, the day and year first written above.

Signed, sealed, and delivered

Grantee:

Southwest Florida Water Management
District, a Florida Public Corporation

Witness #1 signature

By: _____
Brian Armstrong, Executive Director

Witness #1 printed name

Approved Subject to Proper Execution:

Witness #2 signature

SWFWMD Attorney Date

Witness #2 printed name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this ____ day of _____ 2022, by Brian Armstrong, as Executive Director, for and on behalf of the Southwest Florida Water Management District, who is personally known to me.

(Notary Seal)

Notary Public
Print: _____
Commission No. _____
My Commission Expires: _____

COMPOSITE EXHIBIT "A"

Legal Description Parcel 21-020-024 (Proposed Well Site Area)

That part of Section 25, Township 34 South, Range 19 East, Manatee County, Florida, described as follows:

Commence at the southeast corner of said Section 25, Township 34 South, Range 19 East; thence South 89°26'03" East along the south line of Section 30, Township 34 South, Range 20 East, a distance of 57.46 feet to the centerline of Dam Road (also known as Waterline Road) as described and recorded in Official Record Book 320, Page 297, public records of Manatee County; thence North 45°23'53" West along said centerline a distance of 1666.67 feet to the beginning of a curve having a radius of 837.66 feet; thence northwesterly along said curve to the left through a central angle of 09°50'58", an arc distance of 144.00 feet (chord = 143.82 feet, chord bearing = North 50°19'22" West) to the southwesterly extension of the east line of an existing Southwest Florida Water Management District perpetual easement (Parcel 21-020-015) as described and recorded in Official Record Book 959, Page 71, public records of Manatee County; thence on a radial bearing of North 34°45'09" East along said southwesterly extension a distance of 40.00 feet to the common curved southwesterly line of said existing perpetual easement and the existing curved northeasterly right-of-way line of Dam Road, said common curved lines having a radius of 877.66 feet; thence northwesterly along said common curved lines to the left through a central angle of 02°36'44", an arc distance of 40.01 feet (chord = 40.01 feet, chord bearing = North 56°33'12" West) to the west line of aforesaid Southwest Florida Water Management District perpetual easement (Parcel 21-020-015); thence North 34°45'14" East along said west line of existing perpetual easement a distance of 24.78 feet; thence North 55°33'32" West a distance of 99.15 feet; thence North 45°12'01" West a distance of 144.45 feet to the beginning of a curve having a radius of 35.00 feet; thence northwesterly along said curve to the left through a central angle of 33°04'10", an arc distance of 20.20 feet (chord = 19.92 feet, chord bearing = North 61°44'06" West) to the end of said curve; thence North 78°16'11" West a distance of 17.54 feet to the beginning of a curve having a radius of 25.00 feet; thence northwesterly along said curve to the right through a central angle of 77°40'24", an arc distance of 33.89 feet (chord = 31.36 feet, chord bearing = North 39°25'59" West) to the end of said curve; thence North 00°35'46" West a distance of 2.48 feet to the beginning of a curve having a radius of 10.00 feet; thence northeasterly along said curve to the right through a central angle of 90°35'46", an arc distance of 15.81 feet (chord = 14.22 feet, chord bearing = North 44°42'07" East) to the end of said curve; thence South 90°00'00" East a distance of 62.21 feet to the beginning of a curve having a radius of 35.00 feet; thence northeasterly along said curve to the left through a central angle of 90°33'43", an arc distance of 55.32 feet (chord = 49.74 feet, chord bearing = North 44°43'09" East) to the end of said curve; thence North 00°33'43" West a distance of 79.30 feet for the POINT OF BEGINNING; thence South 89°26'17" West a distance of 10.00 feet; thence North 00°33'43" West a distance of 20.00 feet; thence North 89°26'17" East a distance of 20.00 feet; thence South 00°33'43" East a distance of 20.00 feet; thence South 89°26'17" West a distance of 10.00 feet to the POINT OF BEGINNING.

Containing: 400.000 square feet.

Together with:

Legal Description Parcel 21-020-024 (Access Area)

That part of Section 25, Township 34 South, Range 19 East, Manatee County, Florida, described as follows:

Commence at the southeast corner of said Section 25, Township 34 South, Range 19 East; thence South 89°26'03" East along the south line of Section 30, Township 34 South, Range 20 East, a distance of 57.46 feet to the centerline of Dam Road (also known as Waterline Road) as described and recorded in Official Record Book 320, Page 297, public records of Manatee County; thence North 45°23'53" West along said centerline a distance of 1666.67 feet to the beginning of a curve having a radius of 837.66 feet; thence northwesterly along said curve to the left through a central angle of 09°50'58", an arc distance of 144.00 feet (chord = 143.82 feet, chord bearing = North 50°19'22" West) to the southwesterly extension of the east line of an existing Southwest Florida Water Management District perpetual easement (Parcel 21-020-015) as described and recorded in Official Record Book 959, Page 71, public records of Manatee County; thence on a radial bearing of North 34°45'09" East along said southwesterly extension a distance of 40.00 feet to the common curved southwesterly line of said existing perpetual easement and the existing curved northeasterly right-of-way line of Dam Road, said common curved lines having a radius of 877.66 feet; thence northwesterly along said common curved lines to the left through a central angle of 02°36'44", an arc distance of 40.01 feet (chord = 40.01 feet, chord bearing = North 56°33'12" West) to the west line of aforesaid Southwest Florida Water Management District perpetual easement (Parcel 21-020-015); thence North 34°45'14" East along said west line of existing perpetual easement a distance of 14.78 feet for the POINT OF BEGINNING; thence North 55°33'32" West a distance of 100.00 feet; thence North 45°12'01" West a distance of 145.36 feet to the beginning of a curve having a radius of 25.00 feet; thence northwesterly along said curve to the left through a central angle of 33°04'10", an arc distance of 14.43 feet; (chord = 14.23 feet, chord bearing = North 61°44'06" West) to the end of said curve; thence North 78°16'11" West a distance of 17.54 feet to the beginning of a curve having a radius of 35.00 feet; thence northwesterly along said curve to the right through a central angle of 77°40'24", an arc distance of 47.45 feet (chord = 43.90 feet, chord bearing = North 39°25'59" West) to the end of said curve; thence North 00°35'46" West a distance of 62.77 feet to the beginning of a curve having a radius of 25.00 feet; thence northwesterly along said curve to the left through a central angle of 89°08'07", an arc distance of 38.89 feet (chord = 35.09 feet, chord bearing = North 45°09'50" West) to the end of said curve; thence North 89°43'54" West a distance of 239.99 feet to the beginning of a curve having a radius of 25.00 feet; thence southwesterly along said curve to the left through a central angle of 60°25'33", an arc distance of 26.37 feet (chord = 25.16 feet, chord bearing = South 60°03'20" West) to the end of said curve; thence South 29°50'33" West a distance of 48.32 feet to the beginning of a curve having a radius of 35.00 feet; thence southwesterly along said curve to the right through a central angle of 61°06'27", an arc distance of 37.33 feet (chord = 35.58 feet, chord bearing = South 60°23'47" West) to the end of said curve; thence North 89°03'00" West a distance of 353.24 feet to the beginning of a curve having a radius of 55.00 feet; thence southwesterly along said curve to the left through a central angle of 90°33'30", an arc distance of 86.93 feet (chord = 78.16 feet, chord bearing = South 45°40'15" West) to the end of said curve; thence South 00°23'30" West a distance of 85.06 feet to the approximate center of asphalt pavement of aforesaid Dam Road (also known as Waterline Road); thence North 89°36'23" West along said approximate center of asphalt pavement a distance of 10.00 feet; thence North 00°23'30" East a distance of 85.06 feet to the beginning of a curve having a radius of 65.00 feet; thence northeasterly along said curve to the right through a central angle of 90°33'30", an arc distance of 102.74 feet; (chord = 92.37 feet, chord bearing = North 45°40'15" East) to the end of said curve; thence South 89°03'00" East a distance of 353.24 feet to the beginning of a curve having a radius of 25.00 feet; thence northeasterly along said curve to the left through a central angle of 61°06'27", an arc distance of 26.66 feet (chord = 25.42 feet, chord bearing = North 60°23'47" East) to the end of said curve; thence North 29°50'33" East a distance of 48.32 feet to the beginning of a curve having a radius of 35.00 feet; thence northeasterly along said curve to the right through a central angle of 60°25'33", an arc

6 of 8

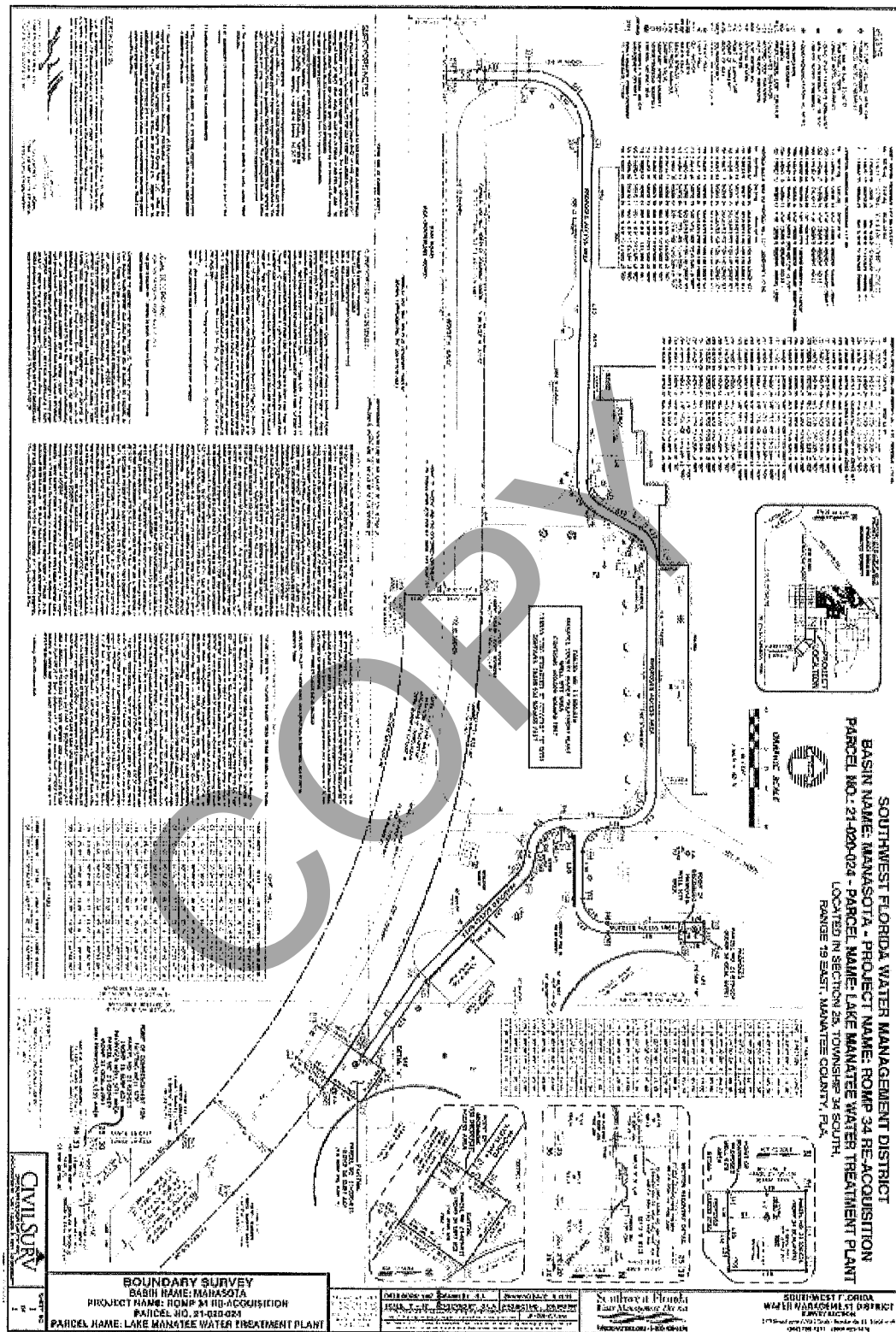
distance of 36.91 feet (chord = 35.23 feet, chord bearing = North 60°03'20" East) to the end of said curve; thence South 89°43'54" East a distance of 239.99 feet to the beginning of a curve having a radius of 35.00 feet; thence southeasterly along said curve to the right through a central angle of 89°08'07", an arc distance of 54.45 feet (chord = 49.12 feet, chord bearing = South 45°09'50" East) to the end of said curve; thence South 00°35'46" East a distance of 15.45 feet to the beginning of a curve having a radius of 25.00 feet; thence southeasterly along said curve to the left through a central angle of 89°24'14", an arc distance of 39.01 feet (chord = 35.17 feet, chord bearing = South 45°17'53" East) to the end of said curve; thence South 90°00'00" East a distance of 47.68 feet to the beginning of a curve having a radius of 25.00 feet; thence northeasterly along said curve to the left through a central angle of 90°33'43", an arc distance of 39.52 feet; (chord = 35.53 feet, chord bearing = North 44°43'09" East) to the end of said curve; thence North 00°33'43" West a distance of 79.30 feet to the south line of Southwest Florida Water Management District Parcel 21-020-024; thence North 89°26'17" East along said south line a distance of 10.00 feet; thence South 00°33'43" East a distance of 79.30 feet to the beginning of a curve having a radius of 35.00 feet; thence southwesterly along said curve to the right through a central angle of 90°33'43", an arc distance of 55.32 feet (chord = 49.74 feet, chord bearing = South 44°43'09" West) to the end of said curve; thence South 90°00'00" West a distance of 62.21 feet to the beginning of a curve having a radius of 10.00 feet; thence southwesterly along said curve to the left through a central angle of 90°35'46", an arc distance of 15.81 feet (chord = 14.22 feet, chord bearing = South 44°42'07" West) to the end of said curve; thence South 00°35'46" East a distance of 2.48 feet to the beginning of a curve having a radius of 25.00 feet; thence southeasterly along said curve to the left through a central angle of 77°40'24", an arc distance of 33.89 feet (chord = 31.36 feet, chord bearing = South 39°25'59" East) to the end of said curve; thence South 78°16'11" East a distance of 17.54 feet to the beginning of a curve having a radius of 35.00 feet; thence southeasterly along said curve to the right through a central angle of 33°04'10", an arc distance of 20.20 feet (chord = 19.92 feet, chord bearing = South 61°44'06" East) to the end of said curve; thence South 45°12'01" East a distance of 144.45 feet; thence South 55°33'32" East a distance of 99.15 feet to the west line of aforesaid Southwest Florida Water Management District perpetual easement (Parcel 21-020-015) as described and recorded in said Official Record Book 959, Page 71; thence South 34°45'09" West along said west line a distance of 10.00 feet to the POINT OF BEGINNING.

Containing: 15288.913 square feet as described.

LESS AND EXCEPT: Existing public road right-of-way for Dam Road (also known as Waterline Road).

Approved for use by the Survey Section 10-30-2019, W.O. 19-043.

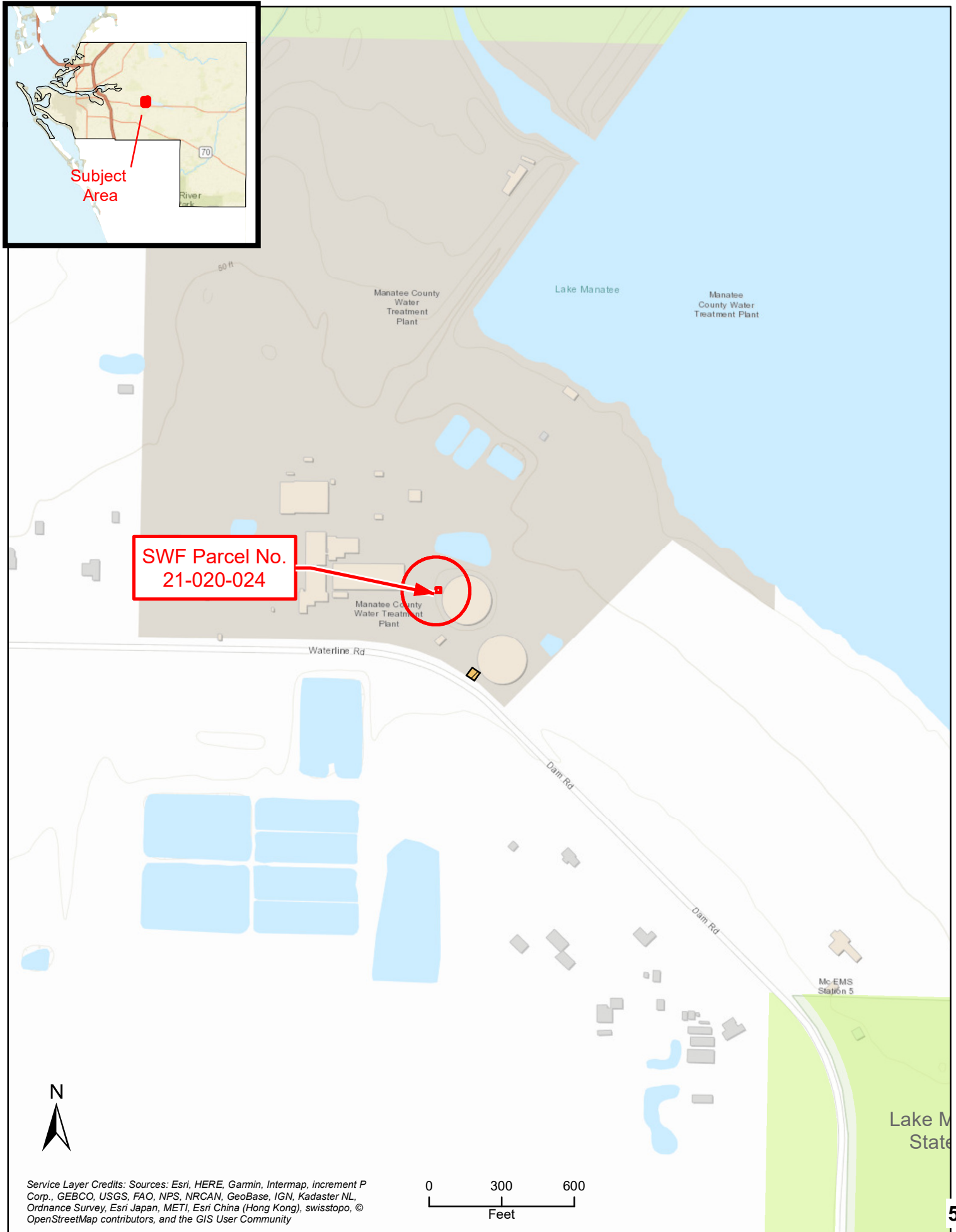
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ROMP 34 Data Collection Site
 SWF Parcel No. 21-020-034

ROMP 34 Data Collection Site (SWF Parcel No. 21-020-024)

Exhibit 2





 Well Site

 Perpetual Easement

CONSENT AGENDA**May 24, 2022****Operations, Lands and Resource Monitoring Committee: Donation of Right of Way to Polk County - Marshall Hampton Reserve, SWF Parcel No. 20-503-265S***Purpose*

Recommend the Governing Board authorize the donation of a right-of-way (ROW) interest to Polk County (County) located along Thornhill Road. The 1.32-acre ROW will allow the County to construct turn lanes at the entrance to the parking lot at the Marshall Hampton Reserve (MHR) resulting in safer public access. A general location map and site map are included as Exhibit 1 and 2 respectively.

Background/History

The MHR property was acquired by the District in 2008 as part of the Lake Hancock Project. The District and the County entered into a management agreement in 2010 to authorize the County to manage the land and recreation on the MHR. Recreation on the property includes hiking, biking, and equestrian uses.

In early 2022, the Florida Department of Transportation (FDOT), in lieu of eminent domain, purchased a portion of land within the Lake Hancock Project in order to construct the Central Polk Parkway extension project. As a result of the location of the Central Polk Parkway extension, the current entrance to the MHR must be relocated. As part of the compensation package paid to the District for the purchase, FDOT will relocate the new parking area at no cost to the District. Concurrently with the construction of the Central Polk Parkway extension, the County is planning to construct the Thornhill Road Bridge Replacement project near the new entrance of the MHR and will fund the design and construction of deceleration and acceleration lanes to improve the safety of the MHR entrance. In order to complete the deceleration and acceleration lanes, the County requires additional ROW consisting of approximately 1.32 acres, and on October 20, 2021, sent the District a formal request to consider a donation of land for same.

Benefits/Costs

The donation of ROW to the County will allow the County to construct the acceleration and deceleration lanes at no cost to the District and will improve the safety of the new entrance of the MHR.

Deliverables

None

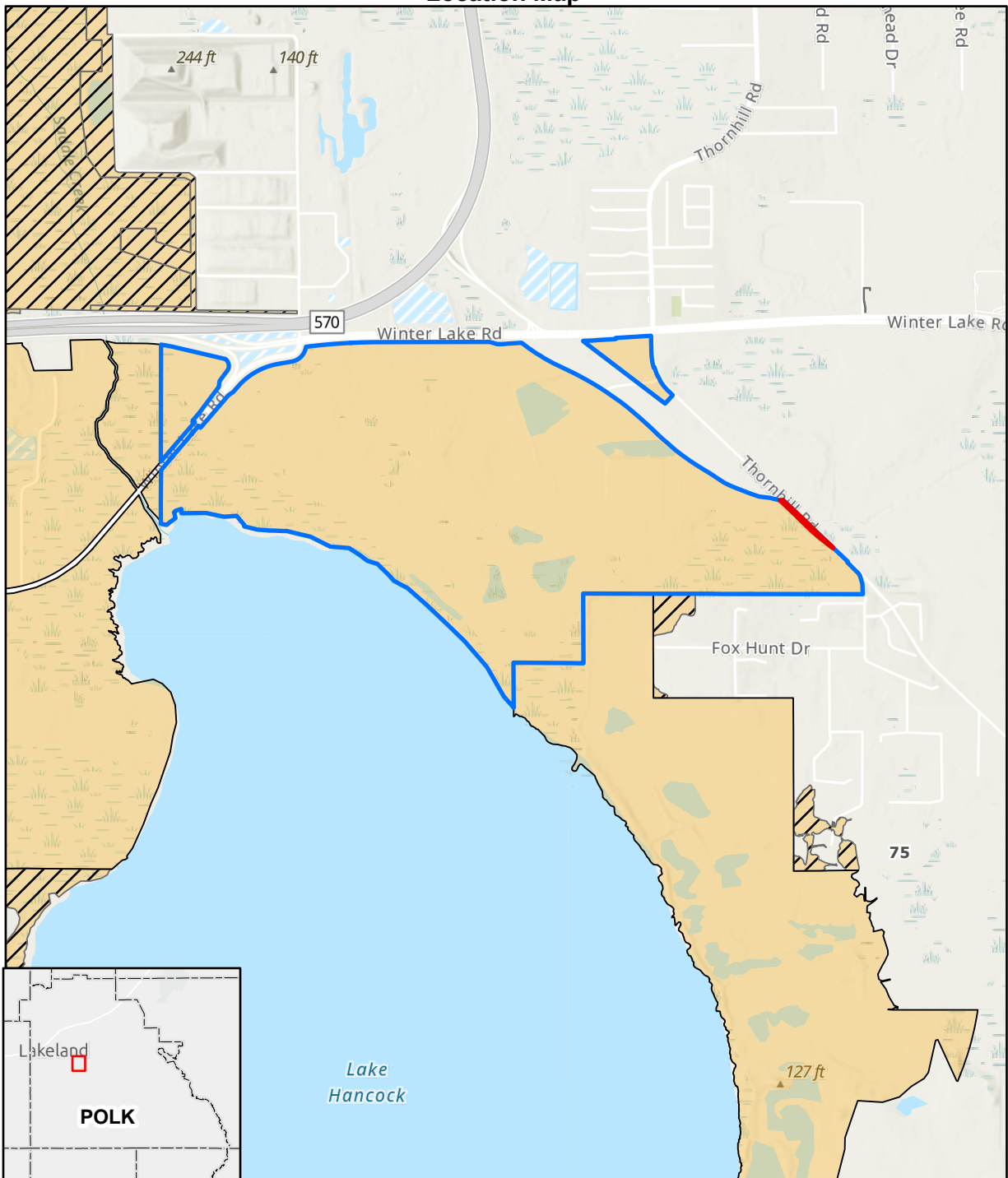
Staff Recommendation:

- Approve the donation of right-of-way and authorize the Chair and Secretary to execute the Quit Claim Deed on behalf of the District; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter:

Ellen Morrison, J.D., Land Resources Bureau Chief

Exhibit 1
Marshall Hampton Reserve
Donation of ROW (SWF Parcel No. 20-503-265S)
Location Map



- SWF Parcel No. 20-503-103-265S
- Marshall Hampton Reserve
- District Owned Lands Fee Simple
- District Easement

0 1,500 3,000
 Feet



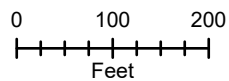
Southwest Florida
 Water Management District

Exhibit 2
Marshall Hampton Reserve
Donation of ROW (SWF Parcel No. 20-503-265S)
Site Map



Esri Community Maps Contributors, University of South Florida, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, State of Florida, Maxar, Microsoft

- SWF Parcel No. 20-503-103-265S
- Marshall Hampton Reserve
- District Owned Lands Fee Simple



Southwest Florida
Water Management District

CONSENT AGENDA

May 24, 2022

Regulation Committee: Water Use Permit No. 20009492.007 - Bay Grove / T & T Environmental, LLC and Kimworth Investments, LLC (DeSoto County)

This is a modification of an existing water use permit for Agricultural Use. The authorized quantities have changed from those previously permitted. This permit authorizes an increase in the annual average quantity from 252,800 gallons per day (gpd) to 702,700 gpd, an increase in the drought annual average quantity from 364,100 gpd to 776,400 gpd, and an increase in the peak month quantity from 1,739,400 gpd to 1,800,700 gpd. The crop protection quantity is no longer authorized. The increase of the quantities is due to a crop change from 282 acres of citrus to 282 acres of sod. The demand quantities were established using the District's irrigation allotment calculation program, AGMOD. This permit is located in the Southern Water Use Caution Area (SWUCA). The Permittee utilizes 78,000 gpd of surface water through an existing Facilitating Agricultural Resource Management (FARMS) project (Project No. H721). The permit application meets all Rule 40D- 2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 009492.007**

PERMIT ISSUE DATE: May 24, 2022

EXPIRATION DATE: April 06, 2030

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: T & T Environmental, LLC / Attn: Calvin Miller
4495 Brook Rd. Nw
Lancaster, OH 43130

Kimworth Investments, LLC / Attn: David Kimble
P.O. Box 1526
Arcadia, FL 34265

PROJECT NAME: Bay Grove

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

COUNTY: Desoto

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

ANNUAL AVERAGE	624,700 gpd
PEAK MONTH ¹	1,800,700 gpd
DROUGHT ANNUAL AVERAGE ²	776,400 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.

ABSTRACT:

This is a modification of an existing water use permit for Agricultural Use. The authorized quantities have changed from those previously permitted. This permit authorizes an increase in the annual average quantity from 252,800 gallons per day (gpd) to 702,700 gpd, an increase in the drought annual average quantity from 364,100 gpd to 776,400 gpd, and an increase in the peak month quantity from 1,739,400 gpd to 1,800,700 gpd. The crop protection quantity is no longer authorized. The increase of the quantities is due to a crop change from 282 acres of citrus to 282 acres of sod. The demand quantities were established using the District's irrigation allotment calculation program, AGMOD. This permit is located in the Southern Water Use Caution Area (SWUCA). The Permittee utilizes 78,000 gpd of surface water through an existing Facilitating Agricultural Resource Management (FARMS) project (Project No. H721).

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, submit annual crop reports, submit a reclaimed water feasibility study upon District request, submit meter accuracy tests every five years, submit an overpumpage report upon District request, modify the permit to reflect incorporation of any new alternative sources of water, implement water conservation and best management practices, and adhere to the SWUCA Recovery Strategy.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>
Agricultural	702,700	1,800,700	776,400

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>
Sod	282.00	Center Pivot	33.50"/yr.	37.01"/yr.

WITHDRAWAL POINT QUANTITY TABLE

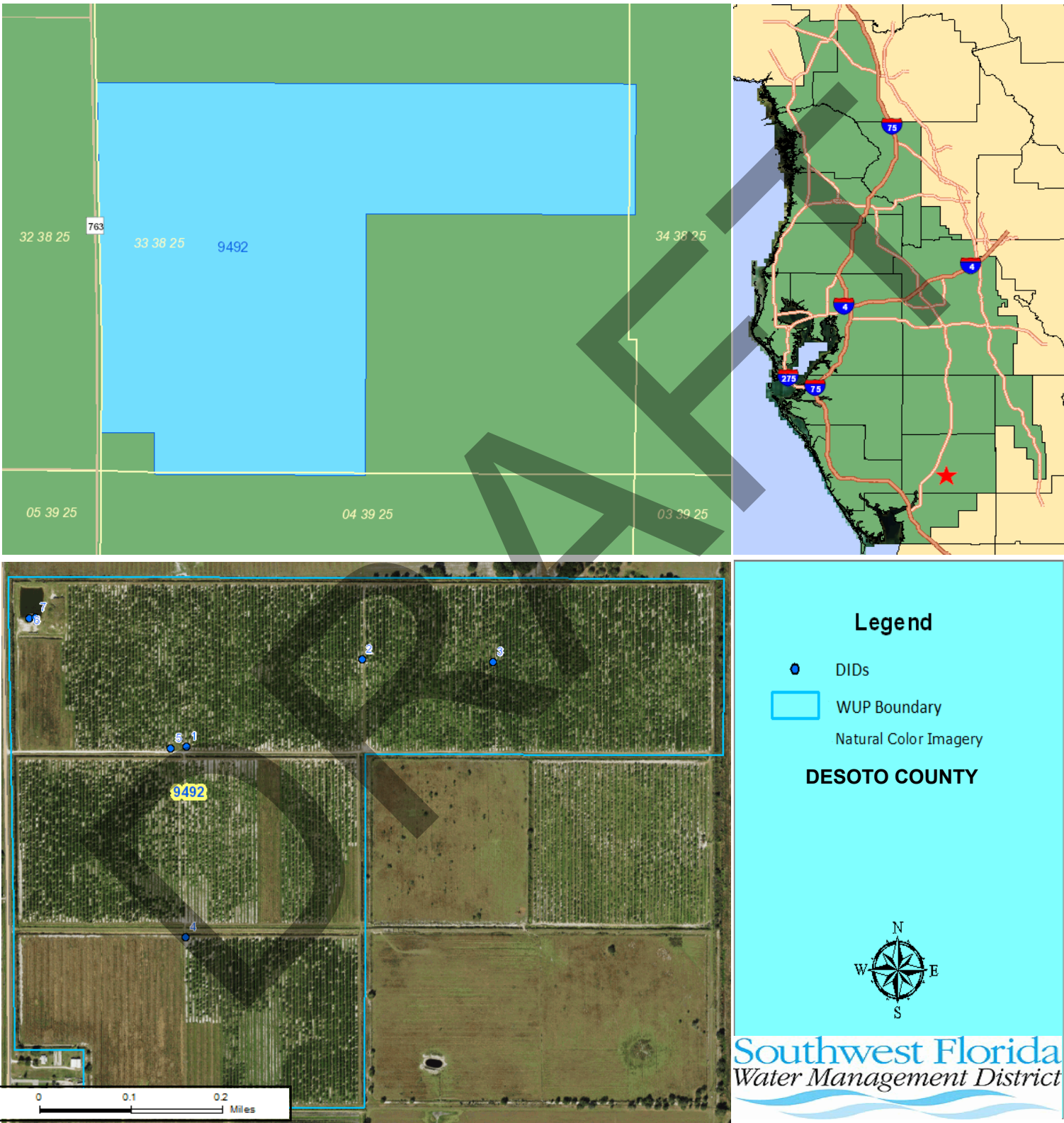
Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
H2 / 2	12	1,400 / UNK	Irrigation	154,900	447,000
H3 / 3	12	1,400 / UNK	Irrigation	164,900	472,500
H4 / 4	12	1,400 / UNK	Irrigation	147,500	427,800
5 / 5	12	1,490 / 672	Irrigation	157,400	453,400
6 / 6	16	N/A / N/A	Irrigation	39,000	N/A
7 / 7	16	N/A / N/A	Irrigation	39,000	N/A

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
2	27° 07' 50.82"/81° 49' 09.34"
3	27° 07' 50.61"/81° 48' 58.41"
4	27° 07' 30.31"/81° 49' 24.12"
5	27° 07' 44.27"/81° 49' 25.31"
6	27° 07' 53.91"/81° 49' 37.09"
7	27° 07' 53.97"/81° 49' 36.60"

Location Map
T & T Environmental, LLC / Attn: Calvin Miller
WUP No. 20 009492.007



STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

2. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)
3. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
4. This specific permit is issued with the understanding that the Permittee shall implement Best Management Practices (BMPs), which will result in elimination of off-site discharge of lower quality irrigation water to the greatest extent practicable. This is required to avoid contribution by this permitted site to the water quality degradation and potential impairment of surface waters within the Joshua Creek watershed.(324)
5. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)
6. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
7. The Permittee shall geophysically (caliper) or video log District ID Nos. 2, 3, and 4., Permittee ID Nos. H2, H3, and H4, 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)

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

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

(427)

9. The Permittee shall immediately implement the District-approved water conservation plan dated March 31, 2022, 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. (449)

10. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water. (458)

11. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for annual crops for each permitted irrigation withdrawal point, District ID. No(s). 2, 3, 4, 5, 6, and 7, Permittee ID No(s). H2, H3, H4, 5, 6, and 7:
 1. Crop type,
 2. Irrigated acres,
 3. Irrigation method (NTBWUCA only),
 4. Dominant soil type per crop or the number of acres per crop on that dominant soil type, and
 5. If used, quantities used for crop protection.

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

(474)

12. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
13. This permit includes the following groundwater standby quantities: 78,000 gallons per day (gpd), annual average daily.

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)

14. 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)
15. 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)
16. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID No(s). 2, 3, 4, 5, 6, and 7, Permittee ID No(s). H2, H3, H4, 5, 6, and 7. 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)

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 upstream line.
7. Broken or malfunctioning meter:
 - A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
 - B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
 - C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.
8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

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

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

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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

CONSENT AGENDA

May 24, 2022

General Counsel's Report: Approval of Settlement Agreement between SWFWMD and Holloway Park Foundation, Inc. - Unauthorized Construction Activities - CT No. 376309 - Polk County

Holloway Park Foundation, Inc. (Holloway Inc.) is a Florida corporation that owns 475.00 acres of real property at 2402 Holloway Park Drive in Lakeland, Polk County (Property). On February 5, 2015, Mr. Edward Holloway, Sr., attended a pre-application meeting with the District to discuss a proposed project on the Property. Mr. Holloway disclosed that he had already constructed a ditch crossing on the Property consisting of two (2) 36-inch diameter culverts and placed fill material on the property without an environmental resource permit (ERP).

On December 12, 2018, following protracted discussions with District staff regarding whether an ERP was required for the ditch cross and fill material, the District issued an Administrative Complaint and Order to Holloway Inc. to resolve the compliance issues and either obtain an ERP for the culverts or restore the Property to its original condition. The Administrative Complaint and Order became final agency action, and the District initiated an action against Holloway Inc. in circuit court to obtain compliance and recover a civil penalty. During the pendency of litigation, Mr. Holloway passed away and his estate became responsible for bringing the Property into compliance. Thereafter, Holloway Inc. agreed to a Settlement Agreement which provides for the payment of \$6,000 in penalties and \$4,000 in enforcement and litigation costs, for a total of \$10,000.00. Holloway Inc. has restored the Property to its original condition and District staff have performed a site visit to confirm.

Staff Recommendation:

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

Presenter:

Allison Dhand, Senior Attorney

SETTLEMENT AGREEMENT

This Settlement Agreement (Agreement) is made and entered into by the Southwest Florida Water Management District (District) and Holloway Park Foundation, Inc (Respondent). The District and Respondent may be individually referred to as "Party" or "Parties," collectively.

RECITALS

1. The District is a public corporation of the State of Florida operating pursuant to Chapter 373, Florida Statutes (F.S.), as a multi-purpose water management district, with its principal office located at 2379 Broad Street, Brooksville, Florida 34604. The District is charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries, and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapter 62-330, Florida Administrative Code (F.A.C.).

2. Holloway Park Foundation, Inc. is a Florida corporation having a principal place of business and mailing address at 2925 Sanlan Ranch Drive, Lakeland, Florida 33812.

3. Respondent owns real property located at 2402 Holloway Park Drive in Lakeland, Polk County (Property).

4. On February 5, 2015, Mr. E. Edward Holloway, Jr. attended a pre-application meeting with the District for a proposed project on the Property. During the meeting, Mr. Holloway stated that a ditch crossing had recently been installed on the Property, consisting of two (2) 36-inch diameter culverts, and fill material.

5. On February 13, 2015, District staff conducted a site visit and verified the installation of two culverts in a drainage conveyance ditch, and fill placed in the ditch to create a crossing over the culverts. The District assigned Compliance Tracking No. 376309 to the matter.

6. A review of District records revealed that no Environmental Resource Permit (ERP) was issued to Respondent authorizing the construction activities on the Property.

7. On February 24, 2015, and again on June 16, 2015, District staff issued Notices of Unauthorized Activities (Notices) to Respondent, alleging that the activities on the Property had occurred

without a required ERP issued by the District, and that Respondent was in violation of Sections 373.413 and 373.430(1)(b), F.S., and Rule 62-330.020, F.A.C.

8. On August 24, 2016, the District issued a Notice of Violation and proposed Consent Order to Respondent in an attempt to resolve the matter without litigation that advised Respondent the activities on the Property had occurred without a required ERP issued by the District.

9. On December 15, 2017, the District sent a Final Notice of Violation to Respondent advising it that the District was still willing to resolve the matter through the execution of a Consent Order.

10. On October 16, 2019, Petitioner's Administrative Complaint and Order (ACO) was served upon the Respondent. The ACO directed Respondent to submit a complete ERP application to the District to authorize the construction activities that occurred on the Property and ensure that the system functioned in accordance with state law and rules of the water management district. In the alternative, the Respondent could return the Property to its original condition.

11. On December 13, 2019, the ACO became a Final Agency Action.

12. On February 19, 2020, the District filed its Petition for Enforcement and Complaint for Civil Remedies in the Circuit Court of the Tenth District in and for Polk County, Florida.

13. On March 18, 2020, the Respondent filed an Answer with defenses disputing many of the District's allegations.

14. On November 25, 2020, the District filed a Motion for Summary Judgment, which was denied by the Circuit Court on April 12, 2021.

15. The Parties have engaged in good-faith discussions in an attempt to resolve the Parties' differences without the time and cost of continued litigation.

16. As of the date of preparation of this Settlement Agreement, Respondent has completed the corrective actions set forth as item numbers 1 - 5 within the "Action Plan" hereby incorporated and attached hereto as **Exhibit A**. Respondent has not completed the balance of the corrective actions, which are required to bring the Property into compliance.

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

TERMS OF SETTLEMENT AGREEMENT

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

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

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

20. Within thirty (30) days of approval of this Settlement Agreement by the District's Governing Board, Respondent shall complete all required actions identified in the approved "Action Plan" attached hereto as **Exhibit A**.

21. In consideration of the matters described in this Settlement Agreement, the District shall assess, and Respondent shall pay, a penalty of \$6,000.00 and enforcement costs of \$4,000.00 totaling \$10,000.00 for the violations described herein. If mailed, the address for payment is:

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

22. The District shall file with the Polk County Circuit Court a Notice of Voluntary Dismissal with Prejudice of Case No. 2020CA-000632 within five (5) days after receipt of the penalties and enforcement costs of \$10,000.00. Each Party shall bear its own costs, including attorneys' fees, incurred in

connection with Polk County Circuit Court Case No. 2020CA-000632 and the development of this Settlement Agreement, except as specifically provided for herein.

23. For each day of delay beyond any due dates set forth in paragraphs 20 and 21 above, Respondent shall pay to the District an additional sum of \$100.00 per day. This additional sum shall be paid upon the District's issuance of a demand letter for payment. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action, as appropriate, in the event any due date is not met.


24. The terms and conditions set forth in this Settlement Agreement may be enforced in a court of competent jurisdiction.

25. The District hereby expressly reserves and retains any rights it may have to initiate appropriate legal action against Respondent to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Settlement Agreement.


26. For and in consideration of the complete and timely performance by Respondent of its obligations under this Settlement Agreement, the District waives any rights it may have to pursue civil or administrative action for any violations described in this Settlement Agreement. In the event that Respondent fails to completely and timely perform its obligations under this Settlement Agreement, the District retains any rights it may have to pursue civil and/or administrative action for any violations described herein.

27. No modifications of the terms of this Settlement Agreement shall be effective until reduced to writing and executed by all the Parties.

IN WITNESS WHEREOF, the Southwest Florida Water Management District and Holloway Park Foundation, Inc. have executed this Settlement Agreement on the day and year set forth with their signatures below:



Witness Signature

Holloway Park Foundation, Inc.


Signature

ANNA URBANKOVA

Printed Name

4.20.22

Date

David Holloway

Printed Name

Director

Title

4/20/22

Date

Approved by the Governing Board of the Southwest Florida Water Management District this _____
day of _____, 2022.

By: _____

Governing Board Chair

Approved as to Legal Form and Content

(SEAL)

Allison K. Dhand, Esq.

Office of General Counsel

Filed this _____ day of _____
_____ 2022.

Deputy Agency Clerk

HOLLOWAY PARK FOUNDATION, INC.
CT NO. 376309
POLK COUNTY, FLORIDA

EXHIBIT A
ACTION PLAN

Completed Actions

1. Remove the two (2) 36-inch diameter culverts.
2. Meet with District Staff at the culvert location to determine extent of fill that was installed around the culvert to be removed and remove said fill.
3. Install sod/revegetate the restored area.
4. Allow the District to perform a site visit confirming completion of 1-3 above.
5. Withdraw the pending ERP application No. 829035.

Required Corrective Actions

1. Pay penalties and enforcement costs in the amount of \$10,000.00 to the District.

CONSENT AGENDA**May 24, 2022****General Counsel's Report: Amended Corrected Deed of Conservation Easement for Horse Creek Mitigation Bank - ERP No. 43041539.000 - DeSoto County**

On October 3, 2016, the District issued Environmental Resource Permit (ERP) No. 43041539.000 (Permit) to EIP Credit Co., LLC (Permittee), authorizing the establishment of a mitigation bank known as the Horse Creek Mitigation Bank (Project), located in DeSoto County, Florida. At the time of Permit issuance, the owner of the property constituting the Project was EIP Florida, LLC (EIP), which is a related entity of the Permittee. The rules governing mitigation banks required EIP to grant a Conservation Easement (CE) over the Project to the District and the Florida Department of Environmental Protection (FDEP). On July 22, 2019, EIP granted a CE over the Project to the District and FDEP.

Permittee recently submitted an ERP application requesting the release of credits for the Project. During the review of this application, it was discovered that there were errors in the survey that was used to create the legal description for the interest conveyed to the District in the CE. These errors were addressed via a Corrected Deed of Conservation Easement (Corrected Deed), which the Board approved at its meeting in January. After the meeting, the Corrected Deed was recorded and submitted to the District along with a title insurance policy covering the property interest conveyed by the Corrected Deed. The title insurance policy revealed that the Permittee conveyed a cattle easement over part of the CE area covered by the Corrected Deed in early 2021 after the pending ERP application was submitted. District staff only recently discovered this cattle easement existed because an updated title policy was not submitted until the Corrected Deed was recorded.

Running cattle through a CE area is inconsistent with the purpose of the CE and not allowed in mitigation banks. As a result, the Corrected Deed must be modified to release the 1.13 acres covered by the cattle easement from the CE. In addition, language is added to explicitly prohibit livestock uses within the CE. These changes will be done via an Amended Corrected Deed of Conservation Easement. The current owner of the property constituting the Project, Old Florida Ranch I, LLC, and its mortgagee, Farm Credit of Central Florida, ACA, have joined in and consented to the Amended Corrected Deed of Conservation Easement. Because the Amended Corrected Deed of Conservation Easement is altering an interest in land previously conveyed to the District and FDEP, the District and FDEP must join in with EIP in executing the instrument. The Amended Corrected Deed of Conservation Easement along with the Joinder of Old Florida Ranch I, LLC, and the Consent of Mortgagee are provided for the Governing Board's review as exhibits to this recap.

Staff Recommendation:

Approve, accept, and execute the attached Amended Corrected Deed of Conservation Easement for the Horse Creek Mitigation Bank.

Presenter:

Adrienne Vining, Assistant General Counsel

This instrument was prepared by:
Chris Tanner, Esq.
Manson Bolves Donaldson Varn, P.A.
109 N. Brush Steet, Suite 300
Tampa, Florida 33602

Return original or certified recorded
document to:
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604

**Amended Corrected Deed of Conservation Easement for
Mitigation Banks with Third Party Beneficiary Rights
to the U.S. Army Corps of Engineers**

THIS AMENDED CORRECTED DEED OF CONSERVATION EASEMENT (“Amended Conservation Easement”) is given as of 24th day of May, 2022, by EIP Florida, LLC (“Grantor”) whose mailing address is 5550 Newbury Street, Suite B, Baltimore, Maryland 21209 to the Florida Department of Environmental Protection and the Southwest Florida Water Management District (“Grantees”) with third party enforcement rights to the U.S. Army Corps of Engineers (“Corps”) (“Third Party Beneficiary”). As used herein, the term “Grantor” shall include any and all heirs, successors, or assigns of the Grantor, and all subsequent owners of the “Conservation Easement Area” (as hereinafter defined); the term “Grantees” shall include any successor or assignee of Grantees; and the term “Third Party Beneficiary” shall include any successor or assignee of the Third Party Beneficiary.

WITNESSETH

WHEREAS, on or about July 22, 2019, Grantor conveyed to Grantees a certain Deed of Conservation Easement for Mitigation Banks with Third Party Beneficiary Rights to the U.S. Army Corps of Engineers, as recorded in the Official Records of DeSoto County, Florida, as Instrument No. 201914004945 (the “Original Conservation Easement”); and

WHEREAS, on or about January 25, 2022, Grantor and Grantees executed a Corrected Deed of Conservation Easement for Mitigation Banks with Third Party Beneficiary Rights to the U.S. Army Corps of Engineers (“Corrected Conservation Easement”), joined and consented to by Old Florida Ranch I, LLC (“Old Florida Ranch”), to address minor discrepancies in the legal description of the Conservation Easement Area in the Original Conservation Easement, as recorded in Official Records of DeSoto County, Florida, as Instrument No. 202214001118; and

WHEREAS, the Original Conservation Easement and Corrected Conservation Easement, including all exhibits and the defined/capitalized terms contained therein, are incorporated in this Amended Conservation Easement by reference unless specifically addressed herein; and

WHEREAS, the Grantor and Grantees desire to release approximately 1.13 acres of the property subject to the Corrected Conservation Easement and specifically prohibit livestock uses within the Conservation Easement Area; and

WHEREAS, the Grantor and Grantees intend to ratify the Original Conservation Easement and Corrected Conservation Easement other than the changes herein; and

WHEREAS, Grantees have determined that this Amended Conservation Easement will not adversely affect the overall purposes of the Original Conservation Easement and the Corrected Conservation Easement; and

WHEREAS, Old Florida Ranch joins in and consents to this Amended Conservation Easement; and

WHEREAS, subsection 704.06(4), Florida Statutes, provides that the holder of a conservation easement may release a conservation easement and so by extension the holder of a conservation easement may modify a conservation easement.

NOW, THEREFORE, in consideration of the foregoing Recitals and together with other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged by Grantor and Grantees, Grantor and Grantees mutually agree as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated herein by reference.

2. Amendment to Corrected Conservation Easement. Grantor and Grantees agree to the following amendment to the Corrected Conservation Easement:

a. Exhibit B (Legal Description of Conservation Easement Area) of the Corrected Conservation Easement is deleted in its entirety and shall be replaced by Appendix A attached hereto ("Conservation Easement Area"); and,

b. Section 3 (Prohibited Uses) of the Original Conservation Easement is hereby amended to expressly prohibit in or on the Conservation Easement Area (except as authorized or required by the Permit or any modification thereof) as follows:

i. Livestock uses such as grazing, feeding, penning, and passage, including any commercial recreational uses involving livestock such as rodeos.

3. Reaffirmation. Except as specifically set forth herein, all provisions of the Original Conservation Easement and Corrected Conservation Easement shall remain unchanged and in full force and effect.

4. Recordation. Grantor shall record this Amended Conservation Easement in a timely fashion in the Official Records of DeSoto County, Florida, and shall rerecord it at any time Grantees may require to preserve its rights. Grantor shall pay all recording costs and taxes

necessary to record this Amended Conservation Easement in the public records. Grantor will hold Grantees harmless from any recording costs or taxes necessary to record this Amended Conservation Easement in the public records.

5. Entire Agreement. This Amended Conservation Easement contains the entire agreement of Grantor and Grantees as to the amendment of the Corrected Conservation Easement to revise the legal description of the Conservation Easement Area and add the prohibition as described in Section 2.b. above. Except as modified by this Amended Conservation Easement, the Corrected Conservation Easement and Original Conservation Easement are hereby ratified and confirmed. In the event of conflict between the Corrected Conservation Easement, the Original Conservation Easement, and this Amended Conservation Easement, this Amended Conservation Easement shall control.

6. Successors. The covenants, terms, conditions, and restrictions of this Amended Conservation Easement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the property described in this Amended Conservation Easement.

[The remainder of this page is intentionally left blank]

IN WITNESS WHEREOF, EIP Florida, LLC (“Grantor”) has hereunto set its authorized hand this _____ day of _____, 2022.

EIP FLORIDA, LLC,
a Delaware Limited Liability Company

By: _____
(Signature)

Printed Name: _____

Title: _____

Signed, sealed, and delivered in our presence as witnesses:

By: _____
(Signature)

By: _____
(Signature)

Name: _____
(Print)

Name: _____
(Print)

STATE OF _____
COUNTY OF _____

On this ____ day of _____, 2022, before me, the undersigned notary public, by means of ☐ physical presence or ☐ online notarization, _____, the person who subscribed to the foregoing instrument, as the _____ (title), of EIP Florida, LLC, a limited liability company acknowledged that he/she executed the same on behalf of said limited liability company and that he/she was duly authorized to do so. He/She is personally known to me or has produced a _____ (state) driver’s license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF _____

(Signature)

(Name)

My Commission Expires: _____

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (“Grantee”) hereby acknowledges, agrees, and accepts the Amended Corrected Deed of Conservation Easement for Mitigation Banks with Third Party Beneficiary Rights to the U.S. Army Corps of Engineers hereunto this ____ day of _____, 2022.

By: _____
Kelly S. Rice, Chairman

Attest: _____
Michelle Williamson, Secretary

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2022, by Kelly S. Rice as Chairman of the Southwest Florida Water Management District, who ☐ is personally known to me or ☐ has produced _____, as identification.

(Affix notarial seal)

NOTARY PUBLIC
My commission expires:

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("Grantee") hereby acknowledges, agrees, and accepts the Amended Corrected Deed of Conservation Easement for Mitigation Banks with Third Party Beneficiary Rights to the U.S. Army Corps of Engineers hereunto this ____ day of _____, 2022.

By: _____
(Signature)

Printed Name: _____

Title: _____

Signed, sealed, and delivered in our presence as witnesses:

By: _____
(Signature)

By: _____
(Signature)

Name: _____
(Print)

Name: _____
(Print)

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2022, by _____, the ____ of the Florida Department of Environmental Protection, who ☐ is personally known to me or ☐ has produced _____, as identification.

(Affix notarial seal)

NOTARY PUBLIC
My commission expires:

EXHIBIT B

[LEGAL DESCRIPTION OF CONSERVATION EASEMENT AREA]

HORSE CREEK MITIGATION BANK LANDS

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF DESOTO, LYING IN SECTIONS 20 AND 29, TOWNSHIP 38 SOUTH, RANGE 23 EAST, BEING A PART OF THE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 238, PAGE 846 DESOTO COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20, AS DESCRIBED IN OFFICIAL RECORDS BOOK 533, PAGE 2557, SAID DESOTO COUNTY PUBLIC RECORDS; THENCE S.89°34'39"E. ALONG THE NORTH LINE OF SAID SECTION 20 AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 533, PAGE 2557 FOR 407.75 FEET; THENCE S.00°19'13"W. ALONG THE EAST LINE OF THE PARCEL AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 533, PAGE 2557 FOR 1859.04 FEET TO THE **POINT OF BEGINNING**; THENCE S.85°56'24"E. FOR 0.83 FEET; THENCE S.86°55'56"E. FOR 16.57 FEET; THENCE S.83°17'06"E. FOR 1342.96 FEET; THENCE S.83°41'44"E. FOR 17.15 FEET; THENCE S.82°54'15"E. FOR 294.43 FEET; THENCE S.02°51'29"W. FOR 15.77 FEET; THENCE S.01°51'31"E. FOR 52.88 FEET; THENCE S.11°32'31"E. FOR 16.84 FEET; THENCE S.15°47'56"E. FOR 1541.29 FEET; THENCE S.05°34'08"E. FOR 16.43 FEET; THENCE S.06°29'34"E. FOR 6.42 FEET; THENCE S.04°48'58"E. FOR 5.41 FEET; THENCE S.05°51'55"E. FOR 16.58 FEET; THENCE S.09°06'20"W. FOR 80.96 FEET; THENCE S.68°49'06"E. FOR 614.99 FEET; THENCE S.20°52'30"E. FOR 361.19 FEET; THENCE S.79°09'10"E. FOR 200.00 FEET; THENCE S.69°17'54"E. FOR 453.08 FEET; THENCE S.13°29'17"E. FOR 207.54 FEET; THENCE S.76°51'59"E. FOR 169.05 FEET; THENCE S.44°21'51"E. FOR 236.74 FEET; THENCE S.25°05'49"E. FOR 80.54 FEET; THENCE S.13°57'09"W. FOR 57.23 FEET; THENCE S.75°52'33"E. FOR 37.70 FEET; THENCE S.75°17'09"E. FOR 16.64 FEET; THENCE S.75°45'57"E. FOR 615.33 FEET; THENCE S.75°49'48"E. FOR 608.82 FEET; THENCE S.73°28'54"E. FOR 91.06 FEET; THENCE S.01°21'55"W. FOR 461.65 FEET; THENCE S.56°06'00"W. FOR 347.24 FEET; THENCE S.29°56'50"W. FOR 129.05 FEET; THENCE S.14°29'57"W. FOR 461.82 FEET; THENCE S.27°57'37"E. FOR 92.41 FEET; THENCE S.00°00'00"W. FOR 167.47 FEET; THENCE N.88°23'53"E. FOR 139.46 FEET; THENCE N.88°05'51"E. FOR 159.90 FEET; THENCE S.01°01'47"W. FOR 1312.26 FEET; THENCE N.75°28'48"W. FOR 1592.71 FEET; THENCE N.79°25'10"W. FOR 1162.75 FEET; THENCE N.71°50'27"W. FOR 65.13 FEET; THENCE N.33°14'20"W. FOR 320.43 FEET; THENCE N.52°37'22"W. FOR 929.84 FEET; THENCE N.15°21'24"E. FOR 611.67 FEET; THENCE N.71°35'39"W. FOR 1566.90 FEET TO THE EAST LINE OF THE PARCEL AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 533, PAGE 2557; THENCE N.00°37'40"E. ALONG SAID EAST LINE FOR 270.18 FEET; THENCE N.00°19'13"E. ALONG SAID EAST LINE FOR 3469.85 FEET TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE NORTH LINE OF SECTION 20, TOWNSHIP 38 SOUTH, RANGE 23 EAST AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 533, PAGE 2557, WHICH BEARS S.89°34'39"E.

LESS AND EXCEPT

A TRACT OR PARCEL OF LAND (ALSO KNOWN AS "CATTLE ACCESS EASEMENT" PARCEL) LYING WITHIN LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NO. 201514000972 OF THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, SITUATE IN SECTION 29, TOWNSHIP 38 SOUTH, RANGE 23 EAST, DESOTO COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 38 SOUTH, RANGE 23 EAST, AS DESCRIBED IN OFFICIAL RECORDS BOOK 533, PAGE 2554 OF THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA; THENCE N.00°18'01"E., ALONG THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 4,061.44 FEET; THENCE N.89°41'59"W., A DISTANCE OF 433.38 FEET TO A POINT ON THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NO. 201514000972 OF THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, ALSO BEING THE **POINT OF BEGINNING**; THENCE S.89°08'47"W., A DISTANCE OF 54.97 FEET; THENCE N.06°03'54"W., A DISTANCE OF 92.38 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 20°28'15"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 71.46 FEET; THENCE N.14°24'21"E., A DISTANCE OF 220.49 FEET; THENCE N.14°13'35"E., A DISTANCE OF 249.48 FEET; THENCE N.21°01'09"E., A DISTANCE OF 44.80 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 39°17'48"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 61.73 FEET; THENCE N.60°18'57"E., A DISTANCE OF 76.53 FEET; THENCE N.56°48'59"E., A DISTANCE OF 48.66 FEET; THENCE N.52°00'10"E., A DISTANCE OF 227.19 FEET; THENCE N.01°21'55"E., ALONG A LINE LYING 27.00 FEET WEST AND PARALLEL WITH SAID EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NO. 201514000972, A DISTANCE OF 430.08 FEET TO THE NORTHERLY LINE OF SAID LANDS; THENCE S.73°28'54"E., ALONG SAID NORTHERLY LINE, A DISTANCE OF 28.49 FEET TO THE EASTERLY LINE OF SAID LANDS; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING SIX (6) COURSES: (1) THENCE S.01°21'55"W., A DISTANCE OF 461.65 FEET; (2) THENCE S.56°06'00"W., A DISTANCE OF 347.24 FEET; (3) THENCE S.29°56'50"W., A DISTANCE OF 129.05 FEET; (4) THENCE S.14°29'57"W., A DISTANCE OF 461.82 FEET; (5) THENCE S.27°57'37"E., A DISTANCE OF 92.41 FEET; (6) THENCE S.00°00'00"E., A DISTANCE OF 35.55 FEET TO THE POINT OF BEGINNING.

JOINDER OF OLD FLORIDA RANCH I, LLC

THE UNDERSIGNED, OLD FLORIDA RANCH I, LLC, a Florida limited liability company, being the fee owner of the land described in that certain Special Warranty Deed, dated July 22, 2021, by EIP Florida, LLC, in favor of Old Florida Ranch I, LLC, as recorded on July 29, 2021, in the Official Records of DeSoto County, Florida, as Instrument No. 202114005632, hereby joins in and consents to the Amended Corrected Deed of Conservation Easement for Mitigation Banks with Third Party Beneficiary Rights to the U.S. Army Corps of Engineers that amends the Corrected Deed of Conservation Easement for Mitigation Banks with Third Party Beneficiary Rights to the U.S. Army Corps of Engineers, as recorded in Official Records of DeSoto County, Florida, as Instrument No. 202214001118.

EXECUTED as of this ____ day of _____, 2022.

OLD FLORIDA RANCH I, LLC

By: _____

(Signature)

Printed Name: _____

Title: _____

Signed, sealed, and delivered in our presence as witnesses:

By: _____

(Signature)

Printed Name: _____

By: _____

(Signature)

Printed Name: _____

STATE OF _____

COUNTY OF _____

On this ____ day of _____, 2022, before me, the undersigned notary public, by means of ☐ physical presence or ☐ online notarization, _____, the person who subscribed to the foregoing instrument, as the _____ (title), of Old Florida Ranch I, LLC, a limited liability company acknowledged that he/she executed the same on behalf of said limited liability company and that he/she was duly authorized to do so. He/She is personally known to me or has produced a _____ (state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF _____

(Signature)

(Name)

My Commission Expires: _____

CONSENT OF MORTGAGEE

THE UNDERSIGNED, FARM CREDIT OF CENTRAL FLORIDA, ACA, whose mailing address is 2301 Thonotosassa Rd., Plant City, FL 33563-1460 (“Lender”) and as agent/nominee for any party pursuant to a master agreement among it and its wholly-owned subsidiaries Farm Credit of Central Florida, FLCA and Farm Credit of Central Florida, PCA, being the mortgagee under that certain Real Estate Mortgage, Security Agreement, and Assignment of Leases, Rents, and Profits, recorded in Instrument No. 202114005634 (“Mortgage”) hereby agrees consents to the execution, delivery and recordation of (i) Amended Corrected Deed of Conservation Easement for Mitigation Banks with Third Party Beneficiary Rights to the U.S. Army Corps of Engineers (“Amended Corrected Conservation Easement”) by EIP Florida, LLC to the Florida Department of Environmental Protection and the Southwest Florida Water Management District with third party enforcement rights to the U.S. Army Corps of Engineers, and (ii) the Joinder of Old Florida Ranch I, LLC, to the Amended Corrected Conservation Easement, date on or about the date hereof. The limited consent set forth in this consent is effective solely for the purposes set forth herein and shall be limited precisely as written. The execution, delivery, and effectiveness of this consent shall not, except as expressly provided in this consent, operate as a waiver of any right, power, or remedy of Lender, nor constitute a waiver of any provision of the Mortgage or any other documents, instruments and agreements executed or delivered in connection with the foregoing.

[Signature Page Follows]

Executed as of this ____ day of _____, 2022.

FARM CREDIT OF CENTRAL FLORIDA, ACA

By: _____
(Signature)

Printed Name: _____

Title: _____

Signed, sealed, and delivered in our presence as witnesses:

By: _____
(Signature)

By: _____
(Signature)

Printed Name: _____

Printed Name: _____

STATE OF _____

COUNTY OF _____

On this ____ day of _____, 2022, before me, the undersigned notary public, by means of ☐ physical presence or ☐ online notarization, _____, the person who subscribed to the foregoing instrument, as the _____ (title), of Farm Credit of Central Florida, a Florida corporation acknowledged that he/she executed the same on behalf of said corporation and that he/she was duly authorized to do so. He/She is personally known to me or has produced a _____ (state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF _____

(Signature)

(Name)

My Commission Expires: _____

CONSENT AGENDA**May 24, 2022****General Counsel's Report: Approval of Settlement Agreement Between SWFWMD and Arthur L. Schaer Revocable Trust - Unauthorized Construction - CT No. 383658 - Pasco County**

Mr. Arthur L. Schaer is trustee of the Arthur L. Schaer Revocable Trust, which holds title to real property located at 2825 Hunt Road in Land O' Lakes, Florida (Property). District staff first inspected the Property on April 25, 2016, and identified several improvements that had been constructed without an Environmental Resource Permit (ERP). These improvements, which had constructed between 1999 and 2004, included several pole barns, an impervious parking area, and the placement of fill material within 1.55 acres of a freshwater forested wetland. The placement of the fill material within the wetland constitutes adverse impacts, and correlates to a functional loss of 0.38 units pursuant to the Uniform Mitigation Assessment Method of Chapter 62-345, Florida Administrative Code (F.A.C.).

On May 4, 2016, District staff issued a Notice of Unauthorized Activities to Mr. Schaer regarding the aforementioned violations. Mr. Schaer agreed to submit an ERP application requesting authorization to construct and operate a surface water management system on the Property and to address the adverse impacts to the wetland. Between May 2016 and October 2019, District staff gave Mr. Schaer several extensions of time to submit an ERP application. Ultimately, the matter was forwarded to the Office of General Counsel for further assistance. Mr. Schaer eventually agreed to enter into a Consent Order with the District, which was approved by the District's Governing Board on March 2, 2021. Pursuant to the Consent Order, Mr. Schaer was required to submit an ERP application within sixty (60) days, promptly respond to any Requests for Additional Information (RAI) from District staff, pay penalties and enforcement costs, and obtain an ERP from the District within six months.

On April 29, 2021, Mr. Schaer submitted ERP Application Number 824155 (ERP Application) to the District, but subsequently failed to timely request extensions or respond to the District's RAI issued on May 28, 2021. Mr. Schaer also failed to pay any penalties or enforcements costs to the District. To enforce the terms of the Consent Order, the District filed a Petition for Enforcement and Complaint for Civil Remedies in circuit court on February 14, 2022. To resolve the outstanding litigation, Mr. Schaer has agreed to pay the District \$15,000.00 in penalties. In reaching this resolution with Mr. Schaer, District staff took into consideration the fact that Mr. Schaer obtained, at considerable cost, 0.38 freshwater forested wetland credits from Bullfrog Creek Mitigation Bank to offset the wetland impacts on the Property. The ERP Application is currently under review and pending approval by District staff.

Staff Recommendation:

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

Presenter:

Jennifer Soberal, Staff Attorney

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into by and between the Southwest Florida Water Management District (“District”) and Arthur L. Schaer (“Mr. Schaer”) as Trustee of the Arthur L. Schaer Revocable Trust Agreement dated June 10, 1993. The District and Mr. Schaer may be referred to herein as “Party” and collectively as “the Parties.”

RECITALS

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographical boundaries, and to administer and enforce Chapter 373, Florida Statutes (“Fla. Stat.”), and the rules promulgated thereunder as Chapter 62-330, Florida Administrative Code (“F.A.C.”).

2. Mr. Schaer is the owner of real property located at 2825 Hunt Road in Land O’ Lakes, Florida, and further identified by the Pasco County Property Appraiser as Parcel Identification Number 26-26-18-0000-00100-0000 (“the Property”).

3. On April 25, 2016, District staff inspected the Property and determined that several improvements had been constructed on the Property between 1999 and 2004 without prior authorization from the District in the form of an environmental resource permit (“ERP”).

4. The unauthorized improvements on the Property include the construction of several pole barns covering 0.23 acres of the Property, the placement of 0.75 acres of impervious material for heavy equipment parking and storage, and the placement of fill material within 1.55 acres of a freshwater forested wetland.

5. The placement of fill material within the wetland constitutes adverse impacts to the wetland, and correlates to a functional loss of 0.38 units pursuant to the Uniform Mitigation Assessment Method (“UMAM”) of Chapter 62-345, F.A.C.

6. District staff issued a Notice of Unauthorized Activities to Mr. Schaer on May 4, 2016. Following this initial notice, Mr. Schaer informed District staff that he would submit an ERP application to the District requesting authorization to construct and operate a surface water management system at the Property and to address the adverse impacts to the wetland.

7. On August 1, 2016, District staff granted a time extension for the ERP application to be submitted; however, Mr. Schaer did not submit an ERP application at that time.

8. Two Final Notices of Unauthorized Activities regarding the unauthorized construction were issued to Mr. Schaer on December 30, 2016, and May 21, 2019, respectively.

9. The District and Mr. Schaer met on June 26, 2019, to again discuss the requirements for submittal of an ERP application.

10. The District issued a final correspondence to Schaer on October 29, 2019, requiring Mr. Schaer to submit an ERP application within thirty (30) days to bring the site into compliance with Florida Statutes Chapter 373, Part IV and Chapter 62-330 of the Florida Administrative Code.

11. Mr. Schaer did not subsequently submit an ERP application within the thirty (30) days, as set out in the October 29, 2019, correspondence.

12. Based upon the authority granted under § 373.119, Fla. Stat., the District issued a proposed Consent Order to Mr. Schaer to resolve the outstanding violations at the Property.

13. The Consent Order was agreed to and executed by Mr. Schaer, and the fully rendered Consent Order (“Consent Order”) was issued on March 2, 2021.

14. Pursuant to the terms of the Consent Order, Mr. Schaer was required to: (1) comply with and respond to all requests for additional information or clarification relating to the ERP application within sixty (60) days of receiving such request from the District; and (2) obtain

District approval of an ERP within one hundred eighty (180) days of submitting the ERP application (on or before October 26, 2021).

15. The Consent Order further provided that the District would waive the penalty of \$29,250.00 if Mr. Schaer completed all of the required corrective actions within the timeframes outlined in the Consent Order.

16. Additionally, if Mr. Schaer failed to timely complete any corrective action, Mr. Schaer would be required to pay to the District \$29,250.00 upon the District's written demand for such.

17. In compliance with the Consent Order, Mr. Schaer submitted ERP Application Number 824155 ("ERP Application") to the District on April 29, 2021.

18. On May 28, 2021, the District issued its first Request for Additional Information ("RAI") regarding the ERP Application.

19. On September 10, 2021, Mr. Schaer, through his engineering consultant, requested from the District a time extension to respond to the RAI. Although the request was untimely under the terms of the Consent Order, the District granted the extension request on September 14, 2021.

20. On December 6, 2021, Mr. Schaer's engineering consultant requested from the District a second time extension to respond to the RAI. Although this request was also untimely under the terms of the Consent Order, the District granted a second time extension on December 10, 2021.

21. On December 13, 2021, the District issued to Mr. Schaer a written Demand for Payment of the stipulated penalties, including late fees, for his failure to comply with the terms of the Consent Order as detailed in paragraph 14 herein.

22. On December 15 and 16, 2021, and January 4, 2022, Mr. Schaer discussed the breach of the Consent Order with the District's Office of General Counsel.

23. On January 6, 2022, Mr. Schaer's engineering consultant submitted to the District a response to the RAI issued May 28, 2021.

24. Mr. Schaer failed to pay the District any stipulated penalties pursuant to the terms of the Consent Order.

25. To enforce the terms of the Consent Order, the District filed a Petition for Enforcement and Complaint for Civil Remedies in Pasco County circuit court on February 14, 2022.

26. On April 4, 2022, Mr. Schaer, through his counsel, filed an Answer and Affirmative Defenses.

27. On April 20, 2022, the District authorized the withdrawal of 0.38 freshwater forested wetland credits from Bullfrog Creek Mitigation Bank, LLC, to offset wetland impacts on the Property at the request of Mr. Schaer.

28. As of the date of this Agreement, the ERP Application relating to the Property is under review and pending approval by the District.

TERMS OF SETTLEMENT AGREEMENT

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

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

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

31. The District agrees that the outstanding violations outlined herein will be resolved by a payment by Mr. Schaer of Fifteen Thousand Dollars (\$15,000.00), which shall be paid in full within thirty (30) days of the approval of this Agreement by the District's Governing Board. If mailed, the address for payment is:

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

32. The District shall file with the Pasco County Clerk of Court a Notice of Voluntary Dismissal with Prejudice of Circuit Court Case Number 2022-CA-000399 within five (5) days of receipt of the payment described in Paragraph 31 herein and the ERP Application is approved by the District, whichever occurs last. Each Party shall bear its own costs, including attorneys' fees, incurred in connection with Pasco County Circuit Court Case Number 2022-CA-000399 and the development of this Agreement.

33. Mr. Schaer may apply to the District for an extension of the time limits contained in this Agreement. A request for an extension of time must be made in writing and submitted to the Office of General Counsel no later than five (5) days prior to the expiration of such time limit. Only the Office of General Counsel may approve a request for an extension of time for good cause shown. Any purposed approval of an extension of time that does not have the prior authorization

of the Office of General Counsel will not constitute compliance with this provision of the Agreement.

34. For each day of delay beyond the due dates specified in this Agreement, Mr. Schaer shall pay to the District an additional sum of One Hundred Dollars (\$100.00) per day. This additional sum shall be paid by Mr. Schaer upon the District's mailing of a demand letter for payment. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

35. Entry of this Agreement shall not relieve Mr. Schaer of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

36. The terms and conditions set forth in this Agreement may be enforced in a court of competent jurisdiction.

37. Mr. Schaer hereby waives any right to an administrative hearing or judicial review of terms of this Agreement.

38. The District hereby expressly reserves and retains the right to initiate appropriate legal action against Mr. Schaer to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Agreement.

39. For and in consideration of the complete and timely performance by Mr. Schaer of the obligations under this Agreement, the District waives its right to pursue civil or administrative action for any violation described in this Agreement. In the event that Mr. Schaer fails to completely and timely perform the obligations under this Agreement, the District retains the right to pursue civil or administrative action for any violations described herein.

40. No modifications of the terms of this Agreement shall be effective until reduced to writing and executed by all the Parties.

WHEREFORE, the Southwest Florida Water Management District and Arthur L. Schaer as Trustee of the Arthur L. Schaer Revocable Trust have executed this Settlement Agreement on the date and year set forth with their signatures below.

The Arthur L. Schaer Revocable Trust

Signature

Printed Name

Date

Approved by the Governing Board of the Southwest Florida Water Management District
this _____ day of _____, 2022.

By: _____
Kelly S. Rice, Chair

Approved as to Legal Form and
Content

Jennifer A. Soberal, Esq.
Staff Attorney

Filed this _____ day of
_____, 2022.

Deputy Agency Clerk

THE ARTHUR L. SCHAER REVOCABLE TRUST
CT NO. 383658 – PASCO COUNTY, FLORIDA

CONSENT AGENDA

May 24, 2022

Executive Director's Report: Approve Governing Board Minutes - April 26, 2022

Staff Recommendation:

Approve minutes as presented.

Presenter:

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



**GOVERNING BOARD MEETING
TUESDAY, APRIL 26, 2022 - 9:00 AM
2379 BROAD STREET, BROOKSVILLE, FLORIDA 34604
(352) 796-7211**

MINUTES

Board Members Present

Kelly Rice, Chair
Joel Schleicher, Vice Chair
Ed Armstrong, Treasurer
Michelle Williamson, Secretary
Jack Bispham, Member
Seth Weightman, Member*
John Mitten, Member
Ashley Bell Barnett, Member
William Hogarth, Member*
John E. Hall, Member

*attended via electronic media

Staff Members

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

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lauren Vossler, Administrative Coordinator

1. Convene Public Meeting

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., April 26, 2022, at the Brooksville Office, 2379 Broad Street, Brooksville, Florida 34604.

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

1.1 Call to Order

Chair Rice called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Rice stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should complete and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, members of the public may submit a Request to Speak card to comment on agenda items only during the meeting. If someone wishes to address the Board on an issue not on the agenda, a Request to Speak card may be submitted for comment during "Public Input." Chair Rice stated that comments would be limited to three minutes per speaker, and when appropriate, exceptions to

the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same topic designate a spokesperson.

Chair Rice introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

1.2 Invocation and Pledge of Allegiance

Vice Chair Joel Schleicher led the invocation and the Pledge of Allegiance.

1.3 Employee Recognition

Chair Rice recognized staff who have reached at least 20 years of service. Nam Nguyen and Steve Clardy were recognized.

1.4 Additions/Deletions to Agenda

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

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

Finance/Outreach and Planning Committee

2.4 FY2022 Budget Amendment – State Appropriations for Springs Restoration

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddes, spoke regarding aquifer concerns related to algae in Wall Springs.

Mr. Dan Hilliard, Withlacoochee Aquatic Restoration President, spoke regarding the possible remediation of the Withlacoochee River.

Consent Agenda

Finance/Outreach and Planning Committee

2.1 Springs Protection Awareness Month Resolution

Staff recommended the Board approve and execute Resolution No. 22-07 declaring April 2022 as "Springs Protection Awareness Month."

2.2 Water Reuse Week Resolution

Staff recommended the Board approve and execute Resolution No. 22-09 declaring May 15-21, 2022, as "Water Reuse Week."

2.3 Resolution No. 22-03, Commending Rebecca Smith for Her Service as a Member of the Southwest Florida Water Management District Governing Board

Staff recommended the Board approve Resolution No. 22-03 commending Rebecca Smith for her service as a member of the Southwest Florida Water Management District Governing Board.

~~2.4 FY2022 Budget Amendment – State Appropriations for Springs Restoration~~

~~Staff recommended the Board:~~

- ~~a. Approve to apply 2018 and 2021 state appropriations from the LATF for Springs Restoration to projects W432, WH06, and WR11.~~
- ~~b. Approve Resolution No. 22-08 First Amendment of the Fiscal Year 2022 Annual Service Budget for the inclusion of 2018 and 2021 state appropriations, as well as District fund balance, for the selected projects in the amount of \$4,034,697.~~

2.5 District Tractor Replacement

Staff recommended the Board:

- Approve cancelation of the purchase for replacements of units 2100 and 2077, allowing the units to be budgeted for replacement in FY2024.
- Approve repurposing funds for units 2100 and 2077 to replace unit 2092 at a cost not to exceed \$120,000.

Resource Management Committee

2.6 Recommend FY2023 Springs Projects for FDEP Funding Consideration

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

2.7 Approve the Nichols Pond Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Sumter County (P283)

Staff recommended the Board approve use of the Nichols Pond Watershed Management Plan floodplain information for best information available by the District ERP program and to update Flood Insurance Rate Maps in Sumter County.

2.8 FARMS – Budget Transfer for the Mini-FARMS Program (H529)

Staff recommended the Board authorize the transfer of \$150,000 from fund 010 H017 Governing Board FARMS Fund to the H529 Mini-FARMS Program fund.

Operations, Lands and Resource Monitoring Committee

2.9 Acceptance of Access Easement from Heron's Cove HOA for Access to ROMP-10 Well, SWF Parcel No. 20-020-178

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

2.10 Donation of Utility Easement to TECO – Tampa Bypass Canal, SWF Parcel No. 13-001-752X

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

Regulation Committee

2.11 Water Use Permit No. 20007670.008 - 734 LMC Groves / 734 LMC Groves, LLC. - Polk County

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

General Counsel's Report

2.12 Knowledge Management: Governing Board Policy Update - District Legal Services

Staff recommended the Board approve the proposed changes to the Policy.

2.13 Authorization to Issue Administrative Complaint and Order - Well Construction Violations - Derek Langley, Langley Well Drilling and Pump Service, LLC - Unlicensed - CT Number 418074 - Citrus County

Staff recommended the Board:

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

2.14 Memorandum of Agreement Between the Southwest Florida Water Management District, the St. Johns River Water Management District, and the South Florida Water Management District - Coordinated Review of Permits Within Central Florida Water Initiative Area

Staff recommended the Board approve the MOA providing for coordinated review of permits within the CFWI Area.

2.15 Interagency Agreement Between SJRWMD and SWFWMD - Designation of Regulatory Responsibility to Southwest Florida Water Management District - The Villages - Sumter and Lake Counties

Staff recommended the Board approve the Interagency Agreement designating regulatory responsibility for the Property to the Southwest Florida Water Management District.

2.16 Governing Board Concurrence - Authorization to Intervene in Rule Challenge Administrative Hearing - Jacaranda at Central Park Master Association, Inc. v. South Florida Water Management District - Division of Administrative Hearings Case No. 22-0849RX

Staff recommended the Board concur with the approval to intervene in DOAH Case No. 22-0849RX and authorize the Office of General Counsel to defend the District's interests as needed.

Executive Director's Report

2.17 Approve Governing Board Minutes - March 22, 2022

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (00:14:27)

Finance/Outreach and Planning Committee

Treasurer Ed Armstrong called the Committee to order. (Audio - 00:15:02)

3.1 Consent Item(s) Moved to Discussion

2.4 FY2022 Budget Amendment – State Appropriations for Springs Restoration

Mr. Jay Hoecker, Water Resources Bureau Chief, presented information regarding the budget amendment to include projects that were selected by the Florida Department of Protection to receive FY2022 Springs funding. He outlined the financial information and provided an overview of projects that were being requested for funding.

Staff recommended the Board:

1. Approve to apply 2018 and 2021 state appropriations from the LATF for Springs Restoration to projects W432, WH06, and WR11.
2. Approve Resolution No. 22-08 First Amendment of the Fiscal Year 2022 Annual Service Budget for the inclusion of 2018 and 2021 state appropriations, as well as District fund balance, for the selected projects in the amount of \$4,034,697.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:24:16)

3.2 Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, presented current information that included Gross Domestic Product (GDP), inflation, the housing market, and interest rates. Mr. Grady provided an overview of the District's portfolio strategy for the last quarter (January 1- March 31, 2022). Mr. Grady responded to questions.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended March 31, 2022.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:45:16)

3.3 Salary Requests to Address Inflation, Staff Recruitment and Retention

Mr. Michael Molligan, Employee, Outreach and General Services Division Director, stated the State Legislature recently approved a budget which included non-performance related salary increases of 5.8 percent to state employees. While District staff are not directly affected by this legislation because they are not state workers, they are similarly impacted by the effects of this inflation. Mr. Molligan outlined information in support of this request to provide a 5.38 percent inflation adjustment for District staff. He explained the proposed increase is consistent with the proposed state inflation adjustment. Mr. Molligan outlined the benefits associated with this request. He stated the inflation adjustment requested by the Legislature still requires approval from the Governor before it can go into effect for the state budget year beginning on July 1. This proposed salary adjustment for District staff would be contingent on the Governor's approval for state staff.

Mr. Molligan stated that in addition to an inflation adjustment, staff is also proposing a change to how merit-based increases are budgeted starting in FY2023. He provided information in support of this request and an overview of the proposed changes.

Ms. Andrea Shamblin, Budget Manager, clarified that the identified costs associated with the proposed 5.38 percent increase does include the Florida Retirement System and federal income taxes.

Staff recommended the Board:

1. Contingent on the Governor's approval of the Legislature's budget, approve the use of available FY2022 salary dollars to provide a 5.38 percent increase for every District employee.
2. Change the amount budgeted for merit increases in the FY2023 budget from a fixed amount of \$1 million to 3 percent of the total salary budget.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:03:45)

3.4 Budget Transfer Report

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

3.5 Office of Inspector General – January 1, 2022, to March 31, 2022, Quarterly Update

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

Resource Management Committee

Board Member Jack Bispham called the Committee to order. (Audio – 01:05:00)

4.1 Consent Item(s) Moved to Discussion - None

4.2 Polk Regional Water Cooperative Southeast Wellfield Project – Third Party Review of Preliminary Design (N905)

Mr. Jay Hoecker, Water Resources Bureau Chief, presented an overview of project N905 and the results of the third-party review. Mr. Hoecker provided background information related to the Polk Regional Water Cooperative (PRWC).

Mr. Chris Tumminia, General Counsel, updated the Board regarding concerns the District had with the PRWC implementation agreements. He explained the agreements were revised and addressed the District's concerns. He provided an overview of these changes.

Staff recommended the Board:

1. Authorize continuation of the final design, permitting, and construction of the Southeast Wellfield LFA Water Production Facility (Q184) project with a total project cost of \$228,630,000 and the District's share up to \$110,940,000.
2. Authorize continuation of the final design, permitting, and construction of the Southeast Regional Transmission System (Q216) project with a total project cost of \$156,976,000 and the District's share up to \$76,013,000.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:33:25)

4.3 Polk Regional Water Cooperative West Polk Wellfield Project – Third Party Review of Preliminary Design (N882)

Mr. Hoecker, Water Resources Bureau Chief, presented an overview of project M882 and the results of the third-party review.

Discussion from Item 4.2 included information related to this item.

Staff recommended the Board authorize continuation of the final design, permitting, and construction of the West Polk Wellfield Facility (Q308) project with a total project cost of \$214,104,000 and the District's share up to \$107,052,000.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:38:12)

4.4 Dona Bay Surface Water Storage Facility Phase 2 - Third Party Review (N786)

Mr. Randy Smith, PMP., Natural Systems & Restoration Bureau Chief, presented an overview of project N786, results of the third-party review, resource benefits, costs associated and staff evaluation information. He provided some history on the construction of Cow Pen Slough Canal in the late 1960s and how that has had negative impacts on Donna Bay by increasing the Donna Bay watershed by more than 37,000 acres. He stated that this has increased nutrient loads, sedimentation and freshwater volumes to Donna Bay which has negatively affected water quality and the natural salinity regimes in the estuary. He explained how this project and the previous phase are addressing these issues. He provided information on the cost increase since the

project was originally approved by the Governing Board and that the County was not seeking any additional funding from the District to cover the cost increase.

Staff recommended the Board authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$11,828,568, which includes the current construction low bid and the cost of the TPR, with the District's share to remain \$4,000,000 for the TPR and construction of the Dona Bay Surface Water Storage Facility Phase 2 Project (N786).

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:47.46)

Operations, Lands and Resource Monitoring Committee

Board Member Jack Bispham called the Committee to order. (Audio – 01:48:32)

5.1 Consent Item(s) Moved to Discussion - None

5.2 Hydrologic Conditions Report

Ms. Tamera McBride, P.G., Hydrologic Data Manager, presented an overview of the current hydrologic conditions. She stated that most of the District experienced normal to above normal rainfall for the months of March and April. Drier conditions occurred in the southern parts of the District. Groundwater levels remained above normal for northern counties and in the normal range for central and southern counties. Lake levels remained above normal for the northern lakes, normal for Tampa Bay and Polk Upland Lakes, and below normal for the Lake Wales Ridge Lakes. The Withlacoochee, Hillsborough, Alafia, and Peace rivers all reported normal conditions. The Hillsborough Reservoir remains full. The Bill Young Reservoir and the Peace River Reservoirs remain at healthy levels and should provide adequate resources for the dry season. La Niña conditions are predicted to continue through fall.

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

5.3 Sale of Property to City of Dunedin – Jerry Lake, SWF Parcel 16-296-107S

Ms. Ellen Morrison, Land Resources Bureau Chief, presented information that included location maps, property acquisition information, and terms of the offer to purchase. The Dunedin City Commission has approved the proposed purchase.

Staff recommended the Board:

- Accept the offer of \$495,000.
- Approve the Contract for Sale and Purchase of Jerry Lake Parcel No. 16-296-107S and authorize the Executive Director to sign on the behalf of the District.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 02:05:50)

Regulation Committee

Vice Chair Joel Schleicher called the Committee to order. (Audio – 02:06:35)

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

No denials were presented.

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion

Mr. Chris Tumminia, General Counsel, provided information regarding Item 2.16 that was approved under the Consent Agenda. He stated that the Board has authorized staff to intervene in an on-going rule challenge to side slopes on wet or dry stormwater ponds. He explained that the outcome of the Administrative Hearing, Jacaranda at Central Park Master Association, Inc. v. South Florida Water Management District, will impact this District's Environmental Resource Permitting rules, as well as standard operating procedures for processing permits. Mr. Tumminia stated he will keep the Board apprised.

Committee/Liaison Reports

8.1 Agricultural and Green Industry Advisory Committee

Secretary Michelle Williamson provide an updated for the March 8 meeting. Secretary Williamson stated that Dr. Mary Lusk, from the University of Florida Institute of Food and Agricultural Sciences, provided a presentation on nutrient reduction associated with urban landscapes. A written summary was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, thanked the State Legislature and the Governor for the \$3.3 million dollars in funding that was provided for the springs.

Mr. Armstrong thanked the Board for the approval of the 5.38 percent funding to address inflation for staff.

Mr. Armstrong recognized the Board for its willingness to avoid a litigious approach to ensure the preservation of resources while making sure that alternative water sources are available to support future economic growth.

Chair's Report

10.1 Chair's Report

Chair Rice stated the next meeting is scheduled for Tuesday, May 24 at 9:00 a.m., in the Tampa office.

10.2 Employee Milestones

Chair Rice recognized the following employee for their milestones: Ms. Leigh Rogers and Mr. Keith Hilburn.

Adjournment

The meeting adjourned at 11:15 a.m.

Governing Board Meeting
May 24, 2022

3. RECOGNITION OF FORMER GOVERNING BOARD MEMBERS

3.1	Recognition of Former Governing Board Member Rebecca Smith	106
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RECOGNITION OF FORMER GOVERNING BOARD MEMBER

May 24, 2022

Recognition of Former Governing Board Member Rebecca Smith

To honor Ms. Rebecca Smith for her term as Governing Board member, District staff will present a resolution and plaque to commemorate her service. Ms. Smith was appointed by Governor Rick Scott in May 2017 and served until August 2021.

Presenter:

Virginia Singer, Board and Executive Services Manager

Governing Board Meeting

May 24, 2022

4. FINANCE/OUTREACH AND PLANNING COMMITTEE

4.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	107
4.2	Discussion: Action Item: Fiscal Year 2020-21 Annual Comprehensive Financial Report.....	108
4.3	Discussion: Information Item: Overview of Independent Auditing Services Selection Process.....	109
4.4	Submit & File: Information Item: Budget Transfer Report	110

FINANCE/OUTREACH AND PLANNING COMMITTEE

May 24, 2022

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

Staff Recommendation:

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

Presenter:

Michael Molligan, Division Director, Employee Outreach and General Services

FINANCE/OUTREACH AND PLANNING COMMITTEE

May 24, 2022

Discussion: Action Item: Fiscal Year 2020-21 Annual Comprehensive Financial Report

Purpose

Presentation of the District's Annual Comprehensive Financial Report for fiscal year ended September 30, 2021, by the District's financial auditors, James Moore & Co., P.L., for acceptance by the Governing Board.

Background

The District is required by Section 218.39, Florida Statutes, to have an annual financial audit of its accounts and records performed by an independent certified public accountant, licensed in the State of Florida, and made in accordance with generally accepted auditing standards, Florida Statutes, and Rules of the Auditor General promulgated pursuant to Section 11.45.

The Annual Comprehensive Financial Report, including a Single Audit pursuant to audit requirements of Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2021, will be distributed prior to the meeting. James Moore & Co., P.L. representatives will attend the meeting to communicate to the Board certain matters related to the conduct of the audit as required by auditing standards. A brief presentation of the report, management letter and independent accountants' report will also be made by James Moore & Company.

Staff Recommendation:

Accept and place on file the District's Annual Comprehensive Financial Report, including a Single Audit pursuant to Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2021.

Presenter:

James Halleran, James Moore & Co., P.L.

FINANCE/OUTREACH AND PLANNING COMMITTEE

May 24, 2022

Discussion: Information Item: Overview of Independent Auditing Services Selection Process

Background

Section 218.39, Florida Statutes (F.S.), requires each local governmental entity to have an independent annual financial audit of its accounts and records within nine months of fiscal year-end. Section 218.391, F.S., provides the legal requirements for procuring the independent auditor. The District is in its final renewal year of its current independent audit services contract.

Discussion

The Governing Board Chairman selected the members of the Ad Hoc Audit Services Selection Committee (Committee) in accordance with the Board's Governing Board Committee Responsibilities Policy. Committee meetings will be subject to Sunshine Laws.

The purpose of the Committee is to assist the Governing Board in selecting an independent auditor to perform the annual financial audit of the District's accounts and records for fiscal year 2022, and any contract renewal periods approved by the Board. The Committee met on May 9, 2022 during a properly noticed public meeting and approved the Evaluation Factors to be used in the selection process and directed staff to publicly announce the Request for Proposals (RFP). The RFP was posted on May 11, 2022.

Below is a listing of future actions for this procurement:

June 2, 2022 – Public opening of responses

June 7, 2022 – Committee process kick-off meeting

June 21, 2022 – Committee evaluation meeting

July 26, 2022 – Governing Board to consider Committee's recommendations for respondent ranking, negotiation method and designee for negotiation

August 23, 2022 – Governing Board to consider approval of contract for service

Staff Recommendation:

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

Presenter:

Amanda Rice, P.E., Assistant Executive Director

FINANCE/OUTREACH AND PLANNING COMMITTEE

May 24, 2022

Submit & File: Information Item: Budget Transfer Report

Purpose

Provide the Budget Transfer Report covering all budget transfers made during the month of April 2022.

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are presented to the Finance/Outreach & Planning Committee of the Governing Board as a Submit and File Report at the next regular scheduled meeting. The exhibit for this item reflects all such transfers executed during the month of April 2022.

Staff Recommendation:

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

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
April 2022

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount	
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category				
<u>Change from Original Budget Intent</u>						
1	Information Technology Cloud Software Usage Fees Other Contractual Services	Information Technology Cloud Software Usage Fees	Transfer of funds originally budgeted for cloud and implementation services to replace workspaces within the Information Technology (IT) Service Desk system that is scheduled to be retired. These funds are no longer required due to staff identifying the majority of the needs can be fulfilled with other existing licensed software utilized by the District. Funds are needed to purchase Microsoft Teams Voice software-as-a-service (SaaS) with the upgrade to Microsoft M365 E5. Extending Microsoft Teams to enable Teams Voice replaces the current phone system, which is at its end-of-life, with a system that is easily extendable, easier to manage, and facilitates a mobile and remote workforce.	\$	62,703.00	
2	Land Resources Other Contractual Services	Land Resources Equipment - Outside	Transfer of funds originally budgeted to conduct a technology needs assessment to evaluate the current capabilities, risks, and technology-related needs of the Land Resources Bureau. These funds are no longer required due to the assessment being completed for less than originally anticipated. Funds are needed for a new remotely-triggered hog trap for the District's feral hog control program. These invasive species cost the District a significant amount of time and money to mitigate for their impacts to conservation lands and District projects. The remotely-triggered traps do not require daily monitoring by staff, creating an efficiency by allowing them to conduct other land management responsibilities.		5,500.00	
Total Change from Original Budget Intent					\$	68,203.00
<u>Consistent with Original Budget Intent</u>						
1	Procurement Operating Expenses	Procurement Operating Expenses	Funds are needed for the original purpose budgeted for various operating expense accounts in support of the Procurement Office. The funds are being transferred to a new unit code for tracking purposes within the financial system.	\$	32,578.12	
Total Consistent with Original Budget Intent					\$	32,578.12
Total Amount Transferred					\$	100,781.12

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director, or designee, or the Finance Bureau Chief consistent with Budget Authority Transfer of Funds Board Policy, and are presented to the Governing Board as a Submit and File Report. This Board Policy limits transfers made for a purpose other than the original budget intent to \$75,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.

Governing Board Meeting

May 24, 2022

5. RESOURCE MANAGEMENT COMMITTEE

5.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	112
5.2	Discussion: Action Item: Fiscal Year 2023 Cooperative Funding Update.....	113
5.3	Submit & File: Information Item: Existing Validated and New Proposed Wetland-Based Criteria for Minimum Wetland and Lake Level Development and an Update on the Ongoing Peer Review of the Criteria	116

RESOURCE MANAGEMENT COMMITTEE

May 24, 2022

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

Staff Recommendation:

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

Presenter:

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

RESOURCE MANAGEMENT COMMITTEE**May 24, 2022****Discussion: Action Item: Fiscal Year 2023 Cooperative Funding Update***Purpose*

To provide the Board an update on fiscal year (FY) 2023 Cooperative Funding projects that have been recommended by all four Regional Subcommittees, review 7 projects the Regional Subcommittees recommended for presentations, review any revised project evaluations, and to review the remaining Cooperative Funding process and timeline.

Background

The Cooperative Funding Initiative application deadline was Friday, October 1, 2021, and 94 applications were initially received. Staff evaluated all 94 applications totaling \$93 million in District funding requests. Eight Regional Subcommittee meetings have been completed to review these projects.

During the first round of Subcommittee meetings held in February, staff presented preliminary project evaluations and rankings. Additional information requested by Subcommittee members during these first meetings was provided during the second round of Subcommittee meetings held in April. In addition, staff presented the final project rankings and recommendations. At the April Subcommittee meetings, staff also discussed the substantial State and Federal funding available for flood protection projects and encouraged cooperators to apply for the funding.

Discussion

A compilation of evaluations for the projects recommended by all four Regional Subcommittees has been developed and has been provided to the Governing Board. This has been done to allow Board members an opportunity to review projects approved by the other Subcommittees prior to the presentation of the FY2023 Recommended Annual Service Budget (RASB) in June. At the Heartland Subcommittee meeting, full Board presentations were requested of Polk Regional Water Cooperative (PRWC) projects: Q184 – Southeast Wellfield Implementation, Q216 – Regional Transmission Southeast Phase 1, Q308 – West Polk Wellfield, and Q309 – Test Production Well #2 West Polk Wellfield. Additionally, the Tampa Bay Subcommittee requested full Board presentations of the Q241 – TBW Southern Hillsborough County Transmission Expansion project and City of Tampa's Q327– Upper Peninsula Stormwater Improvements - East Region and Q190 – Lower Peninsula Stormwater Improvements - Southeast Region projects. Staff will provide an overview of these seven projects as a part of this presentation. A summary of the District's share of the Subcommittee funding recommendations is listed below.

Planning Region	Recommended FY2023 Funding	Recommended Future Funding	Not Recommended FY2023 Funding
Northern	\$4.4M (13)	\$2.3M (4)	\$0.1M (1)
Tampa Bay	\$23.8M (32)	\$176.2M (11)	\$2.7M (3)
Heartland	\$9.6M (9)	\$284.4M (5)	\$12.1M (3)
Southern	\$15.7M (18)	\$61.9M (9)	\$3.3M (2)
Total District Share	\$53.6M (72)	\$524.8M (29)	\$18.2M (9)

Within the Subcommittees' recommended projects are two Springs Initiative projects pending Florida Department of Environmental Protection (FDEP) approval. These projects, WH06 – Springs – Citrus County Old Homosassa Downtown North Septic to Sewer and WH07 – Springs – Citrus County Old Homosassa Park Septic to Sewer, are in the Northern Region and account for \$2,976,250 of the District's FY2023 share in the table above. Since FDEP approval is not expected before the June Governing Board meeting, the projects will be excluded from the CFI budget.

Staff requests the funding for the four PRWC projects presented (Q184, Q216, Q308 and Q309) be provided by transferring the funds in the current year from the H094 – Polk Partnership funds previously budgeted. Since FY2015, \$60 million has been budgeted per Resolutions 15-07 and 18-06, and approximately \$41.8 million remains available for Board approved regional alternative water supply (AWS) projects. These projects are in the Heartland Region recommended projects and account for \$8,090,782 of the District's share in the table above. If these projects are approved by the Governing Board along with the budget transfer, these projects will be excluded from the RASB.

In addition, the recommended projects where the District serves as the lead party will include an additional \$2,212,125 in the RASB as outside revenue.

Finally, staff recommends that funding for three new flood protection implementation projects, Q321 – Double Hammock Creek Watershed BMPs 1 & 5 Flood Abatement, Q327 – Upper Peninsula Stormwater Improvements – East Region, and Q328 – Hudson Avenue Regional Flood Abatement, are not included in the FY23 budget. The total cost for these three projects is estimated at \$57,557,384. Cooperators are encouraged to take advantage of the State and Federal funding available for these flood protection projects. The District did not receive any additional funding requests for new flood protection implementation projects for FY23.

The following is a table summarizing these changes.

	FY2023 District Funding
Subcommittee Recommended Projects	\$53,566,182
Springs projects pending FDEP Approval	-\$2,976,250
PRWC Polk Partnership funds	-\$8,090,782
Outside Revenue (Type 4)	\$2,212,125
Three new flood protection projects (not recommended)	-\$757,716*
RASB Total	\$43,953,559

*Note: Future District funding request for the three new flood projection projects is estimated at \$28,020,976

With the changes noted above, the total funding recommendation to be included in the RASB is \$43,953,559. The following table is a summary of the Subcommittee recommendations with the recommended staff changes.

Planning Region	RASB FY2023 Funding	Recommended Future Funding	Not Recommended FY2023 Funding
Northern	\$2.1M (11)	\$2.2M (2)	\$0.1M (1)
Tampa Bay	\$23.1M (29)	\$148.2M (8)	\$3.5M (6)
Heartland	\$1.6M (5)	\$284.4M (5)*	\$12.1M (3)
Southern	\$17.1M (18)	\$64.1M (9)	\$3.3M (2)
Total District Share	\$44.0M (63)	\$498.9M (24)	\$18.9M (12)

*Note: Heartland Future Funding includes the four PRWC projects (Q184, Q216, Q308 and Q309)

Staff Recommendation:

1. Approve budget transfer from H094 Polk Partnership for a total amount of \$8,090,782 to:
 - a. Q184 - Brackish - Polk Regional Water Cooperative Southeast Wellfield Implementation for \$2,359,987, and
 - b. Q216 - Interconnects - Polk Regional Water Cooperative Regional Transmission Southeast Phase 1 for \$3,438,487.
 - c. Q308 - Brackish - Polk Regional Water Cooperative West Polk Wellfield for \$1,064,308.
 - d. Q309 - Brackish - Polk Regional Water Cooperative Test Production Well #2 West Polk Wellfield for \$1,228,000.
2. Approve staff recommendation to remove from funding consideration flood protection projects Q321, Q327, and Q328.
3. Approve staff recommendation to include AWS, 1A, and CFI ranked projects in the District's FY2023 RASB in the amount of \$43,953,559.
4. Approve staff recommendation to eliminate all Not Recommended projects from further funding consideration.

Presenters:

Scott Letasi, Bureau Chief, Engineering and Project Management
 Jay Hoecker, Bureau Chief, Water Resources

RESOURCE MANAGEMENT COMMITTEE

May 24, 2022

Submit & File: Information Item: Existing Validated and New Proposed Wetland-Based Criteria for Minimum Wetland and Lake Level Development and an Update on the Ongoing Peer Review of the Criteria

Purpose

To provide, for information only: 1) a description of validated and proposed wetland-based criteria for use in the establishment of minimum wetland and lake levels; and 2) an update on the ongoing peer review and stakeholder input opportunities concerning the criteria.

Background/History

For more than 20 years, the District has used specific, wetland-based criteria to support establishment of minimum water levels for isolated freshwater wetlands and lakes. As defined in the Florida Statutes, the minimum water level is the level of groundwater in an aquifer and the level of surface water at which further withdrawals would be significantly harmful to the water resources or ecology of the area. Once adopted into District rules, minimum water levels are used to support water resource regulation and water supply planning activities.

Given the statutory directives that a minimum water level shall be calculated using the best information available and shall be reevaluated periodically and revised as needed, staff has recently reviewed and validated wetland-based minimum level criteria used for minimum level establishment, and developed a new, additional wetland-based criterion. Based on the importance of these criteria for minimum levels development, and relevant direction and guidance provided in the Florida Statutes and the Water Resource Implementation Rule, staff is voluntarily subjecting the wetland-based minimum level criteria to independent scientific peer review.

Purpose/Approach

Staff has recently validated two criteria used by the District for establishing minimum wetland and lake levels. One of the criteria, currently referred to as the Cypress Offset, was developed in 1999 using measured water level data and wetland condition ratings for a set of isolated cypress wetlands located in mesic settings in the northern Tampa Bay area. Mesic settings are landscapes dominated by mesic soils, that are typically associated with flatwood ecosystems, shallow water-table conditions, semi-confinement of the upper Floridan aquifer, and low to moderate wetland and lake water level fluctuations. The Cypress Offset was subjected to independent scientific peer review in 1999, and has been extensively used for minimum wetland and lake level establishment.

The Cypress Offset corresponds with a 1.8 foot difference between a high-water environmental indicator datum referred to as the normal pool and the water level equaled or exceeded fifty percent of the time on a long-term basis. The normal pool is based on hydrologic indicators of sustained inundation, such as cypress buttresses, and corresponds with water levels equaled or exceeded ten percent or less of the time. If the 1.8-foot difference between normal pool and the water level equaled or exceeded fifty percent of the time is exceeded as a result of consumptive use, available information indicates the withdrawal impact may be expected to result in significant harm to a wetland or lake. Based on review of data originally used for development of the Cypress Offset and consideration of more recent data, staff has validated the Cypress Offset.

A second validated criterion, currently referred to as the Mesic Wetland Offset, was developed in 2007, and is associated with a 0.8-foot difference between the water level expected to be equaled or exceeded fifty percent of the time on a long-term basis in the absence of withdrawal impacts and the observed water level that is equaled or exceeded fifty percent of the time. This criterion has been used extensively by staff to establish minimum lake levels. Based on review of data originally used for development of the Mesic Wetland Offset and consideration of more recent data, staff has validated the Mesic Wetland Offset.

In addition to validating the Cypress Offset and Mesic Wetland Offset, staff has proposed guidelines for their continued use in minimum level establishment. For wetlands that have reliable normal pool (or equivalent high-water datum) and demonstrate hydrologic behavior similar to that of the isolated cypress wetlands from which the offset was derived, use of the Cypress Offset is recommended. For wetlands lacking reliable normal pool but which demonstrate hydrologic behavior similar to the isolated cypress wetlands from which the offset was derived, use of the Mesic Wetland Offset is recommended. For lakes which demonstrate hydrologic behavior similar to or are positioned in hydrogeologic settings similar to that of the isolated cypress wetlands from which the offset derived, use of the Mesic Wetland Offset is recommended.

Working with a consultant, staff has also identified a new wetland-based criterion, referred to as the Xeric Offset. This new criterion is based on the methods used to originally develop and validate the Cypress Offset and was derived using water level data, wetland condition information, and high-water environmental indicator information from xeric wetland sites in the Northern Tampa Bay and Central Florida Water Initiative areas. Xeric sites are associated with well-drained, low hydric soils, a deep water table setting, relatively large water level fluctuations, and sand pine scrub or longleaf pine–turkey oak hills community classifications. Xeric wetlands and lakes most commonly occur in geologically unconfined northern portions of the District and sand ridges in the central and southern portions of the District.

The Xeric Offset corresponds with a 2.2-foot difference between the water level that is expected to be equaled or exceeded fifty percent of the time on a long-term basis in the absence of withdrawal impacts and the observed water level that is equaled or exceeded fifty percent of the time. This new criterion is proposed for use in support of minimum levels establishment for wetlands and lakes that occur in a xeric setting.

Use of the validated and proposed wetlands-based criteria is expected to support development of recommended minimum wetland and lake levels that are protective of all relevant environmental values identified for consideration in the Water Resource Implementation Rule when establishing minimum water levels.

The data, methods, and models used to support development of the validated and proposed wetland criteria are summarized in greater detail in two technical reports, “Validation of the Cypress Offset and Mesic Wetland Offset for Development of Minimum Wetland and Lake Levels (Draft)” and “Xeric MFL Methodology Development (P084): Xeric Wetland Offset Development Using Combined Datasets for the Northern Tampa Bay Area and Central Florida Water Initiative Sites” which are provided under separate cover.

Benefits/Costs

The validated and proposed wetland-based criteria were developed to ensure that natural and human-use resource values associated with sites where they are used will be protected from significant harm that could result from water withdrawals.

To support use of the criteria for minimum levels establishment, an independent scientific peer review panel was convened on May 16, 2022, to review the criteria and provide a final report on panel findings. This voluntary peer review is being facilitated by staff in accordance with Florida's Government-in-the-Sunshine Law to include opportunities for stakeholder input, and is anticipated to be completed by July 19, 2022. Based on the final peer review panel report and consideration of stakeholder input, staff anticipate using the wetland-based criteria for future minimum level development efforts that will be presented to the Governing Board with recommendations concerning the establishment of new or reevaluated minimum wetland and lake levels for selected priority waterbodies.

Staff Recommendation:

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

Presenter:

Doug Leeper, MFLs Program Lead, Environmental Flows and Levels Section

Governing Board Meeting
May 24, 2022

6. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

6.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	119
6.2	Discussion: Information Item: 2022 Hurricane Preparedness	120

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 24, 2022

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

Staff Recommendation:

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

Presenter:

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

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 24, 2022

Discussion: Information Item: 2022 Hurricane Preparedness

Purpose

Provide an overview of the District's emergency preparedness for the 2022 hurricane season. Discussion will include actions to prepare District infrastructure and staff for the upcoming hurricane season and detail the District's responsibilities as a member of the State's Emergency Response Team (SERT).

Background/History

Water Management Districts are members of the SERT and serve as support agencies to the Department of Transportation and the Department of Environmental Protection during statewide emergency activations. Statewide communication and coordination are achieved through the State Emergency Operations Center. The District is a party to the Statewide Mutual Aid Agreement and the Florida Water Management Districts Mutual Aid Agreement for Catastrophic Emergency Response/Recovery. These agreements provide reciprocal emergency aid and assistance during an emergency.

The District has a Comprehensive Emergency Management Plan (CEMP), in line with Florida Statute, Chapter 252, Emergency Management. The CEMP outlines a comprehensive and effective program to ensure an effective response to a full range of potential emergencies, including major weather-based events such as hurricanes. In the event of a hurricane, or any other emergency that could potentially impact the District's 16-county area, the District's Emergency Operations Center is prepared for activation to monitor and respond.

Staff Recommendation:

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

Presenter:

Tim Fallon, Staff Hydrogeologist/Emergency Coordinating Officer

Governing Board Meeting

May 24, 2022

7. REGULATION COMMITTEE

7.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	121
7.2	Discussion: Action Item: Denials Referred to the Governing Board	122
7.3	Discussion: Information Item: Spruce Creek Golf, LLC (WUP No. 20010923.002) Water Use Permit	123
7.4	Discussion: Action Item: Water Use Permit No. 20008836.015 - Sarasota County Utilities Consolidated Permit / Sarasota County BOCC (Sarasota and Manatee Counties)	124

REGULATION COMMITTEE

May 24, 2022

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

Staff Recommendation:

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

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation

REGULATION COMMITTEE

May 24, 2022

Discussion: Action Item: Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action. Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

Staff Recommendation:

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

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation

REGULATION COMMITTEE

May 24, 2022

Discussion: Information Item: Spruce Creek Golf, LLC (WUP No. 20010923.002) Water Use Permit

Staff will provide an overview of the overpumpage compliance evaluation for this Water Use Permit.

Staff Recommendation:

No action required.

Presenter:

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

REGULATION COMMITTEE**May 24, 2022****Discussion: Action Item: Water Use Permit No. 20008836.015 - Sarasota County Utilities
Consolidated Permit / Sarasota County BOCC (Sarasota and Manatee Counties)**

This is a modification of an existing water use permit for public supply. The authorized quantities are an increase from those previously permitted. The total annual average quantity increased from 13,737,400 gallons per day (gpd) to 19,987,400 gpd. The peak month increased from 16,499,300 gpd to 22,748,900 gpd. These increases are due to an expiring contract with Manatee County that historically supplied water to Sarasota County through an interconnect. Manatee County will be utilizing the quantities previously provided to Sarasota County to meet their own increasing demands. There is no change in Use Type from the previous revision. This water use permit is partially located within the Most Impacted Area of the Southern Water Use Caution Area (SWUCA-MIA). The change in withdrawals authorized includes a Self-Relocation of quantities from the University Parkway Wellfield (2,000,000 gpd), located within the SWUCA-MIA, to the Carlton Memorial Reserve Wellfield, located outside of the SWUCA-MIA. The Self-Relocation results in improved Upper Floridan Aquifer (UFA) water levels within the SWUCA-MIA.

Special conditions include those that require the Permittee to report meter readings monthly, investigate well complaints, monitor water levels and water quality at each wellfield, begin submitting water level data in NAVD 1988, construct proposed production and/or monitor wells according to the approved specifications, cap any withdrawals not in use, maximize beneficial reuse of treated wastewater, continue implementation of the Environmental Monitoring Plan, continue to implement the Wellfield Management Plan for the Carlton Memorial Reserve Wellfield, utilize quantities from the University Parkway Wellfield in the event water is received from Manatee County until the expiration of the existing contract, submit an updated wellfield management plan during the next formal modification or renewal application process, submit a comprehensive annual report for each active wellfield by June 1 each year, maintain a water-conserving rate structure with enhanced customer billing and meter reading, submit the Public Supply Annual Report by April 1 each year, maintain an average per capita rate of 86 gpcd, and comply with the requirements of the SWUCA Recovery Strategy.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 008836.015**

PERMIT ISSUE DATE: May 24, 2022

EXPIRATION DATE: August 28, 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: Sarasota County BOCC/ Attn: Michael J. Mylett
1001 Sarasota Center Boulevard
Sarasota, FL 34240

PROJECT NAME: Sarasota County Utilities Consolidated Permit

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

COUNTY: Sarasota, Manatee

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)	
ANNUAL AVERAGE	19,987,400 gpd
PEAK MONTH ¹	22,748,900 gpd

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

ABSTRACT:

This is a modification of an existing water use permit for public supply. The authorized quantities are an increase from those previously permitted. The total annual average quantity increased from 13,737,400 gallons per day (gpd) to 19,987,400 gpd, the peak month increased from 16,499,300 gpd to 22,748,900 gpd. The increase is due to an expiring contract with Manatee County that has historically supplied water to Sarasota County through an interconnect. There is no change in Use Type from the previous revision. This water use permit is partially located within the Most Impacted Area of the Southern Water Use Caution Area (SWUCA-MIA). The change in withdrawals authorized includes a Self-Relocation of quantities from the University Parkway Wellfield (2,000,000 gpd), located within the SWUCA-MIA, to the Carlton Memorial Reserve Wellfield, located outside of the SWUCA-MIA. The Self-Relocation results in improved Upper Floridan Aquifer (UFA) water levels within the SWUCA-MIA.

Special conditions include those that require the Permittee to report meter readings monthly, investigate well complaints, monitor water levels and water quality at each wellfield, begin submitting water level data in NAVD 1988, construct proposed production and/or monitor wells according to the approved specifications, cap any withdrawals not in use, maximize beneficial reuse of treated wastewater, continue implementation of the Environmental Monitoring Plan, continue to implement the Wellfield Management Plan for the Carlton Memorial Reserve Wellfield, utilize quantities from the University Parkway Wellfield in the event water is received from Manatee County until the expiration of the existing contract, submit an updated wellfield management plan during the next formal modification or renewal application process, submit a comprehensive annual report for each active wellfield by June 1 each year, maintain a water-conserving rate structure with enhanced customer billing and meter reading, submit the Public Supply Annual Report by April 1 each year, maintain an average per capita rate of 86 gpcd, and comply with the requirements of the SWUCA Recovery Strategy.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Public Supply	19,987,400	22,748,900

USE TYPE

Regional Public Supply
System

PUBLIC SUPPLY:

Population Served: 269,559
Per Capita Rate: 86 gpd/person

WITHDRAWAL POINT QUANTITY TABLE

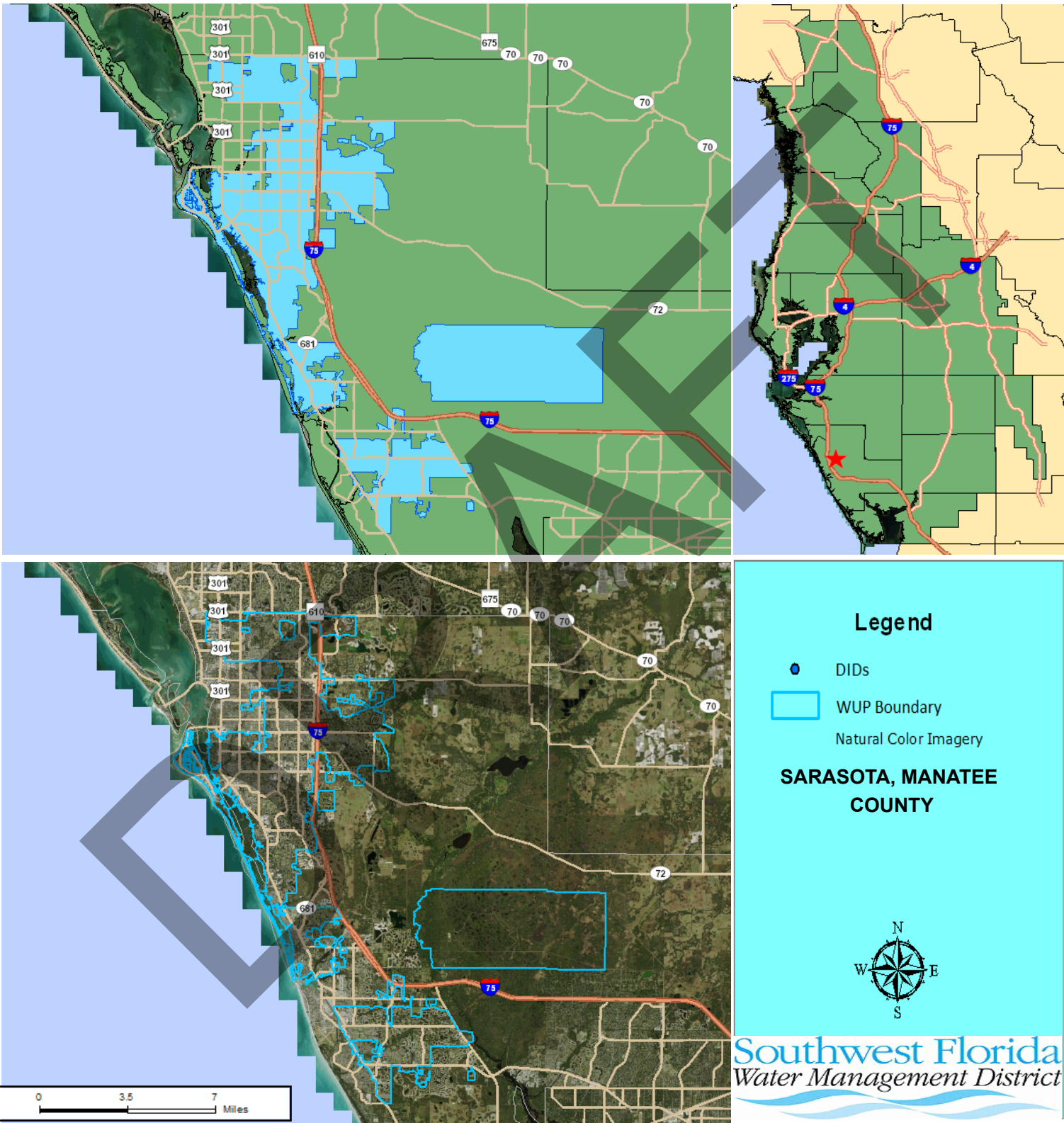
Water use from these withdrawal points are restricted to the quantities given below :

I.D. NO. PERMITTEE/ DISTRICT	DIAM (in.)	DEPTH TTL./CSD.FT. (feet bls)	USE DESCRIPTION	AVERAGE (gpd)	PEAK MONTH (gpd)
SP21 / 1	12	715 / 434	Public Supply	818,600	961,900
STP23 / 3	16	601 / 283	Public Supply	818,600	961,900
STP24 / 4	16	724 / 489	Public Supply	818,600	961,900
SP25 / 5	16	700 / 500	Public Supply	818,600	961,900
TP26 / 6	16	500 / 180	Public Supply	818,600	961,800
TP27 / 7	16	500 / 345	Public Supply	818,600	961,800
TP29 / 8	16	700 / 500	Public Supply	818,600	961,800
TP30 / 9	16	400 / 320	Public Supply	818,600	961,800
TP31 / 10	16	400 / 320	Public Supply	818,600	961,800
TP32 / 11	16	400 / 330	Public Supply	818,600	961,800
TP33 / 12	16	400 / 300	Public Supply	818,600	961,800
TP38 / 13	16	400 / 310	Public Supply	818,600	961,800
TP39 / 14	16	720 / 520	Public Supply	818,500	961,800
SP22R / 57	16	700 / 500	Public Supply	818,600	961,800
59 / 59	16	420 / 302	Public Supply	818,600	961,800
60 / 60	16	420 / 271	Public Supply	818,600	961,800
RO-4 / 102	10	530 / 240	Public Supply	443,500	447,500
RO-5 / 103	10	520 / 240	Public Supply	443,400	447,400
RO-6 / 104	12	530 / 246	Public Supply	443,500	447,400
RO-7 / 143	12	530 / 245	Public Supply	443,500	447,500
RO-8 / 144	12	525 / 240	Public Supply	443,400	447,400
RO-9 / 145	10	380 / 240	Public Supply	443,400	447,400
RO-10 / 146	10	560 / 230	Public Supply	443,500	447,500
RO-1 / 253	12	525 / 240	Public Supply	443,400	447,400
RO-2 / 254	12	525 / 240	Public Supply	443,400	447,400
RO-3 / 255	12	525 / 240	Public Supply	443,400	447,400
1 / 401	8	606 / 350	Public Supply	285,000	342,000
Standby					
2 / 402	10	600 / 420	Public Supply	286,000	343,200
Standby					
3 / 403	10	580 / 440	Public Supply	286,000	343,200
Standby					
4 / 404	10	600 / 440	Public Supply	286,000	343,200
Standby					
5 / 405	10	640 / 400	Public Supply	286,000	343,200
Standby					
6 / 406	8	600 / 350	Public Supply	286,000	343,200
Standby					
7 / 407	10	640 / 460	Public Supply	285,000	342,000
Standby					
457 / 457	16	641 / 441	Public Supply	818,500	961,800
458 / 458	16	391 / 291	Public Supply	818,500	961,800
459 / 459	16	641 / 441	Public Supply	818,500	961,800

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 09' 01.10"/82° 19' 31.50"
3	27° 08' 37.50"/82° 20' 09.70"
4	27° 08' 30.86"/82° 19' 39.87"
5	27° 09' 42.90"/82° 19' 11.80"
6	27° 09' 48.40"/82° 18' 37.10"
7	27° 09' 49.80"/82° 18' 07.40"
8	27° 09' 23.20"/82° 19' 24.50"
9	27° 08' 36.00"/82° 16' 48.60"
10	27° 09' 39.80"/82° 17' 46.10"
11	27° 09' 27.80"/82° 17' 25.80"
12	27° 09' 07.40"/82° 16' 58.30"
13	27° 08' 08.30"/82° 17' 20.50"
14	27° 08' 08.40"/82° 16' 33.50"
57	27° 08' 55.10"/82° 20' 17.20"
59	27° 09' 18.87"/82° 20' 06.84"
60	27° 08' 58.19"/82° 20' 37.05"
102	27° 04' 17.40"/82° 22' 52.00"
103	27° 04' 19.70"/82° 22' 39.00"
104	27° 04' 01.04"/82° 22' 50.84"
143	27° 03' 51.30"/82° 22' 42.40"
144	27° 03' 42.68"/82° 22' 43.19"
145	27° 04' 08.20"/82° 21' 55.17"
146	27° 04' 04.38"/82° 21' 39.25"
253	27° 04' 24.40"/82° 23' 05.30"
254	27° 04' 25.20"/82° 23' 12.20"
255	27° 04' 30.00"/82° 23' 08.30"
401	27° 23' 18.60"/82° 30' 24.30"
402	27° 23' 17.64"/82° 30' 07.33"
403	27° 23' 17.20"/82° 29' 49.50"
404	27° 23' 17.20"/82° 29' 37.30"
405	27° 23' 17.10"/82° 29' 11.10"
406	27° 23' 16.80"/82° 28' 58.10"
407	27° 23' 16.70"/82° 28' 44.79"
457	27° 08' 46.21"/82° 16' 17.13"
458	27° 08' 36.18"/82° 15' 54.07"
459	27° 08' 31.32"/82° 15' 25.62"

Location Map
Sarasota County BOCC/ Attn: Michael J. Mylett
WUP No. 20 008836.015



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. Carlton Memorial Reserve Wellfield:
The average day and peak monthly quantities for District ID Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 57, 59 and 60, Permittee ID Nos. SP21, STP23, STP24, SP25, TP26, TP27, TP29, TP30, TP31, TP32, TP33, TP38, TP39, SP22R, 59 and 60, Carlton Memorial Reserve Wellfield, shown in the production withdrawal table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary for the individual wells, within the limits set forth below, so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit.

District ID Nos. 1 and 14, Permittee ID Nos. SP21 and TP39: Up to 1,140,000 gallons per day on an annual average basis, and up to 1,369,000 gallons per day on a peak monthly basis
District ID No. 3, Permittee ID No. STP23: Up to 2,120,000 gallons per day on an annual average basis, and up to 2,544,000 gallons per day on a peak monthly basis
District ID No. 4, Permittee ID No. STP24: Up to 2,166,000 gallons per day on an annual average basis, and up to 2,599,000 gallons per day on a peak monthly basis
District ID Nos. 5, 7 and 8, Permittee ID Nos. SP25, TP27 and TP29: Up to 1,152,000 gallons per day on an annual average basis, and up to 1,382,000 gallons per day on a peak monthly basis
District ID No. 6, Permittee ID No. TP26: Up to 1,175,000 gallons per day on an annual average basis, and up to 1,410,000 gallons per day on a peak monthly basis
District ID No. 9, Permittee ID No. TP30: Up to 1,452,000 gallons per day on an annual average basis, and up to 1,742,000 gallons per day on a peak monthly basis
District ID No. 10, Permittee ID No. TP31: Up to 1,935,000 gallons per day on an annual average basis, and up to 2,322,000 gallons per day on a peak monthly basis
District ID Nos. 11 and 12, Permittee ID Nos. TP32 and TP33: Up to 1,544,000 gallons per day on an annual average basis, and up to 1,852,000 gallons per day on a peak monthly basis
District ID No. 13, Permittee ID No. TP38: Up to 818,600 gallons per day on an annual average basis,

and up to 961,800 gallons per day on a peak monthly basis

District ID No. 57, Permittee ID No. SP22R: Up to 1,440,000 gallons per day on an annual average basis, and up to 1,728,000 gallons per day on a peak monthly basis

District ID Nos. 59 and 60, Permittee ID Nos. 59 and 60: Up to 1,440,000 gallons per day on an annual average basis, and up to 1,680,000 gallons per day on a peak monthly basis

In all cases, the total annual average daily withdrawal and the total peak monthly daily withdrawal for the Carlton Memorial Reserve Wellfield are limited to 15,553,000 gpd and 18,274,600 gpd, respectively.

University Parkway Wellfield:

Until the expiration of the Manatee County water sharing agreement, the average day and peak monthly quantities for District ID Nos. District ID Nos. 401, 402, 403, 404, 405, 406, 407, Permittee ID Nos. 1, 2, 3, 4, 5, 6, and 7, University Parkway Wellfield, shown in the production withdrawal table are estimates based on historic and/or projected distribution of pumpage in the event water is received from Manatee County, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary for the individual wells, within the limits set forth below, so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit.

In all cases, the total annual average daily withdrawal and the total peak monthly daily withdrawal for the University Parkway Wellfield are limited to 2,000,000 gpd and 2,400,000 gpd, respectively until the termination of the of the water sharing agreement with Manatee County.(221)

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

District ID No. 458, Permittee ID No. 458, having a surface diameter of 16 inches, with a minimum casing depth of 291 feet, drilled to a maximum total depth of 391 feet.
(223)

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

District ID Nos. 457 and 459, Permittee ID Nos. 457 and 459, having a surface diameter of 16 inches, with a minimum casing depth of 441 feet, drilled to an estimated total depth of 641 feet.
(240)

5. The District reserves the right to set water quality concentration limits on any production well in the future, based on data collected and after a sufficient data base has been established to determine limits. These limits shall be required after discussions with the Permittee. At such time as the concentration in any water sample reaches or exceeds the designated concentration limits, the Permittee shall take appropriate action to reduce concentrations to below those set for the particular

well. If the District determines that long-term upward trends or other significant water quality changes are occurring, the District may reconsider the quantities permitted.(276)

6. The Permittee shall construct the following proposed monitor wells pursuant to the stipulations given below in accordance with Chapter 62-532, "Water Well Permitting and Construction Requirements". All depths given are relative to feet below land surface. Land surface shall be surveyed relative to North American Vertical Datum 1988 (NAVD 88), and a monitor point elevation identified. A copy of the certified survey and well completion report shall be filed with the District within 30 days of well completion.

District ID Nos. 67 and 68/ Permittee ID Nos. 6F-INT and 20F-INT, with surface casing diameter of 6 inches, to be drilled to a minimum casing depth of 265 feet and a maximum total depth of 305 feet.

District ID No. 70/ Permittee ID No. UFA 56, with surface casing diameter of 6 inches, to be drilled to a minimum casing depth of 500 feet and a maximum total depth of 550 feet.

(416)

7. The Permittee shall investigate alleged loss of reliable access to legal, existing withdrawal of ground water, damage to the ground water wells, or to pumps used to access legal, existing withdrawal of water within 6000 feet of District ID No. 102, Permittee ID No. RO-4 (VGW) and within 3200 feet of District ID Nos. 401, 402, 403, 404, 405, 406 and 407, Permittee ID Nos. 1, 2, 3, 4, 5, 6 and 7 (UPW) that may have been caused by the Permittee's ground water withdrawals. 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.(443)

8. The Permittee is encouraged to demonstrate that beneficial reuse of treated effluent is maximized so that 50% or more of the total annual treated effluent flow is beneficially reused. The calculation of the percentage beneficially reused will be based on the Permittee's wastewater treatment plants that have a capacity of 0.5 million gallons per day or greater. Beneficial reuse includes:

- A. Landscape irrigation of golf courses, playing fields, cemeteries, parks, playgrounds, school yards, retail nurseries and commercial, industrial and residential properties.
- B. Agricultural irrigation of food, fiber, fodder and seed crops, wholesale nurseries, "cut flowers", sod farms and improved pastures.
- C. Groundwater recharge where such recharge results in environmental or water supply benefit.
- D. Industrial uses for cooling water, process water and wash waters.
- E. Wetlands restoration.
- F. Fire protection.
- G. Environmental enhancement, including discharges to surface waters to replace withdrawals.

Other useful purposes accepted by the District or allowed under a DEP permit pursuant to Chapter 62-610, F.A.C.

(458)

9. During the next submitted formal modification or renewal application process, the Permittee shall submit an updated wellfield management plan to the Water Use Permit Bureau, for the approval of the Water Use Permit Bureau Chief. Drafting of the plan shall incorporate a review of all relevant pumpage, water quality, and water level monitoring, as well as existing testing data and analyses, or other testing analyses as required by this permit. This review shall be used to provide the Permittee with a preliminary understanding of the relationships of pumpage, water levels, and water quality. Provisions shall be made in the wellfield management plan to avoid unacceptable increases in water quality parameter concentrations, and to avoid adverse impacts to wetlands. Provisions to avoid unacceptable impacts may include but should not be limited to reducing withdrawals from individual wells, dissemination of pumpage, establishing warning water levels, overall reduction in wellfield withdrawal quantities, well use/production scheduling, refurbishing wells, retirement of wells, or some combination thereof. The proposed wellfield management plan shall include a timetable for implementation of specific elements of the plan, well operation schedules, and management alternatives to assist in avoiding deterioration of the water quality of production wells, and avoiding potential adverse impacts to wetlands. Implementation of the approved wellfield management plan shall begin no later than 30 days after approval of the Water Use Permit Bureau Chief, unless a written request for an implementation extension is received, and approved by the Water Use Permit Bureau Chief. At the Permittees option, or as required by the District, changes may be proposed to the approved wellfield management plan if it is determined that adverse water quality or water level impacts are occurring, or if additional information becomes available which would necessitate a change. The

Permittee is encouraged to periodically review the effectiveness of the wellfield management through a review of collected data, and to propose any changes to the approved plan which would further assist in protecting the water resources.

(500)

10. The Permittee shall submit a copy of all well completion reports as filed with the Sarasota County Health Department to the Water Use Permit Bureau within 30 days of each well completion.(508)
11. The Permittee shall prepare a comprehensive but concise annual report on the Carlton Memorial Reserve wellfield operation and an assessment of hydrological and ecological system on the Reserve. This report shall summarize the elements in each section listed below, with emphasis on the interactions between these elements, where appropriate. The additional elements of Sarasota County's Environmental Monitoring Plan dated February 28, 2022, that are not specifically conditioned by this permit should be included in the annual report. Data sources shall be referenced, but no raw data shall be included in the report. Only essential text, graphs, tables, and diagrams should be included in the report. Three copies of the annual report shall be submitted to the Water Use Permit Bureau Chief by June 1 of each year. The parameters, methods, and frequency of sampling and analysis may be modified by mutual agreement between the Water Use Permit Bureau Chief and the Permittee, as necessary to ensure the protection of the resource. The report shall cover all activities for the preceding year (October 1 through September 30). The specific elements of the report are listed in the following sections.

A. Water Use

Reported pumpage data shall be summarized for each production well for the annual reporting period. This shall include the quantities of raw water pumped on a monthly and annual average daily basis. Historical monthly and annual average daily pumpage data shall be presented in tabular or graphical form for each production well. An evaluation of the reported year's pumpage shall be compared and contrasted with the period of record for each well.

B. Water Levels

Water level data collected from production and monitor wells shall be used to determine the effects of pumpage on the surficial, intermediate, and upper Floridan aquifers. Monthly water levels for production and monitor wells shall be summarized in a table for the entire year. Historical water level graphs shall be included for each monitor and production well. An evaluation of the reported year's water levels shall be compared and contrasted with the period of record for each well. The District shall be notified in writing of any significant changes in water levels between historic levels and the reported period.

C. Water Quality

Data collected from the production and monitor wells shall be used to determine the effects of pumpage on the water quality of the intermediate and upper Floridan aquifers. Results from each sampling and analysis event shall be summarized in a table for the entire year. Historical water quality graphs for chloride, sulfate, and TDS shall be included for each well. The District shall be notified in writing of any significant changes in water quality between historic levels and the reported period.

D. Chloride Concentration Trigger Levels

The Permittee shall summarize compliance with, and any events related to, the chloride concentration trigger levels established in this permit for the annual reporting period.

E. Environmental

Data collected each year as outlined in Sarasota County's Environmental Monitoring Plan dated February 28, 2022 shall be presented. An evaluation of each year's wetland data shall be compared and contrasted with the period of record.

(524)

12. A. Wellfield Operation and Management to Avoid Exceeding the Trigger Levels
The Permittee shall operate and manage the wellfield in a manner such that individual wells do not exceed the chloride concentration trigger levels designated in the table below. Such operation and management of the wellfield shall include regular evaluation of water level and water quality data, rotation of production among wells, quantity reductions at specific water quality problem wells, pumpage dispersion, rotation to other sources outside the wellfield, a combination of the above activities, or other methods deemed appropriate to control chloride concentrations. The trigger levels are intended to serve as guidelines in evaluating trends and controlling the effects of wellfield withdrawals on groundwater quality. Single water quality sample concentration readings in excess of the concentrations designated below may occur, provided long-term upward trends (sustained increases) or other significant water quality changes do not occur. At such time as the chloride

concentration in any water sample reaches the designated trigger level below, the Permittee shall review the data, examine the cause and consequences of the elevated concentrations, and take appropriate action to reduce concentrations below the trigger level set for the particular well.

University Parkway Wellfield – UPW Production Well Triggers

District ID No. 401/Permittee ID No. 1 - 105 mg/L
District ID No. 402/Permittee ID No. 2 - 97 mg/L
District ID No. 403/Permittee ID No. 3 - 111 mg/L
District ID No. 404/Permittee ID No. 4 - 77 mg/L
District ID No. 405/Permittee ID No. 5 - 140 mg/L
District ID No. 406/Permittee ID No. 6 - 87 mg/L
District ID No. 407/Permittee ID No. 7 - 64 mg/L

Venice Gardens Wellfield - VGW Production Well Triggers

District ID No. 102/Permittee ID No. RO-4 – TBD
District ID No. 103/Permittee ID No. RO-5 - TBD
District ID No. 104/Permittee ID No. RO-6 - 712 mg/L
District ID No. 143/Permittee ID No. RO-7 - 679 mg/L
District ID No. 144/Permittee ID No. RO-8 - TBD
District ID No. 145/Permittee ID No. RO-9 - TBD
District ID No. 146/Permittee ID No. RO-10 - TBD
District ID No. 253/Permittee ID No. RO-1 - TBD
District ID No. 254/Permittee ID No. RO-2 - TBD
District ID No. 255/Permittee ID No. RO-3 – TBD

The Permittee shall immediately implement the Wellfield Management Plan for the Carlton Memorial Reserve wellfield dated November 2019. Where this plan differs from the Special Conditions attached to this permit, those Special Conditions shall have precedence.

Carlton Memorial Reserve Wellfield - CMR Monitor Well Long Term Triggers

District ID No. 31/Permittee ID No. 3F – 28.0 mg/L
District ID No. 35/Permittee ID No. 6F – 18.2 mg/L
District ID No. 49/Permittee ID No. 20F - TBD
District ID No. 56/Permittee ID No. VMW56 – 32.0 mg/L
District ID No. 62/Permittee ID No. TCW9B – 28.1 mg/L
District ID No. 63/Permittee ID No. TCW9C – 27.1 mg/L
District ID No. 65/Permittee ID No. TCW10B – 30.3 mg/L
District ID No. 66/Permittee ID No. TCW20C – 42.1 mg/L
District ID No. 67/Permittee ID No. 6F-INT - TBD
District ID No. 68/Permittee ID No. 20F-INT - TBD
District ID No. 70/Permittee ID No. UFA 56 - TBD

Carlton Memorial Reserve Wellfield – CMR Monitor Well Short Term Triggers

District ID No. 31/Permittee ID No. 3F – 33.6 mg/L
District ID No. 35/Permittee ID No. 6F – 22.1 mg/L
District ID No. 49/Permittee ID No. 20F - TBD
District ID No. 56/Permittee ID No. VMW56 – 37.0 mg/L
District ID No. 62/Permittee ID No. TCW9B – 37.7 mg/L
District ID No. 63/Permittee ID No. TCW9C – 37.1 mg/L
District ID No. 65/Permittee ID No. TCW10B – 44.1 mg/L
District ID No. 66/Permittee ID No. TCW20C – 52.9 mg/L
District ID No. 67/Permittee ID No. 6F-INT - TBD
District ID No. 68/Permittee ID No. 20F-INT - TBD
District ID No. 70/Permittee ID No. UFA 56 - TBD

TBD = Trigger levels to be determined per Section E below

B. Wellfield Operation and Management if Upward Trends are Identified

Compliance with the chloride concentration trigger levels will be based on quarterly sampling results evaluated in both the long term and in the short term. For the UPW and VGW production wells, a single

trigger level is applied to both the long term and the short term compliance evaluation. For the CMR monitor wells, two unique trigger levels are established for each well, one applied to the long term compliance evaluation and the other applied to the short term compliance evaluation. In all cases, the long term compliance evaluation will be based on the last six available results: Only when all six results exceed the long term trigger will the well be deemed out of compliance. Meanwhile, the short term compliance evaluation in all cases will be based on a moving average comprising the last three available results: If this average exceeds the short term trigger level, then the well will be deemed out of compliance.

When a UPW or VGW production well is found to be out of compliance, then the Permittee shall rotate that well out of service for 30 days. After the 30th day has passed, the Permittee shall sample the well to determine if chloride concentrations have receded to below the trigger level. If chloride concentrations have receded below the trigger level the well can be placed back into regular service. If chloride concentrations remain above the trigger level, the well shall be further evaluated as identified below.

When a CMR monitor well is found to be out of compliance, then the Permittee shall immediately undertake a statistical analysis to evaluate the relationship between pumpage and water quality.

C. Detailed Evaluation of Wells Which Remain Above Trigger Levels

If, after taking the actions described above, chloride concentrations in a VGW production well remain above the trigger level, or a statistically significant relationship between pumpage and water quality is established for a CMR monitor well, then a further and more detailed evaluation of the well shall be undertaken to determine if there are other feasible options to avoid exceeding the trigger level. An evaluation of such options shall be undertaken and submitted to the District within 90 days of the determination that chloride concentrations remain above the trigger level. The evaluation shall include geophysically logging the well with appropriate geophysical logs as agreed to by the Water Use Permit Bureau Chief. Options to be evaluated shall include: enhanced rotation of production among wells, further quantity reductions from the well, further pumpage dispersion (through construction of additional production wells through permit modification), backplugging the well, plugging the well, rotation to other sources outside of the wellfield, a combination of the above activities, or other methods to control chloride concentrations.

D. Trigger Level Modifications

If the Permittee has evaluated and implemented all feasible options to avoid exceeding the trigger level for a particular well as described above, and the chloride concentration still remains above the trigger level, the Permittee may request modification of that trigger level to the lowest feasible chloride concentration, as described below. Such requests shall be submitted in writing, and shall require the written approval of the Water Use Permit Bureau Chief.

The request for modification of the chloride concentration trigger level shall include documentation regarding all wellfield management measures which have been implemented to attain compliance with the trigger level specified in this permit. The Permittee's request for modification of the trigger level must also include a proposal for the lowest feasible chloride concentration for the specific well for consideration by the District. This proposed trigger level shall be based upon a comprehensive evaluation of water level and water quality data from production and monitor wells in order to predict changes to the location of the saline water interface in zones PZ-3 and the upper Floridan (both laterally and vertically) which may result from the proposed increased trigger level. The request shall include an evaluation of the effects of withdrawals from the specific well and the wellfield as a whole on the Permittee, other existing legal users, and environmental resources.

The District will allow chloride concentration trigger level modifications if it is determined that the proposed modified chloride concentration trigger level will not adversely effect the Permittee, other existing legal users, and environmental resources. If the District determines that reasonable assurance has not been provided in the proposed modified chloride concentration trigger level, the level will not be modified. If the District reaches such a determination, the Permittee shall be required to implement other effective measures to remain below the chloride concentration trigger level, or remove the well from service. If the District determines that long-term upward trends or other significant water quality changes are occurring, and such trends have not been effectively addressed by the Permittee, the

District may reconsider the quantities permitted. If new trigger levels are specified by the Water Use Permit Bureau Chief, they shall supersede the trigger levels listed in this permit.

E. Setting of Chloride Concentration Trigger Levels for New Wells

Whereas compliance with an established trigger level will be based on quarterly sampling results, all new wells will be sampled monthly for a period of three years (36 sample results) after which time a trigger level will be established and quarterly sampling for compliance purposes can begin.

Within 3 years of placing into service proposed VGW production wells District ID Nos. 59, 60, 102, 103, 144, 145, 146, 253, 254, and 255, Permittee ID Nos. 59, 60, RO-4, RO-5, RO-8, RO-9, RO-10, RO-1, RO-2, and RO-3, the Permittee shall statistically derive a trigger level or propose the lowest feasible chloride concentration trigger level for the respective well based on monthly water quality sampling for the previous 3 years. Proposed trigger levels shall be submitted in writing to the Water Use Permit Bureau Chief. Upon District approval, the chloride concentration trigger level for the respective well shall be incorporated into this Special Condition.

Within 3 years of placing into service proposed CMR monitor wells District ID Nos. 49, 67, 68, and 70, Permittee ID Nos. 20F, 6F-INT, 20F-INT, and UFA 56, the Permittee shall statistically derive a trigger level or propose the lowest feasible chloride concentration trigger level for the respective well based on monthly water quality sampling for the previous 3 years. Proposed trigger levels shall be submitted in writing to the Water Use Permit Bureau Chief. Upon District approval, the chloride concentration trigger level for the respective well shall be incorporated into this Special Condition.

F. Annual Report

Information regarding compliance with chloride concentration trigger levels established in this permit shall be summarized in the annual report.(559)

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. Beginning January 1, 2012, the Permittee shall comply with the following requirements:
 - A. Customer billing period usage shall be placed on each utility-metered, customer's bill.
 - B. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
 - C. The following information, as applicable to the customer, shall be provided at least once each calendar year and a summary of the provisions shall be provided to the District annually as described in Section D, below. The information shall be provided by postal mailings, bill inserts, online notices, on the bill or by other means. If billing units are not in gallons, a means to convert the units to gallons must be provided.
 1. To each utility-metered customer in each customer class - Information describing the rate structure and shall include any applicable:
 - a. Fixed and variable charges,
 - b. Minimum charges and the quantity of water covered by such charges,
 - c. Price block quantity thresholds and prices,
 - d. Seasonal rate information and the months to which they apply, and
 - e. Usage surcharges
 2. To each utility-metered single-family residential customer - Information that the customer can use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:
 - a. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.
 - b. A means to calculate an efficient billing period use based on the customer's characteristics, or
 - c. A means to calculate an efficient billing period use based on the service area's characteristics.
 - D. Annual Report: The following information shall be submitted to the District annually by October 1 of each year of the permit term to demonstrate compliance with the requirements above. The information shall be current as of the October 1 submittal date.
 1. Description of the current water rate structure (rate ordinance or tariff sheet) for potable and non-potable water.
 2. Description of the current customer billing and meter reading practices and any proposed

changes to these practices (including a copy of a bill per A above).

3. Description of the means the permittee uses to make their metered customers aware of rate structures, and how the permittee provides information their metered single-family residential customers can use to compare their water use relative to other single-family customers or estimate an efficient use (see C 1 & 2 above).

(592)

15. 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)
16. The Permittee shall maintain a water conserving rate structure for the duration of the permit term. Any changes to the water conserving rate structure described in the application shall be described in detail as a component of the next Annual Report on Water Rate, Billing and Meter Reading Practices of the year following the change.(659)
17. The Permittee shall submit a "Public Supply Annual Report" to the District by April 1 of each year on their water use during the preceding calendar year using the form, "Public Supply Water Use Annual Report Form" (Form No. LEG-R.103.00 (05/14)), referred to in this condition as "the Form," and all required attachments and documentation. The Permittee shall adhere to the "Annual Report Submittal Instructions" attached to and made part of this condition in Exhibit B. The Form addresses the following components in separate sections.

Per Capita Use Rate

A per capita rate for the previous calendar year will be calculated as provided in Part A of the Form using Part C of the Form to determine Significant Use deduction that may apply. Permittees that cannot achieve a per capita rate of 150 gpd according to the time frames included in the "Instructions for Completion of the Water Use Annual Report," shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance.

Residential Use

Residential use shall be reported in the categories specified in Part B of the Form, and the methodology used to determine the number of dwelling units by type and their quantities used shall be documented in an attachment.

Non-Residential Use

Non-residential use quantities provided for use in a community but that are not directly associated with places of residence, as well as the total water losses that occur between the point of output of the treatment plant and accountable end users, shall be reported in Part B of the Form.

Water Conservation

In an attachment to the Form, the Permittee shall describe the following:

1. Description of any ongoing audit program of the water treatment plant and distribution systems to address reductions in water losses.
2. An update of the water conservation plan that describes and quantifies the effectiveness of measures currently in practice, any additional measures proposed to be implemented, the scheduled implementation dates, and an estimate of anticipated water savings for each additional measure.
3. A description of the Permittees implementation of water-efficient landscape and irrigation codes or ordinances, public information and education programs, water conservation incentive programs, identification of which measures and programs, if any, were derived from the Conserve Florida Water Conservation Guide, and provide the projected costs of the measures and programs and the projected water savings.

Water Audit

If the current water loss rate is greater than 10% of the total distribution quantities, a water audit as described in the "Instructions for Completion of the Water Use Annual Report" shall be conducted and

completed by the following July 1, with the results submitted by the following October 1. Indicate on Part A of the Form whether the water audit was done, will be done, or is not applicable.

Alternative Water Supplied Other Than Reclaimed Water

If the Permittee provides Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) to customers, the information required on Part D of the Form shall be submitted along with an attached map depicting the areas of current Alternative Water Use service and areas that are projected to be added within the next year.

Suppliers of Reclaimed Water

1. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd:

The Permittee shall submit the "SWFWMD Annual Reclaimed Water Supplier Report" on quantities of reclaimed water that was provided to customers during the previous fiscal year (October 1 to September 30). The report shall be submitted in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09), that will be provided annually to them by the District. A map depicting the area of reclaimed water service that includes any areas projected to be added within the next year, shall be submitted with this report.

2. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd:

a. The Permittee has the option to submit the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above, or

b. Provide information on reclaimed water supplied to customers on Part E of the Form as described in the "Instructions for Completion of the Water Use Annual Report".

Updated Service Area Map

If there have been changes to the service area since the previous reporting period, the Permittee shall update the service area using the map that is maintained in the District's Mapping and GIS system. (660)

18. The Permittee shall prepare a comprehensive but concise annual report describing the operation of the withdrawal facilities and detailing any plans the Permittee may have for using the Venice Gardens Wellfield on a standby or rotational basis in combination with other sources available to Sarasota County Utilities. The report shall include an analysis of how these plans relate to compliance with the water quality concentration limits specified in this permit. This report shall include an updated description of Sarasota County Utilities' potable water demand and sources. This report shall be submitted to the Water Use Permit Bureau by June 1 of each year. (673)
19. Permittees having their own wastewater treatment plant that generate at least advanced-secondary treated effluent (high-level disinfection, as described in Rule 62-600.440(5), F.A.C.) to the minimum FDEP requirements for public access reuse shall respond in a timely manner to inquiries about availability from water use permit applicants for water uses where such reclaimed water is appropriate. If reclaimed water is or will be available to that permit applicant within the next six years, the Permittees shall provide a cost estimate for connection to the applicant. (674)
20. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities:

Carlton Memorial Reserve (CMR):

District ID Nos. 457, 458, and 459, Permittee ID Nos. 457, 458, and 459

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)

21. 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:

Venice Gardens Wellfield (VGW): District ID Nos. 102, 103, 104, 142, 143, 144, 145, 146, 253, 254 and 255, Permittee ID Nos. RO-4, RO-5, RO-6, RO-Plant, RO-7, RO-8, RO-9, RO-10, RO-1, RO-2 and RO-3.

University Parkway Wellfield (UPW): District ID Nos. 401, 402, 403, 404, 405, 406, and 407, Permittee ID Nos. 1, 2, 3, 4, 5, 6, and 7.

Carlton Memorial Reserve (CMR): District ID Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 57, 58, 59 and 60, Permittee ID Nos. SP21, STP23, STP24, SP25, TP26, TP27, TP29, TP30, TP31, TP32, TP33, TP38, TP39, SP22R, SUD-100, 59 and 60

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)

22. Water quality samples from the monitor sites listed below shall be collected and analyzed for the parameter(s) specified at the frequency indicated. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.

University Parkway Wellfield (UPW) Existing District ID Nos. 453 and 454, Permittee ID Nos. 53R and 54R, for chlorides, sulfate and TDS, on a quarterly basis (February, May, August and November).

Carlton Memorial Reserve (CMR) Existing District ID Nos. 15, 17, 19, 25, 27, 29, 31, 34, 35, 41, 43, 45, 56, 61, 62, 63, 64, 65 and 66, Permittee ID Nos. SM21A, HM21, OM21, TM37, OM41, 3E, 3F, 6E, 6F, 14F-N, 14E-S, 14F-S, VMW56, TCW9A, TCW9B, TCW9C, TCW10A, TCW10B and TCW10C, for chlorides, sulfate and TDS, on a quarterly basis (February, May, August and November).

Carlton Memorial Reserve (CMR) Existing District ID No. 49, Permittee ID No. 20F, and proposed District ID Nos. 67, 68, and 70, Permittee ID Nos. 6F-INT, 20F-INT, and UFA 56, for chlorides on a monthly basis for three years, then after on a quarterly basis, and sulfate and TDS on a quarterly basis (February, May, August and November), with the first analyzed sample due within 90 days of completion of the monitor sites or per the first reporting period as given in Exhibit B after completion of the monitor site.
(750)

23. Water quality samples from the withdrawal points listed below shall be collected after pumping the withdrawal point at its normal rate for a pumping time specified below, or to a constant temperature, pH, and conductivity. The frequency of sampling per water quality parameter is listed in the table according to the withdrawal point. The recording and reporting shall begin according to the first sample date for existing wells and shall begin within 90 days of completion of any proposed wells. Samples shall be collected whether or not the well is being used unless infeasible. If sampling is infeasible, the Permittee shall indicate the reason for not sampling on the water quality data form or in the space for comments in the WUP Portal for data submissions. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.

University Parkway Wellfield: Existing District ID Nos. 401, 402, 403, 404, 405, 406 and 407, Permittee ID Nos. 1, 2, 3, 4, 5, 6 and 7 for chlorides, sulfates and TDS, after a minimum pumping time of 25 minutes, on a monthly basis.

Venice Gardens Wellfield: Existing District ID Nos. 102, 103, 104, 143, 144, 145, 146, 253, 254 and 255, Permittee ID Nos. RO-4, RO-5, RO-6, RO-7, RO-8, RO-9, RO-10, RO-1, RO-2 and RO-3 for chlorides, sulfates and TDS, after a minimum pumping time of 25 minutes, on a monthly basis.

Carlton Memorial Reserve: Existing District ID Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 57, 59 and 60, Permittee ID Nos. SP21, STP23, STP24, SP25, TP26, TP27, TP29, TP30, TP31, TP32, TP33, TP38, TP39, SP22R, 59 and 60 for chlorides, sulfates and TDS, after a minimum pumping time of 25 minutes, on a monthly basis.

Carlton Memorial Reserve: Proposed District ID Nos. 457, 458, and 459, Permittee ID Nos. 457, 458, and 459, for chlorides, sulfates and TDS, after a minimum pumping time of 25 minutes, on a monthly basis.
(752)

24. The Permittee shall continue to maintain the monitor well(s) or piezometer(s) listed below and report

them to the District at the frequency listed for the interval, aquifer system, or geologic formation listed. Water levels shall be recorded relative to the North American Vertical Datum 1988 and to the maximum extent possible, recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate to the frequency noted. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource. The Permittee shall have the elevation of the measuring point on each well listed surveyed to the specified datum, and a copy of the certified survey report for the wells listed shall be included with the first data submittal.

Venice Gardens Wellfield (VGW):

The Permittee shall continue to record water levels for District ID Nos. 101, 128 and 141, Permittee ID Nos. MZCR-1, 2-12 and RM-5, on a monthly basis. The data shall be reported online via the WUP Portal at the District website (watermatters.org) or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau on or before the 15th day of the following month. The date that the water level is measured shall be reported with the data and the data shall be referenced to North American Vertical Datum 1988 (NAVD 88).

Carlton Memorial Reserve Wellfield (CMR): The Permittee shall monitor water levels in the water table and confined aquifers as indicated in the following table. The water levels will be recorded on a continuous (hourly) basis and will be reduced to daily mean, minimum, and maximum values. Since District ID No. 56 (Permittee ID No. VMW56) is not part of the telemetry network, a water level will be collected manually on a monthly basis. The reduced data shall be reported online via the WUP Portal at the District website (watermatters.org) or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau on or before the 15th day of each month. The date that the water level is measured shall be reported with the data and the data shall be referenced to North American Vertical Datum 1988 (NAVD 88). Water level data for the reported period shall be included in the annual report.

District ID Nos. 28, 32, 33, 39, 42, 46, 51, 52, 53, 54, 55, 61, and 64 Permittee ID Nos. 3G, 5, 6G, 14G-N, 14-S, 20, 4B, 8B, 26, 27, 46, TCW9A, and TCW10A to monitor the Surficial Aquifer System on an hourly basis.

District ID Nos. 17, 21, 29, 34, 40, 43, 48, 56, 62, and 65 Permittee ID Nos. HM21, STM24A, 3E, 6E, 14E-N, 14E-S, 20E, VMW56, TCW9B, and TCW10B to monitor the Intermediate Aquifer System on an hourly basis.

District ID Nos. 15, 19, 27, 31, 35, 41, 45, 49, 63, and 66 Permittee ID Nos. SM21A, OM21, OM41, 3F, 6F, 14F-N, 14F-S, 20F, TCW9C, and TCW10C to monitor the Upper Floridan Aquifer System on an hourly basis.
(756)

25. The Permittee shall continue to monitor water levels in the production wells listed below. The water levels will be recorded on a continuous (hourly) basis and will be reduced to daily mean, minimum, and maximum values. The reduced data shall be reported online via the WUP Portal at the District website or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau, on a monthly basis on or before the 10th day of each month. The date that the water level is measured shall be reported with the data and the data shall be referenced to North American Vertical Datum (NAVD 88). 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 data for the reported period shall be included in the annual report. The Permittee shall have the elevation of the measuring point on each well listed surveyed to the specified datum, and a copy of the certified survey report for the wells listed shall be included with the first data submittal.

Carlton Memorial Reserve (CMR): District ID Nos. 6, 7, 9, 10, 11, 12, 13, 14, 59 and 60, Permittee ID Nos. TP26, TP27, TP30, TP31, TP32, TP33, TP38, TP39, 59 and 60, to monitor the Intermediate Aquifer System on an hourly basis.

District ID Nos. 1, 3, 4, 5, 8 and 57, Permittee ID Nos. SP21, STP23, STP24, SP25, SP29 and SP22R, to monitor the Upper Floridan Aquifer System on an hourly basis.

Proposed District ID No. 458, Permittee ID No. 458, to monitor the Intermediate Aquifer System on an

hourly basis.

Proposed District ID Nos. 457 and 459, Permittee ID Nos. 457 and 459, to monitor the Upper Floridan Aquifer System on an hourly basis.
(758)

26. The Permittee should maintain an average per capita rate of 86 gpd on which the permit was based. The per capita rate in any given year shall not exceed 150 gpd whether it is calculated as an unadjusted gross per capita, an adjusted gross per capita, or a compliance per capita. The per capita rate will be monitored via the Annual Report and the Reclaimed Water Supplier Report that are required to be submitted by April 1 of each year for the term of the permit.
(767)

27. This permit authorizes the continued regional transfer of water from Sarasota County Utilities' Carlton Memorial Reserve Wellfield to the Peace River/Manasota Regional Water Supply Authority (PRMRWSA) on an as needed basis. The transfer of water shall be metered on the 24-inch diameter public supply interconnect pipeline located at the wellfield.

To this end, the Permittee, in cooperation with the PRMRWSA, shall maintain and operate a non-resettable, totalizing flow meter, or other flow measuring device as approved by the Regulation Department Director, for the public supply interconnect pipeline with the PRMRWSA, designated as District ID No. 58, Permittee ID No. SUD-100. Such device shall maintain an accuracy within 5 percent of the actual flow as installed. Total volume from the interconnect shall be recorded on a monthly basis and reported online via the District Permit Information Center (ePIC) at the District website (www.watermatters.org) or mailed hardcopy on District provided forms, on or before the 20th day of the following month. If the public supply interconnect with the PRMRWSA is not utilized during a given month, a report shall be submitted to the Permit Data Section indicating zero gallons.(991)

28. The total quantities in gallons per day authorized under this permit for each facility on an annual average basis are set forth below:

- A. Carlton Memorial Reserve Wellfield (CMR) - 15,553,000gpd
- B. University Parkway Wellfield (UPW) - 0 gpd
- C. Venice Gardens Wellfield (VGW) - 4,434,400 gpd

Total Permitted Quantity - 19,987,400 gpd(992)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

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

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

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

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

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

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

WATER QUALITY INSTRUCTIONS

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

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

Frequency

Weekly
Quarterly
Semi-annually
Monthly

Timetable

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

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.

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.

ANNUAL REPORT SUBMITTAL INSTRUCTIONS

The "Public Supply Water Use Annual Report Form" (Form No. LEG-R.023.00 (01/09)), is designed to assist the Permittee with the annual report requirements, but the final authority for what must be included in the Water Use Annual Report is in

this condition and in these instructions. Two identical copies of the "Public Supply Water Use Annual Report Form" and two identical copies of all required supporting documentation shall be included if submitted in hard copy. "Identical copy" in this instance means that if the original is in color, then all copies shall also be printed in color. If submitted electronically, only one submittal is required; however, any part of the document that is in color shall be scanned in color.

1. **Per Capita Use Rate** - A per capita rate for the previous calendar year will be progressively calculated until a rate of 150 gpd per person or less is determined whether it is the unadjusted per capita, adjusted per capita, or compliance per capita. The calculations shall be performed as shown in Part A of the Form. The Permittee shall refer to and use the definitions and instructions for all components as provided on the Form and in the Water Use Permit Applicant's Handbook Part B. Permittees that have interconnected service areas and receive an annual average quantity of 100,000 gpd or more from another permittee are to include these quantities as imported quantities. Permittees in the Southern Water Use Caution Area (SWUCA) or the Northern Tampa Bay Water Use Caution Area (NTBWUCA), as it existed prior to October 1, 2007, shall achieve a per capita of 150 gpd or less, and those in these areas that cannot achieve a compliance per capita rate of 150 gpd or less shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance. Permittees not in a Water Use Caution Area that cannot achieve a compliance per capita rate of 150 gpd or less by December 31, 2019 shall submit this same report in the Annual Report due April 1, 2020.
2. **Residential Use** - Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:
 - A. Number of dwelling units per category,
 - B. Number of domestic metered connections per category,
 - C. Number of metered irrigation connections,
 - D. Annual average quantities in gallons per day provided to each category, and
 - E. Percentage of the total residential water use provided apportioned to each category.
3. **Non-Residential Use** - Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1 through 6 below, the number of metered connections shall be provided. These non-residential use categories are:
 - A. Industrial/commercial uses, including associated lawn and landscape irrigation use,
 - B. Agricultural uses (e.g., irrigation of a nursery),
 - C. Recreation/Aesthetic, for example irrigation (excluding golf courses) of Common Areas, stadiums and school yards,
 - D. Golf course irrigation,
 - E. Fire fighting, system testing and other accounted uses,-
 - F. K-through-12 schools that do not serve any of the service area population, and
 - G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.
4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:
 - A. Evaluation of:
 - 1) leakage associated with transmission and distribution mains,
 - 2) overflow and leakage from storage tanks,
 - 3) leakage near service connections,
 - 4) illegal connections,
 - 5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
 - 6) fire suppression,
 - 7) un-metered system testing,
 - 8) under-registration of meters, and
 - 9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C

above, and

B. A schedule for a remedial action-plan to reduce the water losses to below 10%.

5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:

- A. Description of the type of Alternative Water Supply provided,
- B. County where service is provided,
- C. Customer name and contact information,
- D. Customer's Water Use Permit number (if any),
- E. Customer's meter location latitude and longitude,
- F. Meter ownership information,
- G. General customer use category,
- H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
- I. Customer cost per 1,000 gallons or flat rate information,
- J. Delivery mode (e.g., pressurized or non-pressurized),
- K. Interruptible Service Agreement (Y/N),
- L. Month/year service began, and
- M. Totals of monthly quantities supplied.

6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment plant, the Permittee shall submit information on reclaimed water supplied as follows:

- A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the "SWFWMD Annual Reclaimed Water Supplier Report" in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The "SWFWMD Annual Reclaimed Water Supplier Report" is described in Section 3.1 of Chapter 3, under the subheading "Reclaimed Water Supplier Report" and is described in detail in the Water Use Permit Applicant's Handbook Part B.
- B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:
 - 1) Bulk customer information:
 - a) Name, address, telephone number,
 - b) WUP number (if any),
 - c) General use category (residential, commercial, recreational, agricultural irrigation, mining),
 - d) Month/year first served,
 - e) Line size,
 - f) Meter information, including the ownership and latitude and longitude location,
 - g) Delivery mode (pressurized, non-pressurized).
 - 2) Monthly flow in gallons per bulk customer.
 - 3) Total gallons per day (gpd) provided for metered residential irrigation.
 - 4) Disposal information:
 - a) Site name and location (latitude and longitude or as a reference to the service area map),
 - b) Contact name and telephone,
 - c) Disposal method, and
 - d) Annual average gpd disposed.

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.

Governing Board Meeting
May 24, 2022

8. GENERAL COUNSEL'S REPORT

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GENERAL COUNSEL'S REPORT

May 24, 2022

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

Staff Recommendation:

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

Presenter:

Chris Tumminia, General Counsel

COMMITTEE/LIAISON REPORTS

May 24, 2022

Discussion: Information Item: Environmental Advisory Committee

Staff Recommendation:

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

Presenter:

John Mitten, Board Member

COMMITTEE/LIAISON REPORTS

May 24, 2022

Discussion: Information Item: Well Drillers Advisory Committee

Staff Recommendation:

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

Presenter:

Seth Weightman, Board Member

EXECUTIVE DIRECTOR'S REPORT

May 24, 2022

Discussion: Information Item: Executive Director's Report

Staff Recommendation:

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

Presenter:

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

CHAIR'S REPORT

May 24, 2022

Discussion: Information Item: Chair's Report

Staff Recommendation:

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

Presenter:

Kelly S. Rice, Chair

CHAIR'S REPORT

May 24, 2022

Discussion: Information Item: Employee Milestones

Staff Recommendation:

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

Presenter:

Kelly S. Rice, Governing Board Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
15	05/16/2007	Chris Anastasiou	Chief Water Quality Scientist	Tampa	Natural Systems & Restoration	2022	05/16/2022
30	05/30/1992	Kelly Keck	ECM Coordinator 3	Brooksville	General Services	2022	05/30/2022
35	05/26/1987	Garry Flood	Lead Tradesworker	Brooksville	Operations	2022	05/26/2022