

# Governing Board Meeting

## *Agenda and Meeting Information*

*November 14, 2023*

*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

An Equal  
Opportunity  
Employer

*The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or who would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact the Human Resources Office Chief, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only); or email [ADACoordinator@WaterMatters.org](mailto:ADACoordinator@WaterMatters.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If requested, appropriate auxiliary aids and services will be provided at any public meeting, forum, or event of the District. In the event of a complaint, please follow the grievance procedure located at [WaterMatters.org/ADA](http://WaterMatters.org/ADA).*

## Final Agenda GOVERNING BOARD MEETING

**NOVEMBER 14, 2023  
9:00 a.m.**

**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 [WaterMatters.org](http://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](http://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  
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 Employee Recognition
- 1.4 Additions/Deletions to Agenda
- 1.5 Public Input for Issues Not Listed on the Published Agenda

## **2. CONSENT AGENDA**

- 2.1 Bradenton Beach BMPs Avenues B and C - Reduction of Scope and Budget (W639)
- 2.2 Water Use Permit No. 20 010420.013, Peace River/Manasota Regional WSA / Peace River Water Treatment Plant Facility (DeSoto, Sarasota Counties)
- 2.3 General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Gary Stoner – CT No. 427660 – Pinellas County
- 2.4 Approve Governing Board Minutes – October 24, 2023

## **3. FINANCE/OUTREACH AND PLANNING COMMITTEE**

- 3.1 Consent Item(s) Moved to Discussion
- 3.2 Budget Transfer Report

## **4. RESOURCE MANAGEMENT COMMITTEE**

- 4.1 Consent Item(s) Moved to Discussion
- 4.2 Tampa Bay Water Update

## **5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

- 5.1 Consent Item(s) Moved to Discussion
- 5.2 Offer for Surplus Lands – Tampa Bypass Canal (TBC-14), SWF Parcel No. 13-004-317S

## **6. REGULATION COMMITTEE**

- 6.1 Consent Item(s) Moved to Discussion
- 6.2 Denials Referred to the Governing Board
- 6.3 Consider Water Shortage Order(s) as Necessary

## **7. GENERAL COUNSEL'S REPORT**

- 7.1 Consent Item(s) Moved to Discussion

## **8. COMMITTEE/LIAISON REPORTS**

- 8.1 Environmental Advisory Committee

**9. EXECUTIVE DIRECTOR'S REPORT**

9.1 Executive Director's Report

**10. CHAIR'S REPORT**

10.1 Chair's Report

10.2 Employee Milestones

**ADJOURNMENT**



# GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Approved June 26, 2023

OFFICERS	
Chair	Ed Armstrong
Vice Chair	Michelle Williamson
Secretary	John Mitten
Treasurer	Jack Bispham

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
John Hall
Kelly Rice
John Mitten

RESOURCE MANAGEMENT COMMITTEE
Ashley Bell Barnett
Michelle Williamson
James Holton

REGULATION COMMITTEE
Dustin Rowland
Robert Stern
Joel Schleicher

FINANCE/OUTREACH AND PLANNING COMMITTEE
Jack Bispham
Joel Schleicher
Kelly Rice

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

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Dustin Rowland
Environmental Advisory Committee	John Mitten
Industrial Advisory Committee	James Holton
Public Supply Advisory Committee	Robert Stern

OTHER LIAISONS	
Central Florida Water Initiative	Ashley Bell Barnett
Spring Coast Steering Committee	Kelly Rice
Coastal & Heartland National Estuary Partnership Policy Committee	John Hall
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	James Holton
Tampa Bay Regional Planning Council	Vacant

## **Southwest Florida Water Management District Schedule of Meetings Fiscal Year 2024**

### **Governing Board Meeting**

October 24, 2023 – 9:00 a.m., Tampa Office  
November 14, 2023 – 9:00 a.m., Tampa Office  
December 12, 2023 – 9:00 a.m., Tampa Office  
January 23, 2024 – 9:00 a.m., Tampa Office  
February 27, 2024 – 9:00 a.m., Brooksville Office  
March 26, 2024 – 9:00 a.m., Brooksville Office  
April 23, 2024 – 9:00 a.m., Tampa Office  
May 21, 2024 – 9:00 a.m., Tampa Office  
June 25, 2024 – 9:00 a.m., Brooksville Office  
July 23, 2024 – 9:00 a.m., Tampa Office  
August 27, 2024 – 9:00 a.m., Brooksville Office  
September 24, 2024 – 3:00 p.m., Tampa Office

### **Governing Board Workshop**

November 14, 2023 – 9:30 a.m., Tampa Office

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

2024 – September 10 & 24

### **Agricultural & Green Industry Advisory Committee – 10:00 a.m.**

2023 – December 5

2024 – March 12, June 11, September 10

### **Environmental Advisory Committee – 10:00 a.m.**

2023 – October 10

2024 – January 9, April 9, July 9

### **Industrial Advisory Committee – 10:00 a.m.**

2023 – November 7

2024 – February 13, May 7, August 6

### **Public Supply Advisory Committee – 1:00 p.m.**

2023 – November 7

2024 – February 13, May 7, August 6

### **Springs Coast Management Committee – 1:30 p.m.**

2023 – October 25, December 6

2024 – January 10, February 21, May 22, July 10

### **Springs Coast Steering Committee – 2:00 p.m.**

2023 – November 8

2024 – January 24, March 6, July 24

### **Meeting Locations**

Brooksville Office – 2379 Broad St., Brooksville, FL 34604

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

Governing Board Meeting  
November 14, 2023

1. CONVENE PUBLIC MEETING

1.1 Call to Order.....4

1.2 Invocation and Pledge of Allegiance.....5

1.3 Employee Recognition .....6

1.4 Additions and Deletions to Agenda.....7

1.5 Public Input for Issues Not Listed on the Agenda .....8

**CONVENE PUBLIC MEETING**

**November 14, 2023**

**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:**

Ed Armstrong, Chair

**CONVENE PUBLIC MEETING**

**November 14, 2023**

**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:

Ed Armstrong, Chair

**CONVENE PUBLIC MEETING**

**November 14, 2023**

**Employee Recognition**

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

Presenter:

Ed Armstrong, Chair

**CONVENE PUBLIC MEETING**

**November 14, 2023**

**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**

**November 14, 2023**

**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:

Ed Armstrong, Chair



Governing Board Meeting  
November 14, 2023

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.

2.1 Bradenton Beach BMPs Avenues B and C - Reduction of Scope and Budget (W639)..... 9

2.2 Water Use Permit No. 20 010420.013, Peace River/Manasota Regional WSA / Peace  
River Water Treatment Plant Facility (DeSoto, Sarasota Counties)..... 11

2.3 General Counsel’s Report: Authorization to Issue Administrative Complaint and Order –  
Well Construction Violations – Gary Stoner – CT No. 427660 – Pinellas County ..... 68

2.4 Approve Governing Board Minutes – October 24, 2023 ..... 69

**CONSENT AGENDA****November 14, 2023****Resource Management Committee: Bradenton Beach BMPs Avenues B and C - Reduction of Scope and Budget (W639)***Purpose*

The purpose of this item is to request Governing Board approval for a reduction in the scope of work and a decrease in budget to the Cooperative Funding Agreement (CFA) with the City of Bradenton Beach for the Bradenton Beach BMPs Avenues B and C (W639).

*Background/History*

The Board approved the project (W639) during the fiscal year (FY) 2019 cooperative funding cycle. The total estimated cost for the project is \$530,930 with the District and the City each contributing fifty percent (\$265,465). The project includes design, permitting and construction of stormwater Best Management Practices (BMPs) to treat contributing drainage areas to improve water quality discharging to Sarasota Bay.

The City completed design for both Avenue B and C, and completed Avenue C construction. Avenue B construction commenced and the District reimbursed the City \$32,357.32 for design and initial construction. The project was then suspended by the City Commission pending an analysis of all stormwater projects throughout the City. The City determined that completing construction of Avenue B was not serving the best interests of the City, due to rising costs and budgetary constraints. The City has requested to revise the project scope to remove design and construction of Avenue B and to reduce the measurable benefits, resource benefits and project costs associated with Avenue B. This will result in a 56 percent reduction in benefits and project costs. The approved and revised resource and measurable benefits are included in the table below.

	Approved	Revised
Treatment Area (acres)	34	14.8
Total Suspended Solids (TSS) lbs/yr	24,105	10,485
Total Nitrogen (TN) lbs/yr	676	294

*Benefits/Costs*

With this proposed change, the total project budget would decrease from \$530,930 to \$232,824 with the District and City each contributing fifty percent (\$116,412). The City, in accordance with the cooperative funding agreement, will be required to reimburse the District for \$32,257.32 previously reimbursed to the City for Avenue B design and initial construction costs.

The project remains cost effective. The project, as originally approved by the Board, had an overall ranking of High and remains High with the requested change.

Staff Recommendation:

Authorize staff to amend the Bradenton Beach BMPs Avenues B and C (W639) cooperative funding agreement to:

- a. Remove design and construction of Avenue B from the scope of work;
- b. Decrease the treatment area to 14.8 acres, the TSS removal to 10,485 lbs/yr, and the TN removal to 294 lbs/yr; and
- c. Revise the project budget from \$530,930 to \$232,824 with the District and the City each contributing \$116,412.

Presenter:

Vivianna Bendixson, SWIM Manager, Natural Systems and Restoration Bureau

**CONSENT AGENDA**

**November 14, 2023**

**Regulation Committee: Water Use Permit No. 20 010420.013, Peace River/Manasota Regional WSA / Peace River Water Treatment Plant Facility (DeSoto, Sarasota Counties)**

This is a modification of an existing water use permit (WUP) for public supply use. The Peace River Manasota Regional Water Supply Authority is a regional utility that currently relies exclusively on surface water withdrawals from the lower Peace River. Withdrawals from the river are undertaken in accordance with a lower Peace River MFL-based diversion schedule and are stored in two off-stream reservoirs (6.5 billion gallons total storage) and an aquifer storage and recovery (ASR) system. To increase regional water supply system reliability and resiliency, the existing WUP authorized the use of an additional conjunctive Alternative Water Supply (AWS) source (brackish groundwater). This modification is solely limited to an increase in authorized brackish groundwater withdrawal quantities and revision of brackish groundwater well construction specifications. The previous permit authorized both annual average and peak month brackish groundwater withdrawal quantities up to 9,000,000 gallons per day (gpd). With this modification, the annual average and peak month brackish groundwater withdrawal quantities are increased up to 11,200,000 gpd and 15,000,000 gpd, respectively. The total annual average and peak month permit quantities will remain the same at 80,000,000 and 258,000,000 gpd respectively. There are also no changes proposed to the river diversion schedule, or regional demand projections. The conjunctive use of the surface water and brackish groundwater sources offers increased resiliency and improved system reliability for the region served by this wholesale utility. This permit is located within the Southern Water Use Caution Area (SWUCA) and relies exclusively on AWS sources to meet demand.

Special conditions include those that require the Permittee to record and report monthly meter readings and/or pumpage; to perform meter accuracy checks every five years; to cap withdrawals not in use; to comply with the Minimum Flow for the lower Peace River; to comply with the approved diversion schedule; to continue implementation of the Peace River Hydrobiological Monitoring Plan 2018 update with reports due each year by October 1; to provide annual reports by June 1 each year of the Permittee's individual and regional efforts to cooperatively develop and manage supplies on a regional basis as envisioned by the SWUCA Recovery Strategy; to collect monthly water quality samples and weekly water level data from ASR wells and brackish wellfield; to construct proposed ASR and brackish wellfield production wells according to approved specifications; to provide annual wellfield reports pursuant to the Brackish Wellfield Management Plan; and to comply with the SWUCA Recovery Strategy.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE PERMIT  
Individual  
PERMIT NO. 20 010420.013**

**PERMIT ISSUE DATE:** November 14, 2023

**EXPIRATION DATE:** February 26, 2069

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:** Peace River/Manasota Regional WSA/Attn: Shea Cunningham  
9415 Town Center Parkway  
Lakewood Ranch, FL 34202

DeSoto County B.O.C.C.  
201 East Oak Street  
Arcadia, FL 34255

Manatee County B.O.C.C.  
P.O. Box 1000  
Bradenton, FL 34206

City of North Port City Commission  
4970 City Hall Boulevard  
North Port, FL 34286

Charlotte County B.O.C.C.  
18500 Murdock Circle, Suite 536  
Port Charlotte, FL 33948

Sarasota County B.O.C.C.  
1660 Ringling Boulevard  
Sarasota, FL 34236

**PROJECT NAME:** Peace River Water Treatment Plant Facility

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

**COUNTY:** Desoto, Sarasota

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

ANNUAL AVERAGE	80,000,000 gpd
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MAXIMUM DAY <sup>1</sup>	258,000,000 gpd
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1. The actual quantities authorized under the permit are based on flows in the Lower Peace River as described in Special Condition No. 6. The annual average quantity shown above reflects the amount of potable water projected to be produced by the Peace River Water Treatment Plant for delivery to the Authority's customers. The maximum day quantity shown above is subject to Special Condition No. 19.

**ABSTRACT:**

This is a modification of an existing water use permit (WUP) for public supply use. The Peace River Manasota Regional Water Supply Authority is a regional utility that currently relies exclusively on surface water withdrawals from the lower Peace River. Withdrawals from the river are undertaken in accordance with a lower Peace River MFL-based diversion schedule and are stored in two off-stream reservoirs (6.5 billion gallons total storage) and an aquifer storage and recovery (ASR) system. To increase regional water supply system reliability and resiliency, the existing WUP also authorizes the use of an additional conjunctive Alternative Water Supply (AWS) source (brackish groundwater). This modification is solely limited to an increase in authorized brackish groundwater withdrawal quantities and revision of brackish groundwater well construction specifications. Annual Average and Peak Month brackish groundwater withdrawal quantities are proposed to increase from 9,000,000 gallons per day (gpd) and 9,000,000 gpd, respectively, to 11,200,000 gpd and 15,000,000 gpd, respectively. No changes are proposed to the total authorized permit quantities, the river diversion schedule, or regional demand projections. The conjunctive use of the surface water and brackish groundwater sources offers increased resiliency and improved system reliability for the region served by this wholesale utility. This permit is located within the Southern Water Use Caution Area (SWUCA) and relies exclusively on AWS sources to meet demand.

Special conditions include those that require the Permittee to record and report monthly meter readings and/or pumpage; to perform meter accuracy checks every five years; to cap withdrawals not in use; to comply with the Minimum Flow for the lower Peace River; to comply with the approved diversion schedule; to continue implementation of the Peace River Hydrobiological Monitoring Plan 2018 update with reports due each year by October 1; to provide annual reports by June 1 each year of the Permittee's individual and regional efforts to cooperatively develop and manage supplies on a regional basis as envisioned by the SWUCA Recovery Strategy; to collect monthly water quality samples and weekly water level data from ASR wells and brackish wellfield; to construct proposed ASR and brackish wellfield production wells according to approved specifications; to provide annual wellfield reports pursuant to the Brackish Wellfield Management Plan; and to comply with the SWUCA Recovery Strategy.

**WATER USE TABLE (in gpd)**

<b><u>USE</u></b>	<b><u>ANNUAL AVERAGE</u></b>	<b><u>CROP PROTECTION /MAXIMUM</u></b>
Public Supply	80,000,000	258,000,000

**USE TYPE**

Regional Public Supply  
System

**PUBLIC SUPPLY:**

Population Served: 1,000,000  
Per Capita Rate: 80 gpd/person

**WITHDRAWAL POINT QUANTITY TABLE**

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

<b><u>I.D. NO.</u></b> <b><u>PERMITTEE/</u></b> <b><u>DISTRICT</u></b>	<b><u>DIAM</u></b> <b><u>(in.)</u></b>	<b><u>DEPTH</u></b> <b><u>TTL./CSD.FT.</u></b> <b><u>(feet bls)</u></b>	<b><u>USE DESCRIPTION</u></b>	<b><u>AVERAGE</u></b> <b><u>(gpd)</u></b>	<b><u>PEAK</u></b> <b><u>MONTH</u></b> <b><u>(gpd)</u></b>	<b><u>CROP</u></b> <b><u>PROTECTION</u></b> <b><u>(gpd)</u></b>
14 / 14	30	N/A / N/A	Public Supply	80,000,000	N/A	258,000,000
S-1 / 20	8	920 / 570	Aquifer Storage & Recovery	398,000	462,300	N/A
S-2 / 21	12	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-3R / 22	16	769 / 580	Aquifer Storage & Recovery	711,200	828,700	N/A
S-4 / 23	12	905 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-6 / 25	12	910 / 580	Aquifer Storage & Recovery	711,200	828,700	N/A
S-7 / 26	12	915 / 575	Aquifer Storage & Recovery	711,200	828,700	N/A
S-8 / 27	12	623 / 510	Aquifer Storage & Recovery	711,200	828,700	N/A
S-9R / 28	16	800 / 580	Aquifer Storage & Recovery	711,200	828,700	N/A
S-10 / 29	16	905 / 620	Aquifer Storage & Recovery	711,200	828,700	N/A
S-11 / 30	16	908 / 585	Aquifer Storage & Recovery	711,200	828,700	N/A
S-12 / 31	16	900 / 600	Aquifer Storage & Recovery	711,200	828,700	N/A
S-13 / 32	16	898 / 621	Aquifer Storage & Recovery	711,200	828,700	N/A
S-14 / 33	16	900 / 568	Aquifer Storage & Recovery	711,200	828,700	N/A
S-15 / 34	16	900 / 583	Aquifer Storage & Recovery	711,200	828,700	N/A
T-1 / 35	12	482 / 380	Aquifer Storage & Recovery	298,000	346,200	N/A
S-5R / 36	16	955 / 650	Aquifer Storage & Recovery	711,200	828,700	N/A
S-16 / 37	16	902 / 583	Aquifer Storage & Recovery	711,200	828,700	N/A
S-17 / 38	16	883 / 579	Aquifer Storage & Recovery	711,200	828,700	N/A
S-18 / 39	16	900 / 592	Aquifer Storage & Recovery	711,200	828,700	N/A
S-19 / 40	16	900 / 585	Aquifer Storage & Recovery	711,200	828,700	N/A
S-20 / 41	16	898 / 566	Aquifer Storage & Recovery	711,200	828,700	N/A
S-21 / 42	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-22 / 43	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-23 / 44	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-24 / 45	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A

S-25 / 46	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-26 / 47	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-27 / 48	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-28 / 49	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-29 / 57	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-30 / 58	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-31 / 59	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-32 / 60	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-33 / 61	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-34 / 62	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-35 / 63	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-36 / 64	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-37 / 65	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-38 / 66	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-39 / 67	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-40 / 68	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-41 / 69	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-42 / 70	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-43 / 71	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-44 / 72	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-45 / 73	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
S-46 / 74	16	900 / 570	Aquifer Storage & Recovery	711,200	828,700	N/A
BW-2 / 82	16	1,350 / 550	Public Supply	746,700	1,000,000	N/A
BW-1 / 83	16	1,350 / 550	Public Supply	746,700	1,000,000	N/A
BW-3 / 84	16	1,350 / 550	Public Supply	746,700	1,000,000	N/A
BW-4 / 85	16	1,350 / 550	Public Supply	746,700	1,000,000	N/A
BW-5 / 86	16	1,350 / 550	Public Supply	746,700	1,000,000	N/A
BW-6 / 87	16	1,350 / 550	Public Supply	746,700	1,000,000	N/A
BW-7 / 88	16	1,350 / 550	Public Supply	746,700	1,000,000	N/A
BW-8 / 89	16	1,350 / 550	Public Supply	746,700	1,000,000	N/A



BW-9 / 90	16	1,350 / 550	Public Supply	746,700	1,000,000	N/A
BW-10 / 91	16	1,350 / 550	Public Supply	746,700	1,000,000	N/A
BW-11 / 93	16	1,350 / 550	Public Supply	746,600	1,000,000	N/A
BW-12 / 94	16	1,350 / 550	Public Supply	746,600	1,000,000	N/A
BW-13 / 95	16	1,350 / 550	Public Supply	746,600	1,000,000	N/A
BW-14 / 96	16	1,350 / 550	Public Supply	746,600	1,000,000	N/A
BW-15 / 97	16	1,350 / 550	Public Supply	746,600	1,000,000	N/A

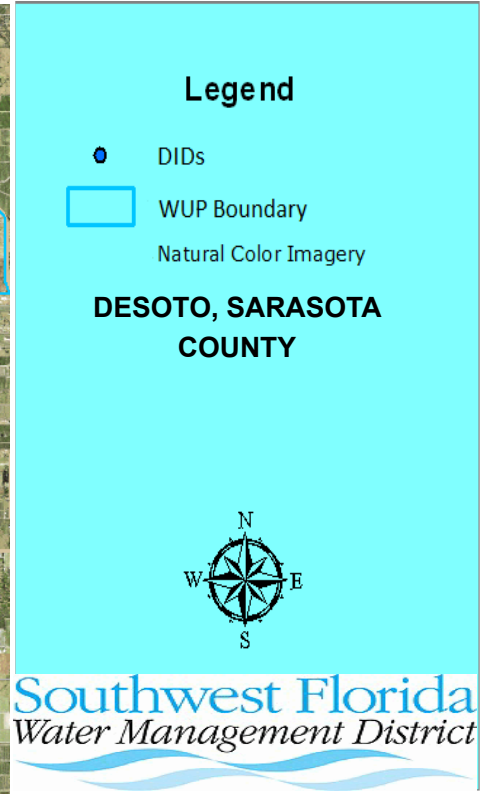
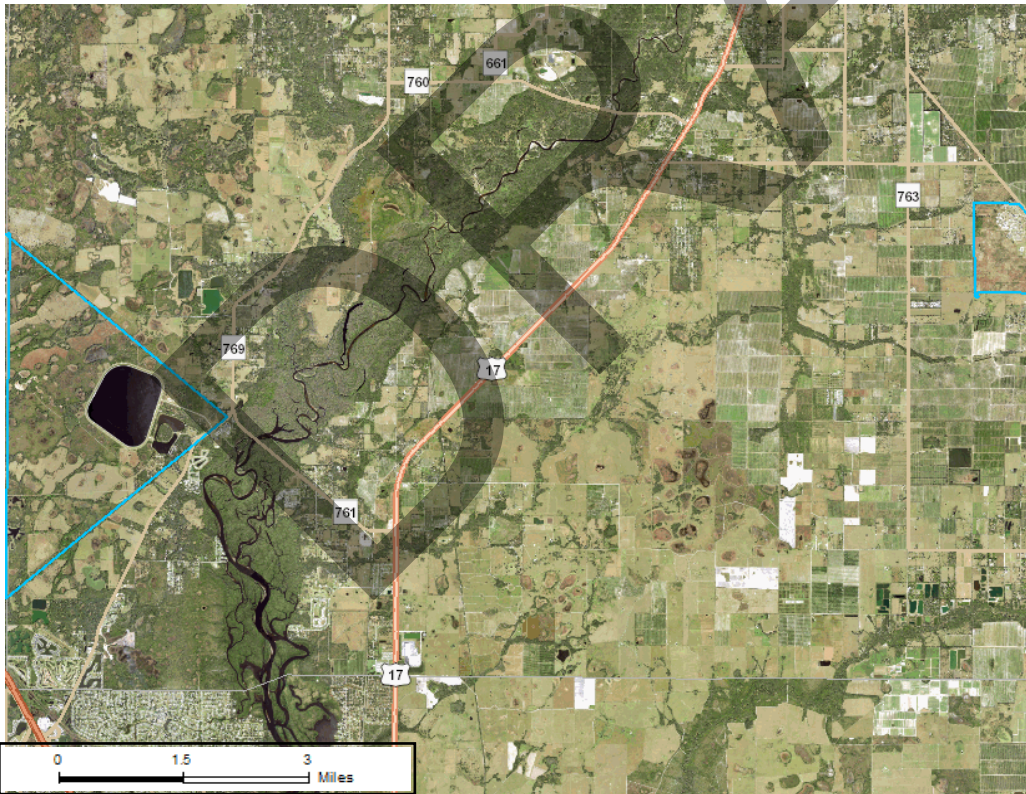
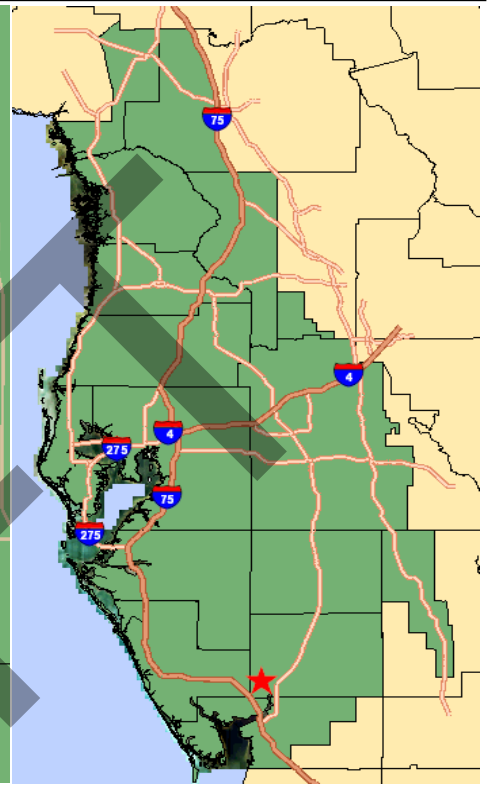
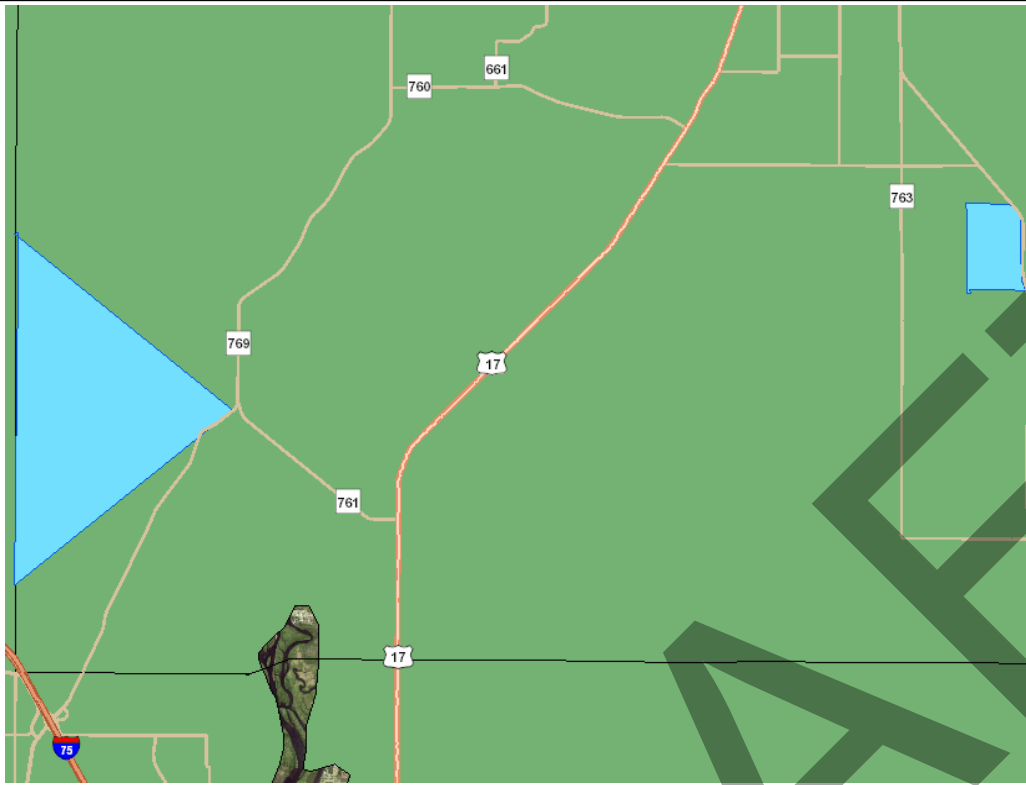
DRAFT

**WITHDRAWAL POINT LOCATION TABLE**

<b><u>DISTRICT I.D. NO.</u></b>	<b><u>LATITUDE/LONGITUDE</u></b>
14	27° 05' 12.45"/81° 59' 57.95"
20	27° 05' 29.27"/82° 00' 07.96"
21	27° 05' 29.20"/82° 00' 09.32"
22	27° 05' 22.56"/82° 00' 08.23"
23	27° 05' 05.44"/82° 01' 10.05"
25	27° 05' 15.75"/82° 00' 28.10"
26	27° 05' 12.10"/82° 00' 26.81"
27	27° 05' 12.94"/82° 00' 38.42"
28	27° 05' 16.05"/82° 00' 17.92"
29	27° 04' 57.68"/82° 01' 06.56"
30	27° 05' 00.30"/82° 01' 06.68"
31	27° 04' 57.58"/82° 01' 09.77"
32	27° 05' 00.09"/82° 01' 10.03"
33	27° 04' 57.18"/82° 01' 13.12"
34	27° 04' 59.77"/82° 01' 13.33"
35	27° 05' 28.50"/82° 00' 09.30"
36	27° 05' 22.49"/82° 00' 18.12"
37	27° 05' 03.01"/82° 01' 06.60"
38	27° 05' 06.04"/82° 01' 06.28"
39	27° 05' 03.12"/82° 01' 09.73"
40	27° 05' 02.91"/82° 01' 13.38"
41	27° 05' 06.28"/82° 01' 13.50"
42	27° 05' 15.14"/82° 02' 02.11"
43	27° 05' 11.53"/82° 01' 51.25"
44	27° 05' 11.79"/82° 02' 13.61"
45	27° 05' 05.88"/82° 02' 03.06"
46	27° 05' 00.85"/82° 01' 51.16"
47	27° 04' 58.44"/82° 02' 02.94"
48	27° 04' 50.88"/82° 01' 52.27"
49	27° 04' 40.72"/82° 01' 51.75"
57	27° 04' 36.96"/82° 01' 45.36"
58	27° 04' 33.17"/82° 01' 35.30"
59	27° 04' 26.68"/82° 01' 44.88"
60	27° 04' 27.82"/82° 01' 50.57"
61	27° 04' 33.30"/82° 01' 58.70"
62	27° 04' 38.14"/82° 02' 06.80"
63	27° 04' 42.88"/82° 02' 15.54"
64	27° 04' 48.47"/82° 02' 16.76"
65	27° 04' 52.20"/82° 02' 24.73"
66	27° 05' 05.44"/82° 02' 36.38"
67	27° 05' 24.55"/82° 02' 36.34"

68	27° 05' 15.87"/82° 02' 40.60"
69	27° 04' 55.99"/82° 02' 39.77"
70	27° 04' 50.51"/82° 02' 35.83"
71	27° 04' 42.69"/82° 02' 26.75"
72	27° 04' 33.68"/82° 02' 16.61"
73	27° 04' 31.33"/82° 02' 06.78"
74	27° 04' 22.54"/82° 02' 05.68"
82	27° 04' 11.79"/82° 03' 25.02"
83	27° 04' 13.80"/82° 02' 09.91"
84	27° 03' 16.48"/82° 03' 24.84"
85	27° 03' 44.24"/82° 02' 44.02"
86	27° 04' 27.51"/82° 02' 46.34"
87	27° 04' 04.91"/82° 02' 32.04"
88	27° 04' 24.99"/82° 01' 47.03"
89	27° 03' 44.23"/82° 03' 24.62"
90	27° 03' 29.90"/82° 03' 04.70"
91	27° 04' 06.40"/82° 03' 00.34"
93	27° 06' 06.39"/82° 00' 45.64"
94	27° 05' 52.08"/82° 00' 27.63"
95	27° 05' 37.53"/82° 00' 06.70"
96	27° 05' 47.50"/82° 00' 50.23"
97	27° 05' 32.13"/82° 00' 28.46"

**Location Map**  
**Peace River/Manasota Regional WSA/Attn: Shea Cunningham**  
**WUP No. 20 010420.013**



**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/](http://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 annual average and peak month quantities for ASR withdrawals, District ID Nos. 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, Permittee ID Nos. S-1, S-2, S-3R, S-4, S-6, S-7, S-8, S-9R, S-10, S-11, S-12, S-13, S-14, S-15, T-1, S-5R, S-16, S-17, S-18, S-19, S-20, S-21, S-22, S-23, S-24, S-25, S-26, S-27, S-28, S-29, S-30, S-31, S-32, S-33, S-34, S-35, S-36, S-37, S-38, S-39, S-40, S-41, S-42, S-43, S-44, S-45, and S-46, shown in the withdrawal point quantity 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 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 and peak month withdrawal from the ASR wellfields is limited to 32,700,000 gpd and 38,100,000 gpd, respectively.

The annual average and peak month quantities for Brackish Wellfield withdrawals, District ID Nos. 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, Permittee ID Nos. BW-2, BW-1, BW-3, BW-4, BW-5, BW-6, BW-7, BW-8, BW-9, BW-10, BW-11, BW-12, BW-13, BW-14, BW-15, shown in the withdrawal point quantity 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 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 and peak month withdrawal from the Brackish Wellfield is limited to 11,200,000 gpd and 15,000,000 gpd, respectively.  
(221)

3. The Permittee shall construct the proposed wells according to the surface diameter, casing depth, and total depth specifications listed below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between



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

District ID Nos. 42, 43, 44, 45, 46, 47, 48, 49, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, Permittee ID Nos. S-21, S-22, S-23, S-24, S-25, S-26, S-27, S-28, S-29, S-30, S-31, S-32, S-33, S-34, S-35, S-36, S-37, S-38, S-39, S-40, S-41, S-42, S-43, S-44, S-45, and S-46, having a surface diameter of 16 inches, with a minimum casing depth of 570 feet, drilled to an estimated total depth of 900 feet.

(235)

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. Final casing and total depths will be determined in the field during well construction based on site-specific geologic conditions. 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. 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, Permittee ID Nos. BW-2, BW-1, BW-3, BW-4, BW-5, BW-6, BW-7, BW-8, BW-9, BW-10, BW-11, BW-12, BW-13, BW-14, BW-15, having a surface diameter of 16 inches, are intended to withdraw exclusively from the Upper Floridan aquifer, with an estimated minimum casing depth of 550 feet below land surface, drilled to a maximum estimated total depth of 1,350 feet bls, unless a variation is authorized by the WUP Bureau Chief or Well Construction Section Manager.

(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 in accordance with the Wellfield Management Plan. 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 quantities withdrawn from the lower Peace River are limited by the adopted Minimum Flow, delineated in Rule 40D-8.041(8), Florida Administrative Code, and the diversion schedule described below. Surface water withdrawals at District ID No. 14, Permittee ID No. 14, will be based on the previous day's combined adjusted average flow as measured in cfs for the lower Peace River at the Arcadia, Joshua Creek at Nocatee, and Horse Creek near Arcadia U.S. Geological Survey Gages. Actual withdrawals are limited by seven flow-dependent Minimum Flows in three blocks per the Diversion Schedule in Table 1.(358)
7. The Permittee shall construct the following proposed monitor wells at the locations specified at time of application and 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. Final casing and total depths will be determined in the field during well construction based on site-specific geologic conditions. 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 No. 98, Permittee ID No. BW-UAA-MON, with surface casing diameter of up to 6 inches, to be

cased continuously from the surface to 60 feet below land surface and drilled to a total depth of 80 feet below land surface.

District ID No. 99, Permittee ID No. BW-LAA-MON, with surface casing diameter of up to 6 inches, to be cased continuously from the surface to 350 feet below land surface and drilled to a total depth of 450 feet below land surface.

District ID No. 100, Permittee ID No. BW-SWN-MON, with surface casing diameter of up to 6 inches, to be cased continuously from the surface to 570 feet below land surface and drilled to a total depth of 850 feet below land surface.

District ID No. 101, Permittee ID No. BW-AP-MON, with surface casing diameter of up to 6 inches, to be cased continuously from the surface to 1,100 feet below land surface and drilled to a total depth of 1,350 feet below land surface.

(416)

8. 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)
9. 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)
10. By June 1 of each year the Permittee shall provide an Annual Report for the preceding Water Year (i.e. October 1 through September 30) regarding regional water supply conditions, planning and development for new supplies and interconnections, resource management, Alternative Water Supply (AWS), water conservation and demand management efforts within the Authority's four-county region, including those of the Authority, its member governments, customers, and water supply partners with whom water is shared. The Annual Report shall include an update on the following items for the preceding Water Year:
  1. Hydrologic conditions in the Authority's four-county service area including a summary of rainfall and flow in the lower Peace River at Arcadia, Horse Creek near Arcadia and Joshua Creek near Nocatee.
  2. An annual summary of Authority withdrawals from the lower Peace River, reservoir and ASR storage, water treated and water delivered from the Peace River Facility.
  3. An annual summary of regional and individual member, customer, and partner water supply demands, the sources and the quantities derived therefrom.
  4. Projected regional water demands for the next 20 years and anticipated new supply capacity/source development schedule to reliably meet those projected demands.
  5. The status of current water supply facilities, and of new supply/capacity and transmission system facilities in the planning, design or construction stage.
  6. Schedule and status for updates to the Authority's Regional Water Supply Plan including an electronic copy of the latest Regional Water Supply Plan (unless provided with a previous annual report).
  7. Regional efforts to coordinate, collaborate, and implement resource management measures that support the SWFWMD's SWUCA Recovery Strategy.
  8. Status and update on resource management and Alternative Water Supply (AWS) development efforts in the region directly relating to beneficial reuse of reclaimed water, harvest and reuse of storm water, and other AWS sources.
  9. Status and update on water conservation and demand management efforts by Authority members, customers and partners including but not limited to meeting District per-capita water use targets for the SWUCA. Any updates to the respective Water Conservation Plans of members, customers, and partners shall also be provided (unless previously provided).

(660)

11. Flow in the lower Peace River shall be read at the Arcadia Station, USGS gage 02296750 (District ID No. 16, Permittee ID No. ARCA); Horse Creek near Arcadia, USGS gage 02297310 (District ID No. 75,

Permittee ID No. HORS); and Joshua Creek at Nocatee, USGS gage 02297100 (District ID No. 76, Permittee ID No. JOSH). The combined flow of the three gages will be reported as District ID No. 77, Permittee ID No. COMB. Flow shall be read on a daily basis and reported to the Water Use Permit Bureau (using District-approved forms) on or before the tenth (10th) day of the following month. The recordings shall include daily average water flow in million gallons per day (MGD) and cubic feet per second (cfs).(667)

12. The Permittee shall submit the annual wellfield report as described in the Brackish Wellfield Management Plan (WFMP) dated September 2023 was submitted in support of the application for this permit. Reports and required documentation shall be submitted to the Water Use Permit Bureau by April 15 of each year, with the first report due by April 15 of the year following at least 12 months of wellfield operation. The WFMP shall include continuous water level recording, and initial weekly water quality recording for chlorides, sulfates, TDS, pH, and conductivity, at all proposed production wells (District ID Nos. 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, Permittee ID Nos. BW-2, BW-1, BW-3, BW-4, BW-5, BW-6, BW-7, BW-8, BW-9, BW-10, BW-11, BW-12, BW-13, BW-14, BW-15) and at the four associated monitor wells (District ID Nos. 98, 99, 100, and 101, Permittee ID Nos. BW-UAA-MON, BW-LAA-MON, BW-SWN-MON, BW-AP-MON). The water quality results will be used to establish chloride concentration limits after at least two years of operation for compliance purposes at the four monitor wells. In consultation with the Permittee, the WFMP is subject to refinement based upon the results of this water level and water quality monitoring program; the aquifer performance test; and updated groundwater flow modeling. (673)
13. The Permittee shall immediately implement the Peace River Hydrobiological Monitoring Program 2018 Update (HBMP) dated January 2018 which is attached to and made part of this permit (Exhibit C). An Annual Data Report including raw data and satellite imagery will be submitted to the Water Use Permit Bureau Chief by October 1 each year for the preceding calendar year. Every fifth year, instead of the Annual Data Report a comprehensive 5-Year Summary Report compiling the results, analysis, and conclusions of the HBMP for the five calendar years preceding will be submitted by October 1. The next comprehensive 5-Year Summary Report shall be submitted by October 1, 2027. Adaptive management changes to the HBMP, if any, shall generally be proposed within the 5-year reports. (676)
14. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities, with non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief:

ASR withdrawals District ID Nos. 42, 43, 44, 45, 46, 47, 48, 49, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, Permittee ID Nos. S-21, S-22, S-23, S-24, S-25, S-26, S-27, S-28, S-29, S-30, S-31, S-32, S-33, S-34, S-35, S-36, S-37, S-38, S-39, S-40, S-41, S-42, S-43, S-44, S-45, and S-46.

For ASR withdrawals, monthly reporting of pumpage, 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.

Brackish Wellfield withdrawals District ID Nos. 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, Permittee ID Nos. BW-2, BW-1, BW-3, BW-4, BW-5, BW-6, BW-7, BW-8, BW-9, BW-10, BW-11, BW-12, BW-13, BW-14, BW-15.

For Brackish Wellfield withdrawals, monthly reporting of meter reading and pumpage, 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)

15. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief:

District ID No. 14, Permittee ID No. 14 (river intake to reservoir)  
 District ID No. 15, Permittee ID No. RESV (raw water from reservoirs to plant)  
 District ID No. 17, Permittee ID No. PR WTP (river intake directly to plant)  
 District ID No. 18, Permittee ID No. PR DIS (finished water from plant minus ASR recharge)



ASR Withdrawals District ID Nos. 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41, Permittee ID Nos. S-1, S-2, S-3R, S-4, S-6, S-7, S-8, S-9R, S-10, S-11, S-12, S-13, S-14, S-15, T-1, S-5R, S-16, S-17, S-18, S-19, and S-20.

Monthly reporting of pumpage, as well as meter accuracy checks at least every five years, shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)

16. During aquifer storage and recovery operations, water quality samples from the withdrawal points listed below shall be collected after pumping the withdrawal point at its normal rate to a constant temperature, pH, and conductivity. Storage water quality shall be reported as the treated water from the plant. Water quality samples during recovery shall be collected at the sample tap for each ASR well. 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.

**Recharge (Finished Water):**

District ID No. 18, Permittee ID No. PR DIS, for TDS, sulfates, conductivity, chlorides and pH, on a monthly basis during recharge.

**ASR Wells - During Recovery:**

Existing District ID Nos. 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41, Permittee ID Nos. S-1, S-2, S-3R, S-4, S-6, S-7, S-8, S-9R, S-10, S-11, S-12, S-13, S-14, S-15, T-1, S-5R, S-16, S-17, S-18, S-19 and S-20, for TDS, sulfates, conductivity, chlorides and pH, on a monthly basis.

Proposed District ID Nos. District ID Nos. 42, 43, 44, 45, 46, 47, 48, 49, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, Permittee ID Nos. S-21, S-22, S-23, S-24, S-25, S-26, S-27, S-28, S-29, S-30, S-31, S-32, S-33, S-34, S-35, S-36, S-37, S-38, S-39, S-40, S-41, S-42, S-43, S-44, S-45, and S-46, for TDS, sulfates, conductivity, chlorides and pH, on a monthly basis.

**ASR Monitor Wells:**

District ID Nos. 51 and 52, Permittee ID Nos. M-2 and T-2, for TDS, sulfates, conductivity, chlorides and pH, on a monthly basis.

District ID No. 92, Permittee ID No. I-7, for chlorides on a monthly basis.

(752)

17. Background water quality samples shall be collected during construction of the proposed wells authorized. The samples shall be collected at intervals of 50 feet or less, from 600 feet below land surface to the bottom of the well, or as may otherwise be specified in the well construction permit in accordance with regulatory requirements in effect at that time. The Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. The results of the sampling program shall be due within 30 days of the completion of the well. For sampling, analysis and submittal requirements, see Exhibit B, attached to and made part of this permit.

**ASR Wells:**

District ID Nos. 42, 43, 44, 45, 46, 47, 48, 49, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, Permittee ID Nos. S-21, S-22, S-23, S-24, S-25, S-26, S-27, S-28, S-29, S-30, S-31, S-32, S-33, S-34, S-35, S-36, S-37, S-38, S-39, S-40, S-41, S-42, S-43, S-44, S-45, and S-46, for TDS, sulfates, conductivity, chlorides and pH.

**Brackish Wellfield:**

District ID Nos. 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, Permittee ID Nos. BW-2, BW-1, BW-3, BW-4, BW-5, BW-6, BW-7, BW-8, BW-9, BW-10, BW-11, BW-12, BW-13, BW-14, BW-15, for TDS, sulfates, conductivity, chlorides and pH.

(753)

18. The Permittee shall record and submit water levels for the following existing and proposed production and monitor wells, and report them to the District at the frequency listed. Proposed wells shall initiate reporting within 90 days of completion of construction. To the maximum extent possible, water levels shall be recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate to the frequency required. The readings 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 or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource. The Permittee shall have the elevation of the measuring point on each well listed surveyed to NAVD 1988, and a copy of the certified survey report for the wells listed shall be included with the first data submittal.

## Existing ASR:

District ID Nos. 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41, Permittee ID Nos. S-1, S-2, S-3R, S-4, S-6, S-7, S-8, S-9R, S-10, S-11, S-12, S-13, S-14, S-15, T-1, S-5R, S-16, S-17, S-18, S-19, and S-20, on a weekly basis.

## Proposed ASR:

District ID Nos. 42, 43, 44, 45, 46, 47, 48, 49, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, Permittee ID Nos. S-21, S-22, S-23, S-24, S-25, S-26, S-27, S-28, S-29, S-30, S-31, S-32, S-33, S-34, S-35, S-36, S-37, S-38, S-39, S-40, S-41, S-42, S-43, S-44, S-45, and S-46, on a weekly basis.

## ASR Monitor Wells

District ID Nos. 51 and 52, Permittee ID Nos. M-2 and T-2 on a continuous (hourly) basis, and reported as daily minimum and maximum values.

## Proposed Brackish Wellfield:

District ID Nos. 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, Permittee ID Nos. BW-2, BW-1, BW-3, BW-4, BW-5, BW-6, BW-7, BW-8, BW-9, BW-10, BW-11, BW-12, BW-13, BW-14, BW-15, on a weekly basis.

## Proposed Brackish Wellfield Monitor Wells:

District ID Nos. 98, 99, 100, and 101, Permittee ID Nos. BW-UAA-MON, BW-LAA-MON, BW-SWN-MON, BW-AP-MON, on a weekly basis.

(758)

19. Total quantities and cumulative volumes of water stored and recovered for each ASR well shall be recorded and reported on a monthly basis. The recording and reporting shall begin within 90 days of completion of any proposed wells. Pumpage 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.

District ID Nos. 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, Permittee ID Nos. S-1, S-2, S-3R, S-4, S-6, S-7, S-8, S-9R, S-10, S-11, S-12, S-13, S-14, S-15, T-1, S-5R, S-16, S-17, S-18, S-19, S-20, S-21, S-22, S-23, S-24, S-25, S-26, S-27, S-28, S-29, S-30, S-31, S-32, S-33, S-34, S-35, S-36, S-37, S-38, S-39, S-40, S-41, S-42, S-43, S-44, S-45, and S-46.

(830)

20. The Maximum Daily Quantity shall be reduced by up to 48 MGD to be credited against impact, if any, from the proposed permitted withdrawal from the Polk Regional Water Cooperative ("Cooperative") from Peace Creek for natural system restoration and potable water supply or from the Upper Peace River in Polk County for storage in reservoirs or other approved consumptive uses ultimately for potable use. The District shall determine the reduction to the Maximum Daily Quantity up to 48 MGD necessary to offset impacts, if any, from the Cooperative's proposed permitted withdrawals and notify the Authority. Within 30 days of the District's notification, the Authority shall submit a letter modification to the District to reduce the Maximum Daily Quantity by specified amount up to 48 mgd. The letter

modification shall specify that the reduction shall take effect immediately upon notification by the Cooperative to the District and the Permittee of the actual withdrawal of water by the Cooperative from Peace Creek or the Upper Peace River. If the Cooperative does not receive a notice of intent to issue a water use permit to withdraw water from Peace Creek or the Upper Peace River within 10 years of the issuance date of the last renewal of this Permit (or by February 26, 2029), then no reduction pursuant to this condition will occur.(990)

21. Within 12 months of completion of the Well Construction and Testing Program (WCTP) for the brackish groundwater wellfield, the Permittee will develop a representative groundwater flow model that incorporates site-specific WCTP data. The Permittee will use the model as a tool in its efforts to implement the approved Wellfield Management Plan (WFMP) at that time.  
(991)
22. Water quality samples from the Brackish Wellfield production wells and monitor wells 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 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.

Proposed Production Wells District ID Nos. 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, Permittee ID Nos. BW-2, BW-1, BW-3, BW-4, BW-5, BW-6, BW-7, BW-8, BW-9, BW-10, BW-11, BW-12, BW-13, BW-14, BW-15, for TDS, sulfates, conductivity, chlorides, and pH, on a monthly basis.

Proposed Brackish Wellfield Monitor Wells District ID Nos. 98, 99, 100, and 101, Permittee ID Nos. BW-UAA-MON, BW-LAA-MON, BW-SWN-MON, BW-AP-MON, for TDS, sulfates, conductivity, chlorides, and pH, on a monthly basis.  
(992)

TABLE 1. DIVERSION SCHEDULE FOR LOWER PEACE RIVER WITHDRAWALS

Flow-Based Block	If Combined Adjusted Flow in cubic feet per second (cfs) on the Previous Day is:	Minimum Flow is:	PRMRWSA Diversion Schedule Q=combined adjusted average flow in cubic feet per second (cfs) on the previous day
1	≤130 cfs	Combined adjusted flow on the previous day	0 cfs
	> 130 cfs and ≤149 cfs	130 cfs	Q - 130 cfs
	> 149 cfs and ≤ 297 cfs	87% of combined adjusted flow on the previous day	Q x 13%
2	> 297 cfs and ≤ 335 cfs	258 cfs	Q - 258 cfs
	> 335 cfs and ≤ 622 cfs	77% of combined adjusted flow on the previous day	Q x 23%
3	> 622 cfs and ≤ 798 cfs	479 cfs	Minimum of either (Q - 479 cfs, or Q x 28%)
	> 798 cfs	60% of combined adjusted flow on the previous day	Minimum of either (MFL max day quantity of 400 cfs, or Q x 28%)

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/](http://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](http://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 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.

**Exhibit C**  
**Peace River Hydrobiological**  
**Monitoring Program**  
**2018 Update**

# **Peace River Hydrobiological Monitoring Program 2018 Update**

**Prepared for:  
Peace River Manasota Regional Water Supply Authority**



**Prepared by:  
Janicki Environmental, Inc.**



**January 2018**

## Table of Contents

1.0	INTRODUCTION .....	3
1.1	Document Organization .....	3
1.2	HBMP Background .....	3
1.3	HBMP Goals and Objectives .....	8
2.0	HBMP REGULATORY CONTEXT .....	9
2.1	Water Use Permit Requirements .....	9
2.2	District Minimum Flows and Levels (MFLs) .....	10
3.0	RESOURCE MANAGEMENT GOALS .....	12
3.1	HBMP Monitoring Objectives .....	13
3.2	HBMP Design Criteria .....	14
4.0	MONITORING ELEMENTS OF THE PEACE RIVER HBMP .....	16
4.1	Physical Monitoring .....	16
4.2	Water Chemistry and Water Column Physical Profiles .....	17
4.2.1	Moving Isohaline-Based Sampling .....	17
4.2.2	Fixed-Station Sampling .....	18
4.3	Continuous Recorders (USGS and Authority) .....	21
4.4	Reporting .....	23
5.0	MANAGEMENT RESPONSE PLAN .....	25
5.1	Rationale for Defining Significant Environmental Change .....	25
5.2	Salinity as the Primary Indicator .....	26
5.3	Management Actions .....	27
5.4	Degree of Certainty .....	28
6.0	HBMP SPECIAL STUDIES .....	30
6.1	In Situ Chlorophyll Transect Monitoring .....	30
6.2	Riparian Vegetation .....	30



## 1.0 INTRODUCTION

On December 10, 1975, the Consumptive Use Permit #27500016 for the Peace River Regional Water Supply Facility was signed between General Development Utilities, Inc. and the Southwest Florida Water Management District (District). In conjunction with this agreement, a comprehensive Hydrobiological Monitoring Program (HBMP) was set forth to assess the responses of various physical, chemical, and biological characteristics of the Charlotte Harbor estuary to changes in Peace River flow. The program was designed to evaluate the influences and significance of natural seasonal and annual salinity changes on the aquatic fauna and flora in the lower river/upper harbor estuary, and to determine if freshwater withdrawals by the Peace River Regional Water Supply Facility could be shown to potentially significantly alter these natural patterns. The HBMP design has been modified several times since its inception based on collected data and other considerations. This document provides a brief history of the HBMP and a description of the currently implemented HBMP, and serves as an update to the 1996 HBMP Document.

### 1.1 DOCUMENT ORGANIZATION

This document is organized as follows:

*Chapter 1. Introduction.* This chapter provides a brief overview of HBMP background, goals and objectives, monitoring area, and organization of this document.

*Chapter 2. HBMP Regulatory Context.* This chapter provides a brief overview of the basis for requirement of the HBMP, as well as a description of the adopted Minimum Flows and Levels (MFL) for the Lower Peace River.

*Chapter 3. Resource Management Goals.* This chapter details the goals and objectives of the HBMP as described in special conditions of the Water Use Permit as well as criteria used in the design of HBMP study elements.

*Chapter 4. Monitoring Elements of the Peace River HBMP.* This chapter provides specific HBMP monitoring information for the Lower Peace River, as currently implemented by the Peace River Manasota Regional Water Supply Authority (Authority).

*Chapter 5. Management Response Plan.* This chapter details the hierarchy of management actions proposed under the HBMP to be implemented in response to detected changes in salinity that could forewarn of potential future impacts of sufficient magnitude that they would constitute an “adverse change”.

*Chapter 6. HBMP Special Studies.* This chapter provides an overview of the special studies currently implemented under the HBMP, designed to answer specific research questions regarding the Lower Peace River and Upper Charlotte Harbor.

### 1.2 HBMP BACKGROUND

The HBMP was not conceived to be a rigid monitoring program but rather a flexible study design. When the first discussion began with District staff in 1975 regarding what might be included within such a monitoring effort, very little was known about either salinity/flow relationships, or the spatial/temporal distributions of other physical/chemical water quality parameters in the lower Peace River/upper Charlotte Harbor estuary. Even less was known about the biological communities that studies in other estuarine



systems had indicated could potentially be negatively affected by excessive freshwater diversions. In 1976, the initial monitoring elements of the HBMP were designed in coordination with District staff to provide answers to specific questions raised during the original permitting process. These questions raised concerns regarding the potential for negative impacts potentially associated with salinity changes in the lower Peace River/upper Charlotte Harbor estuarine system resulting from freshwater withdrawals. Analysis of data from pre- and post-water treatment plant operation, presented in the August 1982 HBMP Summary Report, indicated the need to revise the monitoring program to better evaluate changes in the Charlotte Harbor system. Revisions to the HBMP monitoring elements were implemented to assess natural seasonal and longer-term variations in freshwater inflows, relative to the magnitude and timing of expected salinity changes due to Facility withdrawals. Further modifications and refinements to the HBMP study elements were made in 1985, 1988, and then again in 1996 in conjunction with the renewal of the Facility's Water Use Permit. The area of study is shown in Figure 1.1 and Table 1.1 provides a timeline of historical and current HBMP elements.

While the overall effort (inflation adjusted) of the monitoring program has remained relatively constant, study elements have been added and deleted in order to enhance the overall knowledge base of the lower Peace River/upper Charlotte Harbor estuarine system. Historically, those major monitoring elements aimed at assessing direct relationships with variations in freshwater inflow have had the longest histories. Other program elements, primarily those focused on assessing indirect biological indicators, have extended over a number of years and then ended once a sufficient baseline level of information had been accumulated. The HBMP should focus monitoring primarily on assessing long-term trends in key physical, chemical and biological characteristic directly related to the Facility's potential influences.

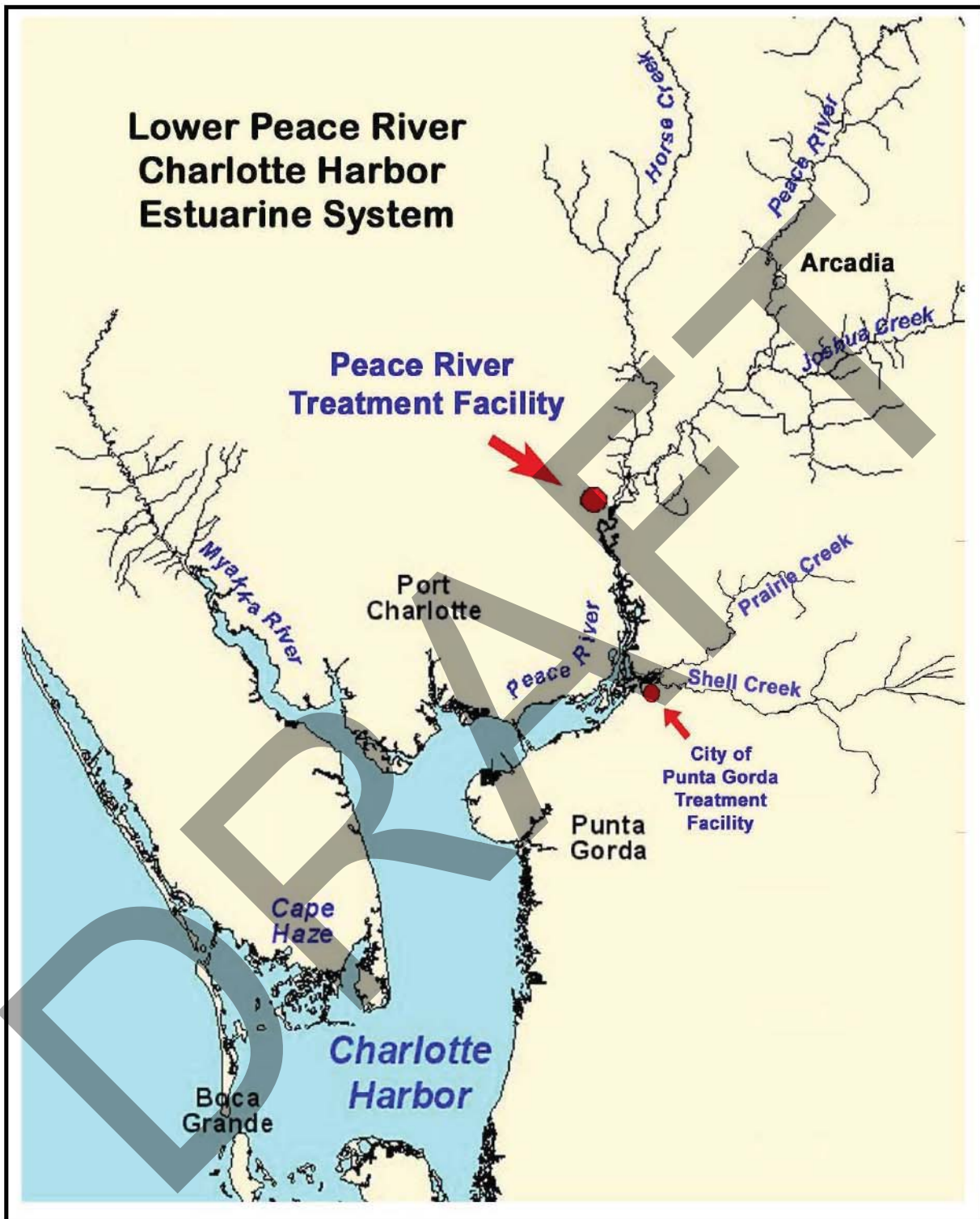


Figure 1.1 HMBP Study Area

Table 1.1 Historic time lines for both ongoing and previous major HBMP study elements																				
	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95
Indicator Benthic Species																				
Sea Star																				
Upper Harbor Juvenile Fishes																				
Vegetation - Aerial Photography																				
Vegetation - First and Last																				
Vegetation - Transect Sites																				
Isohaline Phytoplankton Primary Production																				
Isohaline Phytoplankton Species Identification																				
Zooplankton (Isohalines)																				
Water Quality (0, 6, 12, 20 ppt Isohalines)																				
Water Quality Lower /Middle Harbor																				
Stations 1, 3, 5, 6																				
Stations 2, 4, 7																				
Water Quality Upper Harbor																				
Station 9																				
Water Quality Lower River																				
Stations 10, 12, 14, 18																				
Stations 16, 20																				
Stations 11, 13, 15, 17, 19																				
Stations 21, 22, 23, 24, 25																				
Continuous Recorders																				
Benthic Invertebrates & Mollusc																				
Larval Fish/Plankton																				

Note: The station locations used in this table refer to the historically used numerical identifications, since not all of the sites in the lower/upper harbor were sampled along the current river kilometer centerline. Table 4.3 provides conversions to the currently used centerline identification system for stations 9 through 25.

↓ Includes *in situ* water column profile and surface water chemistry

↓↓ Includes both *in situ* water column profile, and top and bottom water chemistry

Table 1.1 Historic time lines for both ongoing and previous major HBMP study elements																						
	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17
Indicator Benthic Species																						
Sea Star																						
Upper Harbor Juvenile Fishes																						
Vegetation - Aerial Photography																						
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Note: The station locations used in this table refer to the historically used numerical identifications, since not all of the sites in the lower/upper harbor were sampled along the current river kilometer centerline. Table 4.3 provides conversions to the currently used centerline identification system for stations 9 through 25.

↓ Includes *in situ* water column profile and surface water chemistry

↓↓ Includes both *in situ* water column profile, and top and bottom water chemistry

### 1.3 HBMP GOALS AND OBJECTIVES

Water Use Permit No. 20010420.002 was issued by the District to the Authority in March 1996. The permit contained specific conditions for the continuation and enhancement of the lower Peace River/upper Charlotte Harbor estuary HBMP. The HBMP study elements specified in the 1996 permit renewal were designed to build upon and add to the HBMP monitoring activities initiated in 1975.

As defined by the District's 1996 Water Use Permit (WUP) conditions, the primary focus and overall objective of the HBMP is to assess the following key issues:

- Monitor river withdrawals from the Peace River by the Facility and evaluate gaged tributary flows from Joshua, Horse, and Shell Creeks, as well as the primary Peace River flows measured at Arcadia and direct rainfall to the lower Peace River.
- Evaluate relationships between the ecology of the lower Peace River/upper Charlotte Harbor estuary and freshwater inflows.
- Monitor selected water quality and biological variables in order to determine whether the ecological characteristics of the estuary related to freshwater inflows are changing over time.
- Determine the relative degree and magnitude of effects of Peace River withdrawals by the Facility on ecological changes that may be observed in the lower Peace River/upper Charlotte Harbor estuarine system.
- Evaluate whether consumptive freshwater withdrawals significantly contribute to any adverse ecological impacts to the estuary resulting from extended periods of low freshwater inflows.
- Evaluate whether the withdrawals have had any significant effects on the ecology of the estuary, based on related information such as nutrient loadings, fish abundance, or seagrass distribution data collected as part of other studies conducted by the District or other parties.

The overall primary goal of both the historic and current HBMP study elements has been to provide the District with sufficient information to determine whether the biological communities of the lower Peace River/upper Charlotte Harbor estuarine system have been, are being, or may be adversely impacted by permitted freshwater withdrawals by the Authority's water treatment Facility.

Current monitoring elements are detailed in Chapter 4.



## 2.0 HBMP REGULATORY CONTEXT

This chapter provides a brief overview of the basis of requirement for the HBMP, as well as a description of the adopted Minimum Flows and Levels (MFL) for the Lower Peace River.

### 2.1 WATER USE PERMIT REQUIREMENTS

A twenty-year renewal of the Facility's Water Use Permit (WUP) was issued by the District to the Authority in March 1996. The permit contained specific conditions for the continuation and enhancement of specific study elements for the ongoing Lower Peace River/Upper Charlotte Harbor Estuary HBMP. The permit was subsequently modified in 2011 (WUP No. 20010420.008) as a result of two significant factors. The first was the adoption in April 2011 of a Minimum Flows and Levels (MFL) leading to a revised District permitted withdrawal schedule for the Authority. The second factor was an extension of the permit expiration. Special Condition 19 of the modified permit requires that the "Permittee shall continue implementation of the Peace River Hydrobiological Monitoring Program (HBMP) which was incorporated into this permit on March 26, 1996".

In addition to other requirements, District WUP applicants must demonstrate reasonable assurance that the consumptive use will not cause harm to the water resources of the area in any of the following ways (40D-2.301.2.g, F.A.C.):

1. Will not cause harmful water quality impacts to the water source resulting from the withdrawal or diversion;
2. Will not cause harmful water quality impacts from dewatering discharge to receiving waters;
3. Will not cause harmful saline water intrusion or harmful upconing;
4. Will not cause harmful hydrologic alterations to natural systems, including wetlands or other surface waters; and
5. Will not otherwise cause harmful hydrologic alterations to the water resources of the area.

The District's Basis of Review has established a specific series of performance standards for WUPs associated with withdrawals from natural surface waterbodies, such as the Peace River.

- Flow rates shall not deviate from the normal rate and range of fluctuation to the extent that water quality, vegetation, and animal populations are adversely impacted in streams and estuaries.
- Flow rates shall not be reduced from the existing level of flow to the extent that salinity distributions in tidal streams and estuaries are significantly altered as a result of withdrawals.
- Flow rates shall not deviate from the normal rate and range of fluctuation to the extent that recreational use or aesthetic qualities of the water resource are adversely impacted

Additionally, any permitted withdrawals must be in accordance with any pertinent, adopted MFL.

## 2.2 DISTRICT MINIMUM FLOWS AND LEVELS (MFLs)

Although an adopted minimum flow and level (MFL) for a water body may not by itself provide sufficient reasonable assurance that withdrawals consistent with the MFL will not impact natural resources, adopted MFLs are relevant to the Peace River HBMP for several reasons. First, the WUP supported by the HBMP must be consistent with applicable MFLs for the River. Second, data, thresholds, statistical analyses, and hydrodynamic models used to establish the MFLs may also be used to assess the effects of Authority withdrawals.

The District is required to establish minimum flows and levels (MFLs) for surface water bodies, including rivers, streams and estuaries, to identify the limit at which further withdrawals would be significantly harmful to the water resources or the ecology of the area. District work on development of MFLs for the Lower Peace River was initiated in 2007, and was based on goals that included maintaining freshwater at the Authority's withdrawal facility on the Lower Peace River and biologically-relevant salinities throughout the Lower Peace River. After passing through many reviews, including independent scientific peer review, MFLs for the Lower Peace River were adopted into the District's Water Levels and Rates of Flow rules (specifically Rule 40D-8.041(8), Florida Administrative Code or F.A.C.) in July 2010 and became effective in August 2010. The approach utilized was to protect the flow regime, which is necessary to protect the ecology of the system.

As part of the process to determine the appropriate MFL and ensure protection of the flow regime, the District analyzed historic and current flow conditions to better understand the existing anthropogenic influence on the system. To better understand natural and anthropogenic influences on the system, climatic variability and long-term oscillations were accounted for in the review of historical hydrologic conditions. Seasonal blocks were defined based on typical low, medium and high flow periods of the year. The 'building block' approach which has been the preferred District method for determining minimum flows and levels was used in determining these MFLs. A low-flow threshold (below which withdrawal is not allowed) was determined, and the percent of flow method was used to determine allowable withdrawals when flows exceed the low-flow threshold.

The low-flow threshold for the Peace River was based on the operational capability of the Authority's Facility on the Peace River. Empirical analysis indicated that saline waters would be present at the withdrawal point when the combined flows of the Peace River at the Arcadia gauge, Joshua Creek at Nocatee, and Horse Creek near Arcadia are below 130 cfs. When the combined flow is below 130 cfs facility operations are limited by the presence of high-conductivity water, which is not suitable for water supply.

If flow is greater than 130 cfs the MFL protects the typical salinity distribution in the lower Peace River. Specifically, the MFL determined the acceptable percent of flow reduction to maintain the 2, 5 and 15 practical salinity units (psu) zones. Additionally, a portion of the lower Peace River has been shown to have high levels of fish abundance and diversity. The typical salinity levels in this portion of the river are 8 to 16 psu. Therefore, an additional analysis based on maintaining the 8 to 16 psu salinity range within that portion of the river was conducted. Based upon the results of these analyses the allowable percent withdrawals from the lower Peace River are:

- Block 1 (April 20 to June 25): 16% of flow.
- Block 2 (October 27 to April 19): 16% of flow when flow is at or below 625, 29% of flow when flow is above 625 cfs.
- Block 3 (June 26 to October 26): 16% of flow when flow is at or below 625 cfs, 38% of flow when flow is above 625 cfs.

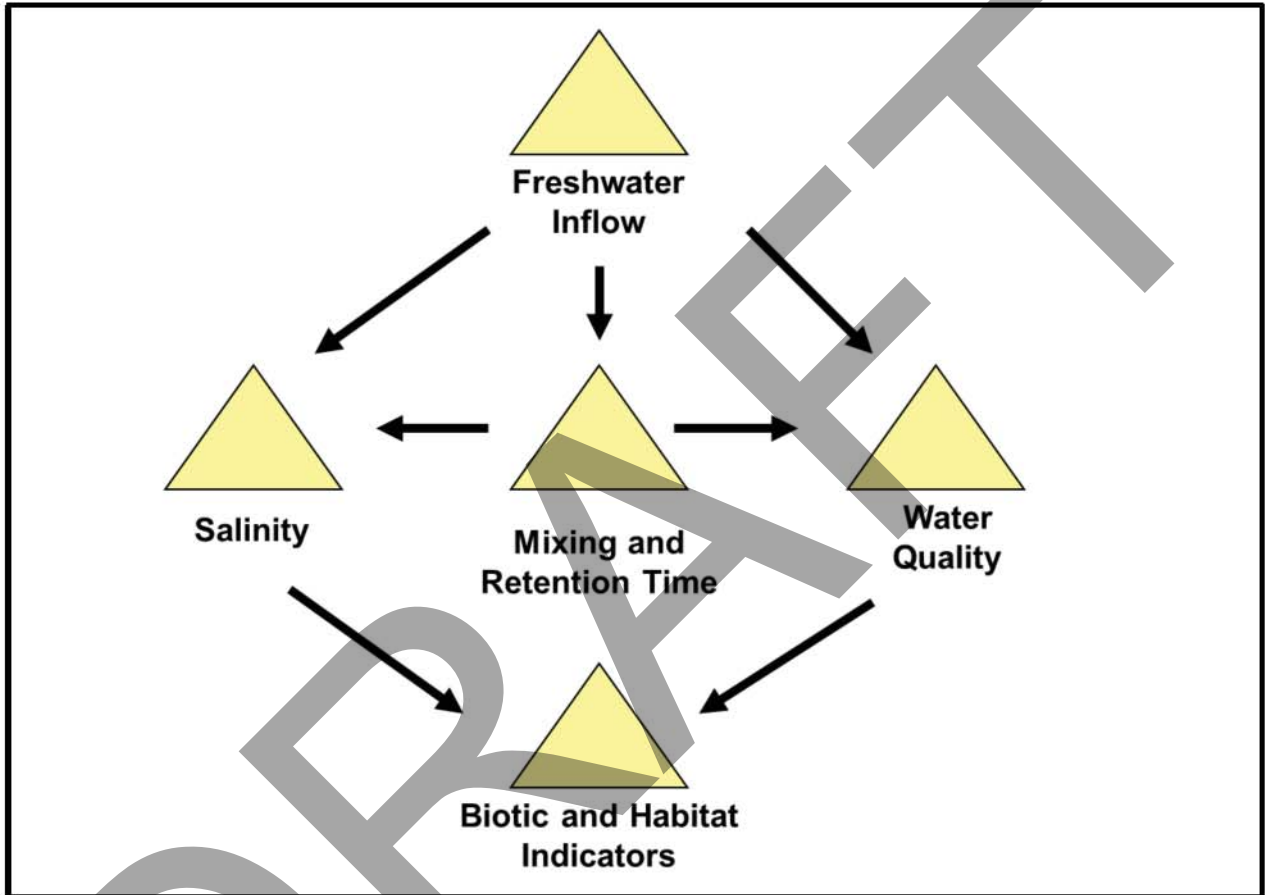
The flow referenced in the above bullets is the combined flows (as measured by the USGS gages) of the Peace River at the Arcadia gauge, Joshua Creek at Nocatee, and Horse Creek near Arcadia. Additionally, a maximum flow withdrawal of 400 cfs was instituted. The analyses conducted indicate that surface water withdrawals at these levels are protective of the ecology of the lower Peace River.

The Lower Peace River MFL rule specified that the MFLs will be reevaluated to incorporate additional ecological data for the Lower Peace River within 5 years of rule adoption. In response to this timeline, the District prepared an initial MFLs reevaluation report and scheduled completion of a more comprehensive reevaluation for the latter part of 2018. The timeline for the more comprehensive reevaluation was developed to allow for incorporation of additional ecological data that are expected to strengthen the technical basis for the reevaluation. Analyses to be incorporated into the reevaluation include: 1) running a hydrodynamic model for baseline and reduced flow scenarios, 2) characterization of floodplain features/habitats and how these habitats may be affected by changes in river flows, and 3) habitat suitability modeling for evaluation of the abundance and distribution of six fish species that are known to be responsive to freshwater inflows (District personal communication August 2017).



### 3.0 RESOURCE MANAGEMENT GOALS

Since its inception, the HBMP has incorporated numerous study elements directed toward assessing both the overall “health of the estuary” as well as determining impacts potentially associated with the Facility’s withdrawals. Figure 3.1 depicts a basic, simplified conceptual estuarine model of the primary mechanisms through which freshwater withdrawals may impact lower river/upper harbor resources, and which served as the basis for the initial development of the HBMP.



**Figure 3.1 Basic conceptual model of potential impact mechanisms of surface water withdrawals**

A more detailed conceptual model (Figure 3.2) relative to the pathways through which Facility withdrawals have some potential to impact estuarine resources was developed as part of the 2002 HBMP Comprehensive Summary Report and will be referenced again in later paragraphs of this chapter.

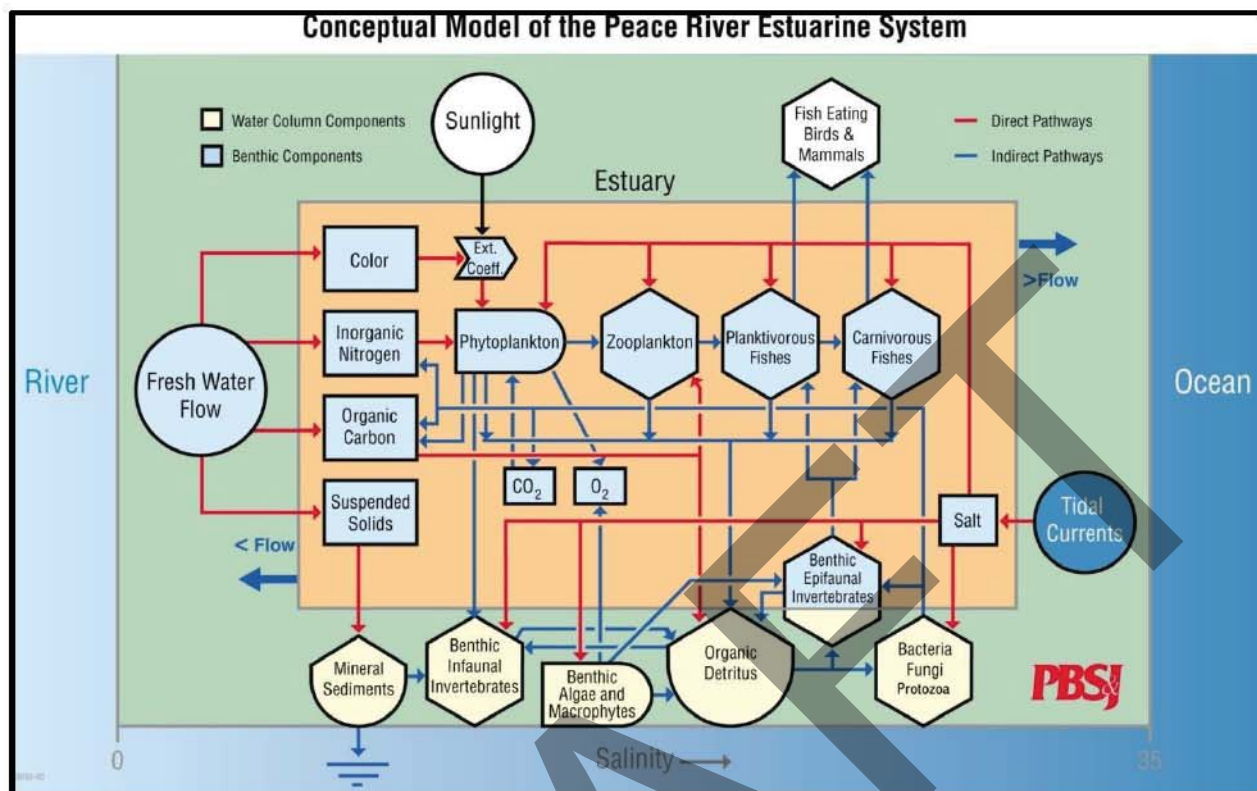


Figure 3.2 HBMP conceptual model of primary impact mechanisms of facility surface water withdrawals

This chapter further details HBMP resource management goals and relevant design criteria.

### 3.1 HBMP MONITORING OBJECTIVES

The HBMP design needs to cost-effectively address the articulated goals and objectives delineated in the Southwest Florida Water Management District's (District) specific WUP conditions. The combined elements of the program's design need to specifically meet the expectations and objectives set forth in the WUP's "specific conditions", as well as provide sufficient long-term information on which to base the development of answers to potential future questions that might be expected to arise.

The following summarizes the primary monitoring objectives of the HBMP study elements, as contained within the Authority's 1996 WUP's specific conditions:

- Monitor withdrawals from the Peace River Facility (Facility) and evaluate data as provided by the District for the gaged tributary flows from Joshua, Horse and Shell creeks, as well as the primary Peace River flows measured at Arcadia, and direct rainfall to the lower Peace River.
- Evaluate relationships between the ecology of the lower Peace River/upper Charlotte Harbor Estuary and freshwater inflows.
- Monitor selected water quality and biological variables in order to determine whether the ecological characteristics of the estuary related to freshwater inflows are changing over time.

- Determine the relative degree and magnitude of effects of Peace River withdrawals by the Facility on ecological changes that may be observed in the lower Peace River/upper Charlotte Harbor estuarine system.
- Evaluate whether consumptive freshwater withdrawals significantly contribute to any adverse ecological impacts to the estuary resulting from extended periods of low freshwater inflows.
- Evaluate whether the withdrawals have had any significant effects on the ecology of the estuary, based on related information such as nutrient loadings, fish abundance, or seagrass distribution data collected by other studies conducted by the District or other parties.

The overall goal of the HBMP continues to be to provide both the District and the Authority's respective Governing Boards with sufficient information to determine whether the water quality characteristics and biological communities of the lower Peace River/upper Charlotte Harbor estuarine system have been, are being, or may be significantly adversely impacted by permitted Facility withdrawals. A secondary objective has historically been to develop an ongoing base of ecological information sufficient to provide the District with critical information regarding the overall status and relative "health" of the lower Peace River/upper Charlotte Harbor estuarine system, by evaluating the status and trends of selected water quality and biological parameters.

### 3.2 HBMP DESIGN CRITERIA

In order to effectively meet these goals and objectives, the integrated design of HBMP elements should incorporate the following criteria:

- The program needs to identify those appropriate physical and biological indicators, and specific mechanisms of action, potentially subject to significant changes resulting from the Facility's permitted freshwater withdrawals from the lower Peace River/upper Charlotte Harbor estuarine system.
- The program should determine and predominantly focus its efforts in those geographical regions of the lower river/upper Harbor where naturally occurring and Facility induced changes in flows would be expected to result in the greatest potential observed changes in identified key estuarine characteristics.
- The design of the HBMP monitoring element should include sufficient spatial and temporal intensity to assure detection of measurable changes in selected physical/chemical/biological parameters resulting from changes in freshwater inflows.

It is, therefore, important that the following be clearly delineated for each of the HBMP study elements in order to meet these design criteria, and provide technically supportable data:

- The goals, objectives and specific sampling parameters need to be defined. This should include the specific purpose and application of each monitoring parameter.
- The sampling and analytical data gathering procedures need to be thoroughly described, specifically detailing the required temporal and spatial density of data collection.
- Data acquisition quality control and assurance methodologies need to be described, as well as potential methodologies and procedures for data analysis.



It is also important that each HBMP study element, as well as the overall program, have specific clearly stated goals and objectives to cost-effectively meet the design criteria needed to accomplish the monitoring program's multiple expectations. These goals and objectives need to clearly establish the scientific basis needed to provide sufficient information to meet the District's criteria for required reasonable assurance. It is also essential that the HBMP study elements delineate the types and amounts of monitoring data necessary to construct, calibrate, and verify the quantitative models needed to evaluate both current as well as possible future alternative withdrawal strategies under the District's established Minimum Flows and Levels (MFL) criteria.

Sometimes a well-designed monitoring program can still result in unanswered questions concerning key environmental processes or potential impacts. It is therefore important that the HBMP design criteria provide for opportunities, where feasible, to include the incorporation of short-term, intensive monitoring elements needed to provide answers to specific questions or issues that may arise periodically during the review process. The HBMP design elements further need to be sufficiently flexible to allow incorporation of modifications when and where changes in conditions, or new gathered information, suggest the need for specific monitoring program changes.

## 4.0 MONITORING ELEMENTS OF THE PEACE RIVER HBMP

The HBMP has evolved through the past 42 years with the current HBMP elements evolving from the HBMP study elements specified in the 1996 WUP and that 1996 effort was designed to build upon and add to the HBMP monitoring activities initiated in 1975.

As defined by the District's 1996 WUP conditions, the primary focus and overall objective of the HBMP was to assess the following key issues:

- Monitor river withdrawals from the Peace River by the Facility and evaluate gaged tributary flows from Joshua, Horse, and Shell Creeks, as well as the primary Peace River flows measured at Arcadia and direct rainfall to the lower Peace River.
- Evaluate relationships between the ecology of the lower Peace River/upper Charlotte Harbor estuary and freshwater inflows.
- Monitor selected water quality and biological variables in order to determine whether the ecological characteristics of the estuary related to freshwater inflows are changing over time.
- Determine the relative degree and magnitude of effects of Peace River withdrawals by the Facility on ecological changes that may be observed in the lower Peace River/upper Charlotte Harbor estuarine system.
- Evaluate whether consumptive freshwater withdrawals significantly contribute to any adverse ecological impacts to the estuary resulting from extended periods of low freshwater inflows.
- Evaluate whether the withdrawals have had any significant effects on the ecology of the estuary, based on related information such as nutrient loadings, fish abundance, or seagrass distribution data collected as part of other studies conducted by the District or other parties.

The overall primary goal of both the historic and current HBMP study elements has been to provide the District with sufficient information to determine whether the biological communities of the lower Peace River/upper Charlotte Harbor estuarine system have been, are being, or may be adversely impacted by permitted freshwater withdrawals by the Authority's water treatment Facility.

Current HBMP monitoring elements are described in the paragraphs to follow.

### 4.1 PHYSICAL MONITORING

The USGS began a cooperative water quality data collection program with the Authority in August 1996. In addition to specific conductance, salinity and temperature (see Section 4.3), three USGS gaging sites record water levels at 15-minute intervals throughout the study area (Table 4.1).

**Table 4.1 Summary USGS water level recorders in the HBMP study area**

Gage ID Location	Begin Date	River Kilometer
HH (USGS - 02297460) – Dock at Harbour Heights	Sep. 1996	RK 15.5
PRH (USGS - 02297350) – Dock at Peace River Heights gage	Nov. 1997	RK 26.7
PRP (USGS – 02297345) – Peace River at Platt (Facility)	Dec. 2009	RK 29.8

## 4.2 WATER CHEMISTRY AND WATER COLUMN PHYSICAL PROFILES

Two separate HBMP study elements (isohaline-based and fixed-station sampling) incorporate in situ water column profile physical measurements with the collection of chemical water quality sampling along the monitoring transect. In addition, both efforts measure the penetration of photosynthetically active radiation (PAR) to determine ambient extinction coefficients at specific sampling locations.

Several goals are associated with both the individual and combined findings of these water quality HBMP study elements. A principal goal of both monitoring efforts is to assess the overall “health of the estuary” by collecting sufficient long-term data to statistically describe spatial and seasonal variability of the water quality characteristics of the lower Peace River/upper Charlotte Harbor estuary, and test for significant changes over time (trends). A further goal of these HBMP elements is to determine whether significant relationships exist between freshwater inflows and the seasonal/spatial variability of key selected water quality parameters. If such relationships can be shown, then the ultimate goal becomes to determine the potential magnitude of change that might result from both existing permitted withdrawals and any future modifications, and compare such predicted changes due to withdrawals with the normal ranges of observed natural seasonal and annual variability.

### 4.2.1 Moving Isohaline-Based Sampling

During the first week of each month, water quality measurements (physical and chemical) are conducted at four “moving” salinity-based isohaline locations (0, 6, 12, and 20 psu) along a river kilometer centerline running from the imaginary “mouth” of the Peace River upstream to above its junction with Horse Creek, and downstream to Boca Grande Pass. The selection of the salinity-based sampling zones was originally established on a literature review of known spatial estuarine differences among the major plankton groups:

- Oligohaline Conditions = 0 psu (defined as upstream of 500 us/cm conductivity)
- Lower Mesohaline = 5-7 psu
- Upper Mesohaline = 11-13 psu
- Upper Brackish = 20-22 psu

The relative monthly location of each sampling event is based on the first occurrence of these specific isohalines ( $\pm 0.5$  psu), with freshwater being defined as the first occurrence of conductivities less than 500 us/cm (or until reaching the upstream Horse Creek confluence at RK 34.1).

Surface water samples are taken monthly at the four isohaline locations. The parameters measured for each water sample are presented in Table 4.2. The locations of the salinity-based stations are recorded as

kilometers in the river channel upstream of the river mouth and expressed as isohaline locations. At each station on each date, vertical profiles of salinity, specific conductance, temperature, pH, and dissolved oxygen are taken at surface, one-half meter intervals and bottom. Light profiles are taken using a LICORR photometer or another comparable instrument that meets District specifications. Light penetration profiles are recorded in depth increments consistent with methods previously used in the monitoring program. Light extinction coefficients are computed for each site.

<b>Table 4.2 HBMP chemical water quality parameters analyzed in isohaline-based and fixed-station sampling</b>	
Salinity	Ammonia/Ammonium Nitrogen
Chloride	Total Kjeldahl Nitrogen
Color	Total Nitrogen
Iron	Suspended Solids
Ortho-Phosphorus	Volatile Solids
Nitrate + Nitrite Nitrogen	Chlorophyll <i>a</i>

Monthly data are available for this element for the period 1983-present.

#### **4.2.2 Fixed-Station Sampling**

Approximately two weeks after the collection of the “moving” isohalines, water column physical profiles and light profiles are conducted, near high tide, at 16 “fixed” locations along the monitoring transect (Figure 4.1) The transect runs from just below the river’s mouth (RK -2.4) upstream to a point just above the Peace River Facility (RK 30.7; Figure 4.1 and Table 4.3). In addition, surface and bottom chemical water quality grab samples are taken at five of these locations (Table 4.3). The grab samples are analyzed for the same chemical water quality parameters as samples from the isohaline-based stations (Table 4.2). Monthly data are available for this element over two periods: 1976-1989 and 1996-present.



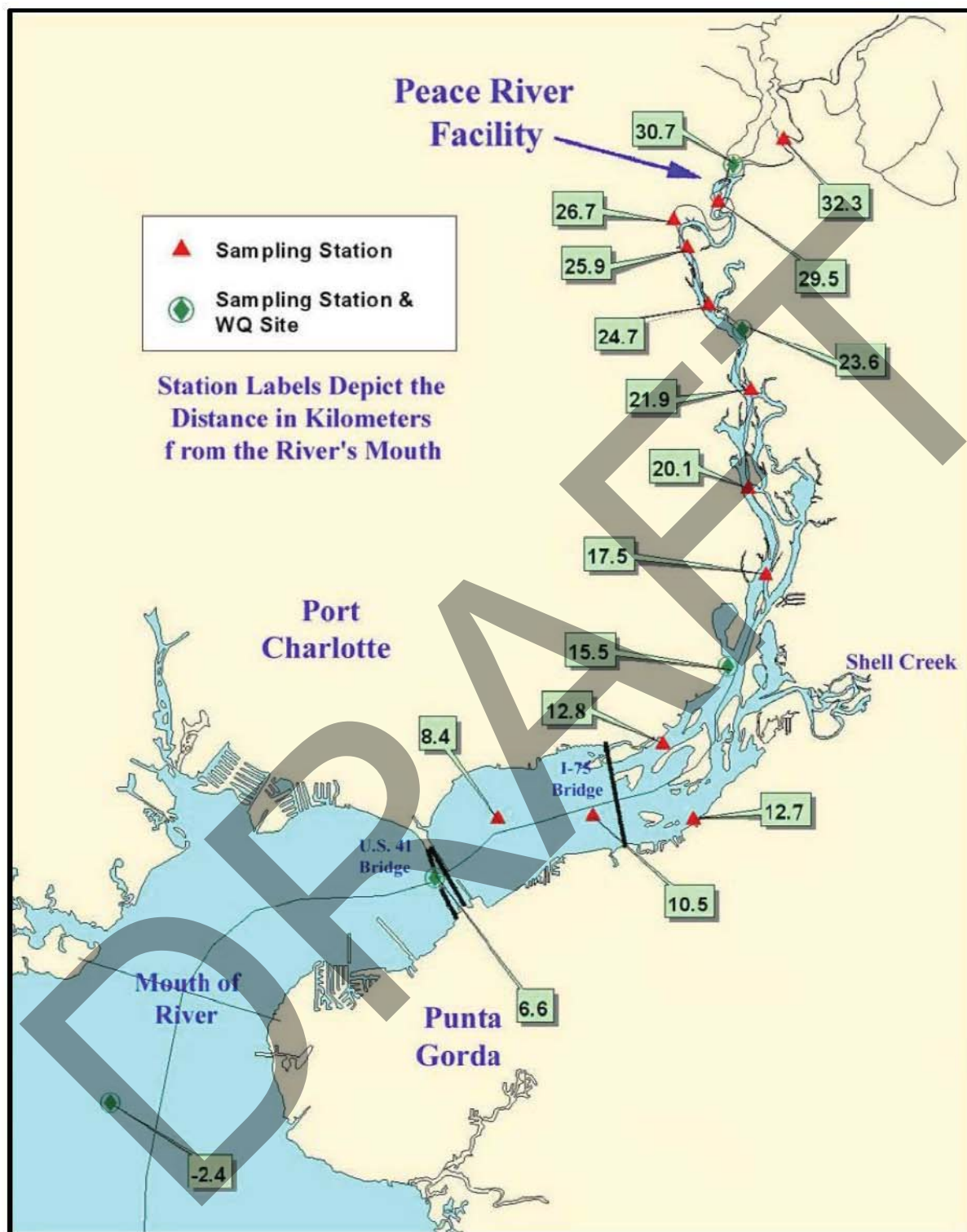


Figure 4.1 Fixed Station Locations



**Table 4.3 Ongoing HBMP fixed sampling locations and type of sampling at each**

<b>Historical Station Number*</b>	<b>River Kilometer</b>	<b>Longitude</b>	<b>Latitude</b>	<b>Surface and Bottom Grab</b>	<b>Vertical Profile</b>	<b>Light Profile</b>
9	-2.4	-82.120804997	26.899462366	X	X	X
10	6.6	-82.060335575	26.943926379	X	X	X
21	8.4	-82.045251812	26.956677340		X	X
11	10.5	-82.024836333	26.957901173		X	X
92 (Shell Creek 9)	12.7	-81.998868748	26.961155578		X	X
22	12.8	-82.008383037	26.971124186		X	X
12	15.5	-81.992389772	26.986902711	X	X	X
23	17.5	-81.986780641	27.006003452		X	X
13	20.1	-81.989252945	27.023380201		X	X
24	21.9	-81.990176913	27.043555811		X	X
14	23.6	-81.991086233	27.055822432	X	X	X
25	24.7	-82.000788033	27.061685745		X	X
15	25.9	-82.004641029	27.072758504		X	X
17	29.5	-81.999043967	27.082132965		X	X
18	30.7	-81.993801633	27.088900987	X	X	X
19	32.3	-81.982998819	27.092769561		X	X

\*Station numbers as utilized in Table 1.1, prior to standardization of stations to river kilometer.

### 4.3 CONTINUOUS RECORDERS (USGS AND AUTHORITY)

During the 1996 permit renewal, the need was identified to begin collecting salinity data at fixed points along the HBMP monitoring longitudinal transect at much greater frequencies than the ongoing monthly monitoring. Such information, combined with corresponding tide/wind influenced gage height, freshwater flows, and withdrawals could then be used to develop detailed spatial and temporal relationships through the development of statistical and/or mechanistic models. These models would allow increased accuracy in assessing the relative magnitudes of short and longer-term salinity changes due to permitted Facility withdrawals. Such salinity changes are expected to result from the interactions and combined influences of seasonally varying withdrawals with natural variations in both flows and tides. Secondly, continuous recorders might be used to assess potential long-term changes in river salinity, which might be explained by future predicted long-term progressive increases in sea level.

Following the 1996 renewal of the Facility WUP, two initial subsurface/near bottom 15-minute recorder locations were established in the lower Peace River by the United States Geological Survey (USGS). The Authority itself subsequently deployed three additional continuous subsurface salinity recorders in December of 2005, two additional recorders again in May 2008, and recently three more recorders at the end of June 2011. In December 2009, USGS installed another location, consisting of a pair of near surface and near bottom continuous recorders, immediately adjacent to the Facility's river intake structure. The three USGS recorder locations provide the Authority the ability to assess river conductance both downstream and at the Facility in real time, in order to prevent the withdrawal of higher conductance water during lower flows above the 130 cfs threshold. The relative locations of the recorder array along the lower Peace River HBMP monitoring transect are depicted in Figure 4.2 and further summarized in Table 4.3

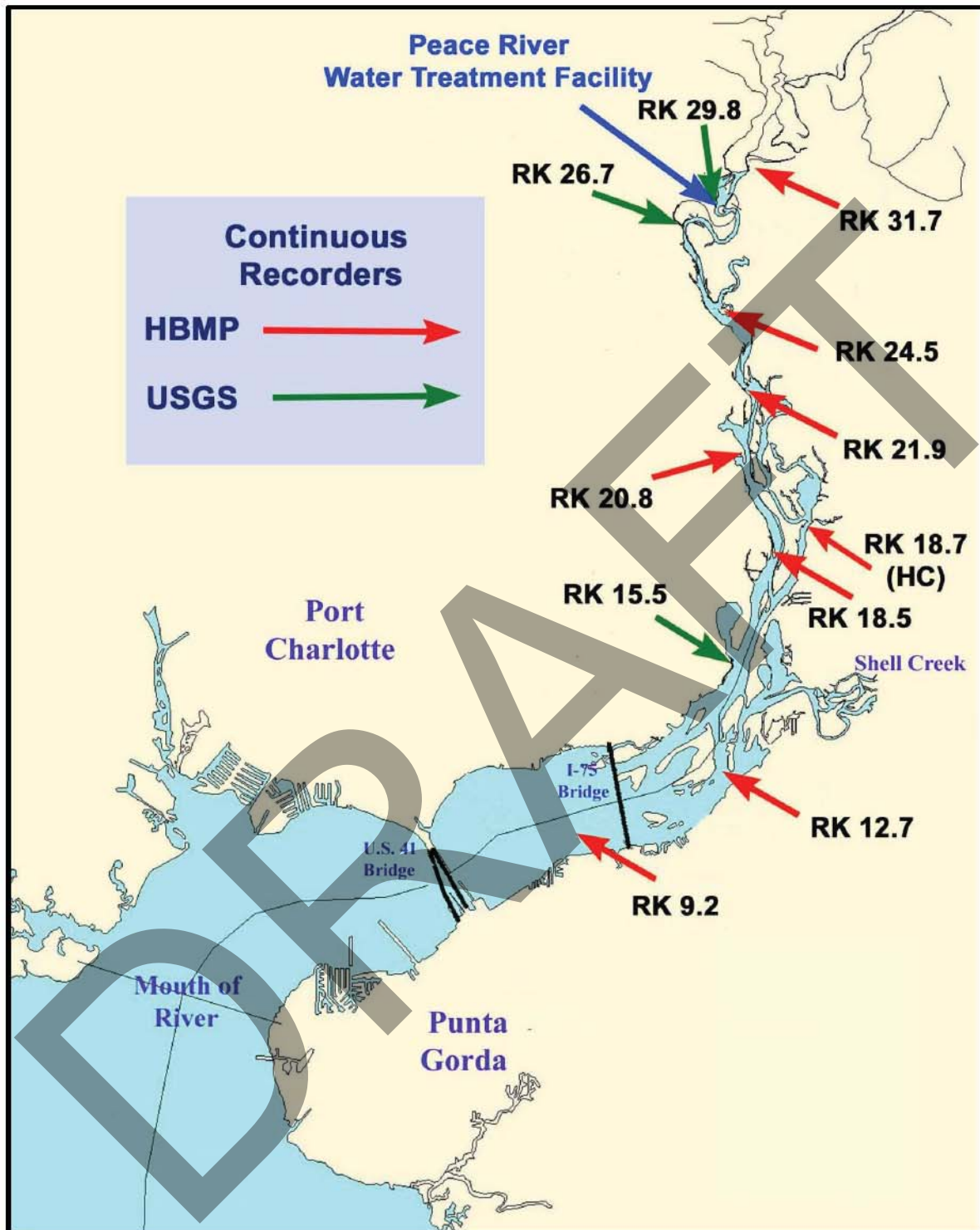


Figure 4.2 Current locations of USGS and Authority (HBMP) continuous recorders

**Table 4.3 HBMP continuous recorder locations**

<b>Station ID</b>	<b>Agency</b>	<b>Structure Type</b>	<b>Year Began</b>	<b>Latitude Degrees</b>	<b>Latitude Minutes</b>	<b>Longitude Degrees</b>	<b>Longitude Minutes</b>
RK 9.2	Authority	Navigation Marker	2011	26	57.182	82	2.127
RK 12.7	Authority	Manatee Sign	2011	26	57.708	81	59.961
RK 15.5	USGS (02297460)	Dock	1996	26	59.233	81	59.667
RK 18.5	Authority	Navigation Marker	2011	27	0.831	81	58.998
HC 18.7 (Hunter Creek)	Authority	Manatee Sign	2011	27	0.904	81	58.629
RK 20.8	Authority	Navigation Marker	2011	27	1.968	81	59.488
RK 21.9	Authority	Manatee Sign	2005	27	2.581	81	59.357
RK 24.5	Authority	Manatee Sign	2005	27	3.648	81	59.959
RK 26.7	USGS (02297350)	Dock	1997	27	4.633	82	0.450
RK 29.8	USGS (02297345)	Facility Intake	2009	27	5.200	81	59.967
RK 31.7	Authority	Railroad Bridge	2008	27	5.374	81	58.840

#### 4.4 REPORTING

Reports are submitted to the District in five-year cycles as described below.

##### *Annual Data Reports*

Reports for years one through four of each five-year cycle will be annual data reports containing all raw data collected during that year. In addition to the raw data, the annual data reports include a brief overview of the history of the HBMP, as well as limited comparisons between the annually collected HBMP data, and similar historically collected information. A description of any problems encountered or important observations made during the reporting year will also be included. Data reports shall be submitted by July 1<sup>st</sup> of the year following the end of the data collection year.



### *Comprehensive Summary Reports*

The year five report will be a comprehensive, interpretive report that analyzes all continuing data collected to that point in time. This report will examine long-term trends for important variables and relationships between ecological characteristics and freshwater inflows. The report will analyze the status of the harbor with regard to freshwater inflows and determine if the biological health and productivity of the estuary are showing signs of stress related to natural periods of low freshwater inflows and potential associated influence from withdrawals by the Peace River Facility. The proportion of the freshwater flow budget of the estuary that is reduced by withdrawals will be determined and the relative effect of withdrawals on the ecology of the estuary will be analyzed.

The design of the HBMP will be reviewed and re-evaluated in each year five report. Modifications to the monitoring program can be recommended in the year five reports, or at an interim time if approved by the District. The year five reports will be the primary documents for evaluating the presence or absence of adverse ecological impacts, the significance of Peace River Facility withdrawals to such impacts, and environmental considerations for increased withdrawals from the river. The effectiveness of the withdrawal schedule for preventing adverse environmental impacts will be evaluated. Environmental factors related to expansion of the diversion and water storage facilities and the feasibility of increased water supplies will be evaluated.

To facilitate the communication of the results of the HBMP the Authority recommends a meeting and presentation to District staff every 5 years in conjunction with the Summary Reports. Changes in the HBMP would also be considered at those 5-year meetings.

Year five comprehensive reports shall be submitted by October 1<sup>st</sup> of the year following the end of the previous data collection year. Reports for year five will be submitted first as drafts, subject to District review and approval. The District shall review draft reports and provide written comments within 45 days following submittal by the Authority. Final reports shall be submitted by the Authority within 90 days of receipt of the District comments.

Depending on the timing of proposed facility expansions, the submittal of the year five report can be adjusted to provide a more timely assessment of environmental factors related to increased water supplies and diversions from the river. For example, the interpretive report could be submitted in year four or six if necessary. If such an adjustment appears beneficial, the District and the Authority will mutually agree to adjust the deadline for the interpretive monitoring report at least ten (10) months in advance of the adjusted deadline for the interpretive report.

## 5.0 MANAGEMENT RESPONSE PLAN

This chapter details the hierarchy of management actions proposed under the HBMP to be implemented in response to detected changes that could forewarn of potential future impacts of sufficient magnitude that they would constitute an “adverse change”. Waiting until an adverse environmental impact has occurred to initiate appropriate management actions or remedial measures reduces the opportunity to adequately protect resources that may be at risk. Therefore, the Authority has adopted a Management Response Plan (MRP) that is a proactive approach to protecting the resources of concern in the lower Peace River estuarine system.

### 5.1 RATIONALE FOR DEFINING SIGNIFICANT ENVIRONMENTAL CHANGE

Inherent in the District rules is the recognition that surface water withdrawals in riverine systems are linked to potential changes in salinity, associated changes in water quality constituents (through either changes in loadings and/or dilution) and ultimately the biological communities of the lower river/upper harbor estuarine system. Freshwater withdrawals have a direct and instantaneous physical effect on salinity, while the effects of freshwater withdrawals on other water quality constituents, and biological communities in particular, are typically indirect and more complex (see previously presented Figure 3.2). Such indirect impacts are mediated by physical and chemical processes, and if they manifest, it is typically on slower time scales (i.e. weeks, months, or seasons).

District staff is responsible for the interpretation of data collected from the HBMP and other sources to determine if the permitted Facility surface water withdrawals have caused, or have a high potential of causing harm to the lower Peace River/upper Charlotte Harbor estuarine systems. The term “adverse impact”, which is included in the Authority’s WUP, has a distinct legal meaning in the context of WUP permitting. There was concern that delaying action until this regulatory threshold had been crossed limited the ability to avoid perceived potential impacts. Therefore, based on consultation with District staff, the 2002 Peace River Comprehensive Summary Report proposed that the less restrictive term “significant environmental change” be used by the Authority as a lower threshold criterion for assessing the findings of the HBMP.

The following definition of “significant environmental change” has been revised slightly from that originally proposed to include not only differences from the pre-withdrawal condition (before 1980), but also to incorporate comparisons between more recent periods and conditions under differing permitted withdrawals.

#### *Significant Environmental Change*

*A detected change, supported by statistical inference or a preponderance of evidence, in the normal or previous abundance, distribution, species composition, or species richness of biological communities of interest in the lower Peace River and upper Charlotte Harbor that is directly attributable to reductions in freshwater inflows caused by permitted surface water withdrawals.*

Conditions meeting the working definition of “significant environmental change” stated above could be measured and described in many different ways. As one example, significant environmental changes in lower river/upper harbor habitats could include measurable spatial and temporal changes in the natural variability of the salinity structure of characteristic fixed and/or dynamic estuarine components of sufficient

magnitude to alter effected biological communities. The Authority's Management Response Plan (MRP) to potential observed significant environmental change is described below.

## 5.2 SALINITY AS THE PRIMARY INDICATOR

Given that freshwater withdrawals have a direct physical effect on salinity, while the effects of freshwater withdrawals on other water quality constituents, and biological communities in particular, are typically indirect and more complex, the plan recommends that salinity deviations be used as the primary indicator of significant environmental change that could lead to potential adverse environmental impact. In addition, salinity deviations will be used as the triggering mechanism for a range of management responses aimed at reversing or minimizing the change to prevent potential adverse environmental impact.

An example of a hypothetical salinity deviation is illustrated in Figure 5.1. A comparison of salinity distributions within the Lower Peace River will be done by estimating the area under two curves. The first of these curves is the target salinity distribution, illustrated by the solid black line in Figure 5.1. The second curve is the hypothetical salinity distribution, illustrated by the dashed red line in Figure 5.1. The difference in areas under the two curves can be used as a measure of change in the salinity distribution.

Salinity deviations from the target distribution (Figure 5.1) will be evaluated in terms of magnitude, spatial extent, and/or temporal duration to develop a decision tree that is linked to various management actions (Figure 5.2). Using this approach, the intensity and urgency of the management response would be appropriately linked to the degree of the observed salinity deviations.

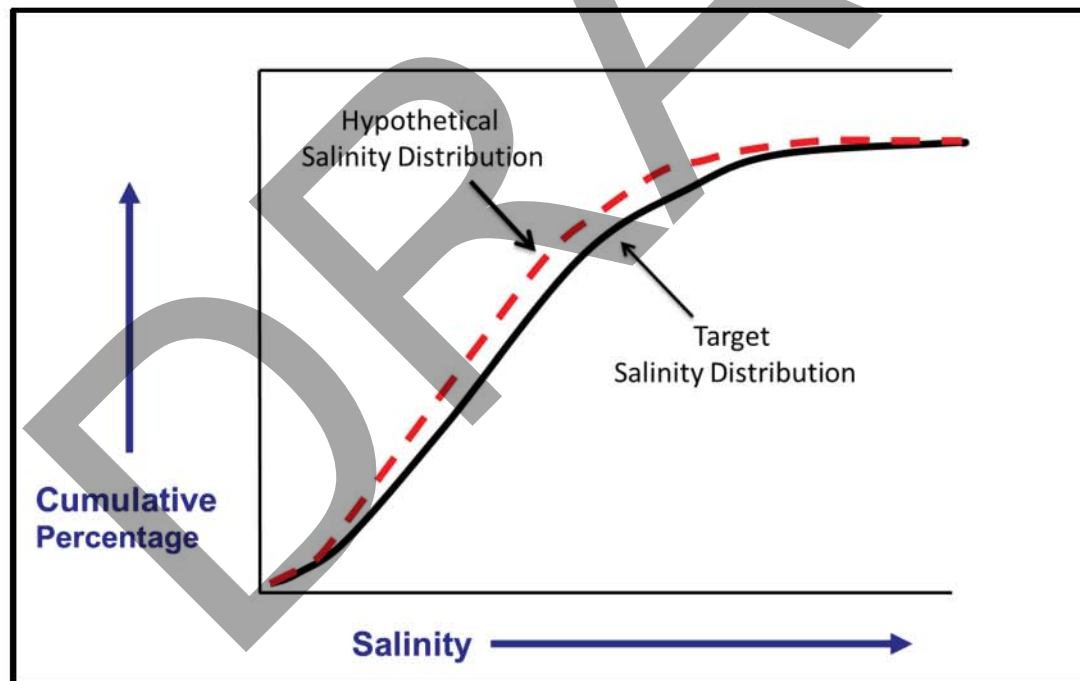


Figure 5.1 Conceptual illustration of a salinity target range (solid black line) relative to a hypothetical salinity distribution (dashed red line)



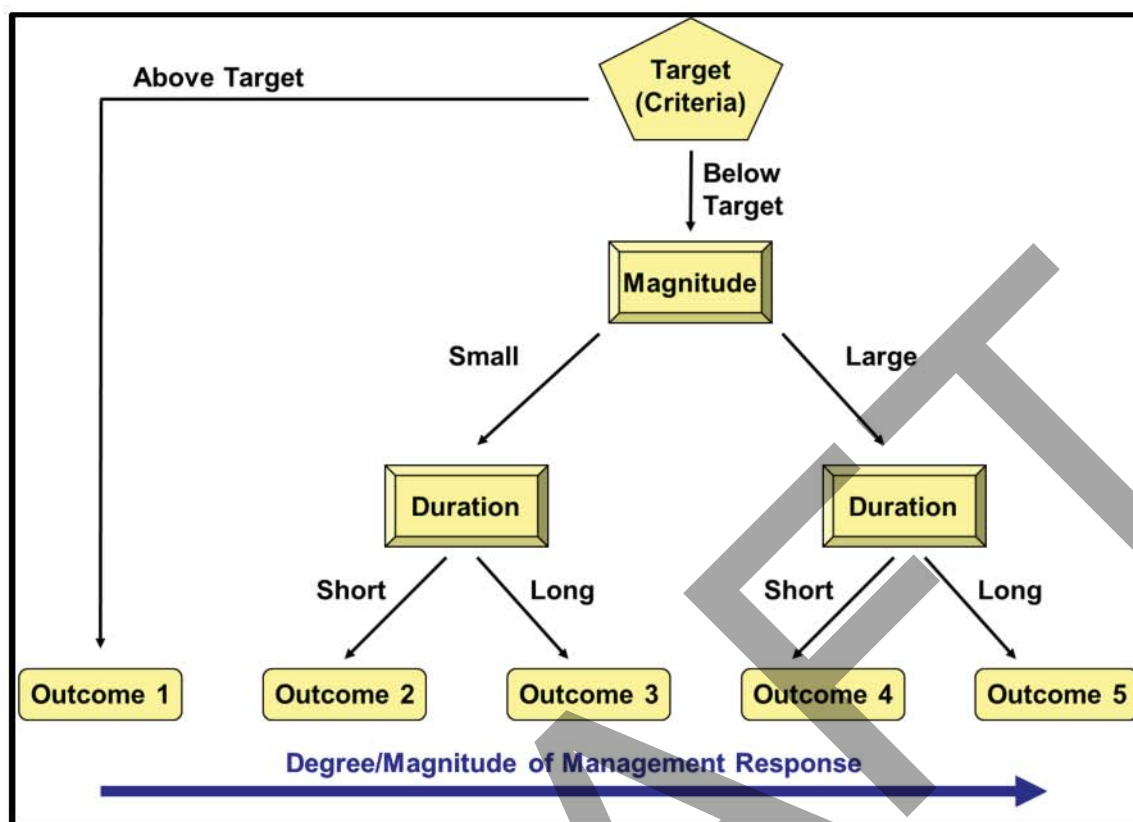


Figure 5.2 Conceptual design tree for evaluating change

Initial management actions will focus on determining if the observed deviation is in fact real and not attributable to some measurement error or an artifact of the sampling design. If the change is determined to be valid, the next series of management actions will focus on better understanding and describing the change, and determining potential cause and affect relationships. Finally, the most intense management actions may involve regulatory actions such as adjusting withdrawal schedules.

### 5.3 MANAGEMENT ACTIONS

A hierarchy of management actions, contained in the Authority's MRP is listed sequentially in order of increasing intensity and urgency below:

1. **Data QA/QC Audit** - This action would involve the performance of an intense QA/QC audit to determine if the detected change was the result of laboratory problems, data entry errors, violation of sampling protocols, etc.
2. **Data Comparison (Correlates)** - This action would involve a review of data correlates (e.g., specific conductance is a correlate to salinity) to determine if there is more than one line of evidence reflecting the detected change.
3. **District/Authority Meeting** - If Steps 1 and 2 indicate that the detected change is not due to quality control problems, and is reflected in multiple lines of evidence, the next step would be to convene a meeting between the Authority and the District. The purpose of the meeting



would be to review the findings of Steps 1 and 2, and to determine a possible modified course of action to refine the understanding of the magnitude and extent of the detected change. If deemed appropriate, the District could recommend additional data analyses, or a redirected and focused sampling effort to better elucidate the detected change.

4. **Redirected Sampling Effort** - This action would involve conducting more focused supplemental sampling in the affected river segments with the objective of gaining a better understanding of the detected change. The additional data collected from this effort could then be subjected to Steps 1 and 2 above if deemed appropriate. This action would determine if detection of the change is repeatable under a more focused sampling program. Although this step could be valuable, it may not be necessary for a redirected sampling effort to be conducted for all hydrobiological changes detected by the HBMP. For some hydrobiological changes, District staff could recommend proceeding directly to Step 5 without conducting any redirected or additional sampling.
5. **Determination of Significant Environmental Change** - Based on the findings of Steps 1 through 4, the next step would be to meet again with the District with the objective of evaluating whether the detected change is substantial enough to potentially constitute an adverse environmental change. This step would involve a detailed assessment of the data analyses conducted in Steps 1 through 4 to ascertain whether conditions consistent with the working definition of significant environmental change presented above have been met. A formal determination of significant environmental change would be made via a consensus of professional opinion by District staff, in consideration of technical and scientific factors only. Following this, determination of appropriate actions will be made, which may include, but are not limited to, monitoring program revision or changes to the withdrawal schedule.

#### 5.4 DEGREE OF CERTAINTY

In the implementation of the sequence of management responses described above, the primary objective is the prevention of any adverse impacts. However, the intensity of the management response should not be the only criteria considered. The detection of any salinity change must always be framed within the degree of certainty that the detected change is real, and not solely due to chance. Therefore, the intensity of the management response should be tied not only to the magnitude or severity of the salinity change, but also to the degree of certainty that the detected change is real, and whether it is caused by Authority withdrawals. Table 5.1 below presents a conceptual matrix approach that integrates the magnitude of the detected change and the probability that the change is due to chance alone (e.g. alpha).

As presented in Table 5.1, the intensity of the selected management response is a function of both factors. If the detected change is relatively large, but the degree of certainty is low (e.g. high alpha) then a less intense management response would be appropriate. If, on the other hand, the detected change is considered to be moderate, but the degree of certainty is high (e.g. low alpha), then a more intense management response would be indicated. The application of this approach would obviously vary with the specific changes and statistical measures of certainty involved. The approach of the selected management response would also depend on whether the observed change was found to be attributable directly to Facility withdrawals or potentially to anthropogenic upstream activities.

<b>Table 5.1 Conceptual decision matrix for determining an appropriate management response to detected salinity change</b>			
<b>Probability of Making a Type I Error</b>	<b>Magnitude of Detected Hydrobiological Change</b>		
<b>Alpha</b>	<b>Small</b>	<b>Moderate</b>	<b>Large</b>
0.20	Data Comparison	District/Authority Meeting	Redirected Sampling
0.10	District/Authority Meeting	Redirected Sampling	Determination of Significant Change
0.05	Redirected Sampling	Determination of Significant Change	District/Authority Meeting

## 6.0 HBMP SPECIAL STUDIES

In addition to the regularly implemented HBMP study elements detailed in Chapter 4, special studies will occasionally be implemented to provide answers to specific questions that improve the understanding of the Lower Peace River and Upper Charlotte Harbor. Such studies are meant to be duration-limited studies designed to answer specific research questions and are not intended to be routine elements of the HBMP. Two such special studies are currently being conducted under the HBMP.

### 6.1 IN SITU CHLOROPHYLL TRANSECT MONITORING

Both the “fixed” and “moving” HBMP study elements (Section 4.2) have previously indicated the existence of seasonally-variable chlorophyll a maxima along the lower Peace River/upper Charlotte Harbor monitoring transect. Following consultation with District staff, the Authority volunteered to implement a special study element beginning in April 2013. This HBMP special study employs an in situ fluorometric chlorophyll a methodology to provide the type of enhanced spatial intense information needed to accurately define the monthly magnitude and spatial extent of variations in chlorophyll a patterns within the lower Peace River/upper Charlotte Harbor Estuary. Accurate spatial determinations of the relative intensity and location of monthly chlorophyll a maxima patterns are expected to provide additional information regarding the known seasonal interactions between changes in freshwater flow (relative to additions of both nutrients and color) in relation to the seasonal movement of important estuarine zones of primary (and secondary) production. An analysis of the utility of this HBMP special study, and recommendations for its future continuance, are expected to be made following several years of data gathering.

### 6.2 RIPARIAN VEGETATION

At selected intervals between 1976 and 2004, three different HBMP study elements were conducted to assess variations in emergent and riparian vegetation along the lower Peace River. The overall objective of these monitoring programs was to determine the magnitude of annual and longer term changes caused by natural river flow differences between extended wet and dry periods. Then using this information, the object was to assess the potential magnitude of changes in vegetation patterns along the lower river that might be expected to occur due to current and projected Facility withdrawals.

The vegetative monitoring elements of the HBMP provided information for determining relationships between vegetation patterns and freshwater flows by observing the positions of the freshwater and salt-tolerant plant communities, especially in the salinity transitional zone of the river. A permanent shift of more salt-tolerant plants upriver could be an indication that withdrawals were impacting the river corridor wetlands, as long as natural variability (drought) or other man-made causes could be eliminated.

Complete and thorough analyses of the long-term results of the vegetation studies were presented in both the 2002 HBMP Comprehensive Summary Report and the 2004 HBMP Mid Term Report. These analyses indicated that vegetation patterns along the lower tidal Peace River had remained relatively stable over long periods of time, and showed little in the way of consistent responses to natural periods of either high or low freshwater river flow. As a result, it was determined to suspend the vegetation monitoring elements after 2004, with the exception of aerial photography, which have been collected every 5 years following 2004.

Aerial photographs have been collected every 5 years over approximately the past 15 years. Given their improved accessibility, consistency of coverage and quality, the industry is moving towards satellite photographic products as compared with conventional aerial photography. Better imagery means that photographic interpretive methods have also improved. The Authority transitioned from conventional aerial photography to this format beginning in 2016. The Authority will continue obtaining the satellite photos on an annual basis. Interpretation of these photos will be completed every 5 years and maps will be produced to depict the spatial extent of the riparian vegetation in the lower Peace River.

DRAFT

**CONSENT AGENDA**

**November 14, 2023**

**General Counsel's Report: General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Gary Stoner – CT No. 427660 – Pinellas County**

Gary Stoner is an individual engaged in unlicensed and unpermitted water well construction activities. On July 6, 2023, District staff received a complaint regarding an irrigation water well constructed at 1040 10th Street North, Saint Petersburg, FL 33705 (Property). On July 10, 2023, and July 11, 2023, District staff conducted site inspections at the Property and confirmed that an irrigation water well had been constructed. District staff obtained an invoice for the construction of the well indicating that Mr. Stoner performed the construction. District staff determined that Mr. Stoner did not employ the services of any licensed water well contractor and that no water well construction permit had been issued for the construction activities, in violation of Sections 373.313(1), 373.323(1), 373.336(1), Florida Statutes (F.S.), and Rules 40D-3.041(1) and 62-531.450(1), Florida Administrative Code (F.A.C.)

On September 5, 2023, the Office of General Counsel (OGC) issued a Notice to Cease and Desist, Notice of Violation, and Proposed Consent Order (collectively, the Notice) to Mr. Stoner providing for corrective actions and \$5,500.00 in fines as specified by rule in the 2014 Water Well Contractor Disciplinary Guidelines and Citations Dictionary. Mr. Stoner responded to the Notice and notified OGC that he was unwilling to sign the consent order. To date, no agreement has been reached, and the violations remain unresolved.

**Staff Recommendation:**

1. Authorize District staff to issue an Administrative Complaint and Order to Gary Stoner 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.

**Presenter:**

Taylor Greenan, Staff Attorney, Office of General Counsel

**CONSENT AGENDA**

**November 14, 2023**

**Executive Director's Report: Approve Governing Board Minutes – October 24, 2023**

Staff Recommendation:

Approve minutes as presented.

Presenter:

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





**GOVERNING BOARD MEETING  
TUESDAY, OCTOBER 24, 2023 – 9:00 AM  
7601 US 301 NORTH, TAMPA, FL 33637  
(813) 985-7481**

**MINUTES**

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Board Members Present

Ed Armstrong, Chair  
Michelle Williamson, Vice Chair  
John Mitten, Secretary\*  
Jack Bispham, Treasurer  
Kelly Rice, Member  
John Hall, Member  
Dustin Rowland, Member\*  
Robert Stern, Member  
Nancy H. Watkins, Member

\*Attended via electronic media

Board Members Absent

Ashley Bell Barnett, Member  
James Holton, Member  
Joel Schleicher, Member

Staff Members

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

Board Administrative Support

Virginia Singer, Manager  
Lori Manuel, Lead 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., October 24, 2023, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637. 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 Ed Armstrong 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 Armstrong 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. Chair Armstrong 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 Armstrong 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**

Board Member Robert Stern offered the invocation and led the Pledge of Allegiance.

**1.3 Employee Recognition**

None were presented.

**1.4 Additions/Deletions to Agenda**

Mr. Brian Armstrong, Executive Director, stated the following item was being deleted:

**General Counsel's Report**

**7.2 Affirm Governing Board Committee Actions**

Board Member Kelly Rice requested the following item be moved to Discussion:

**Operations, Lands & Resource Monitoring Committee**

**2.8 Hálpata Yellow Timber Harvest Agreement**

Treasurer Jack Bispham requested the following item be moved to Discussion:

**Regulation Committee**

**2.10 Water Use Permit No. 20 002332.009, Town of Lake Hamilton / Town of Lake Hamilton (Polk County)**

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

**1.5 Public Input for Issues Not Listed on the Published Agenda**

Mr. David Ballard Geddis spoke regarding pollution of water supply.

**Consent Agenda**

**Finance/Planning & Outreach Committee**

**2.1 Knowledge Management: Promotion of District Programs and Objectives Governing Board Policy**

Staff recommended the Board approve the Promotion of District Programs and Objectives Governing Board Policy as revised.

**2.2 Office of Inspector General Performance Measures**

Staff recommended the Board approve the OIG performance measures.

**Resource Management Committee**

**2.3 Minimum Flows and Minimum Water Levels Priority List and Schedule Update**

Staff recommended the Board approve the District's Minimum Flows and Minimum Water Levels 2023 Priority List and Schedule for submission to DEP for review and approval as required by Chapter 373, F.S.

**2.4 Final Tampa Bay Surface Water Improvement and Management (SWIM) Plan (W020)**

Staff recommended the Board approve the Tampa Bay SWIM Plan in accordance with Section 373.453, F.S.

**2.5 FARMS – Wauchula Fresh, LLC (H820), Hardee County**

Staff Recommended the Board:

1. Approve the Wauchula Fresh, LLC project for a not-to-exceed project reimbursement of \$541,701 provided by the Governing Board;
2. Authorize the transfer of \$541,701 from fund 010 H017 Governing Board FARMS Fund to the H820 Wauchula Fresh, LLC project fund;
3. Authorize the Assistant Executive Director to sign the agreement.



**Operations, Lands & Resource Monitoring Committee**

**2.6 Lake Panasoffkee Cattle Lease – SWF Parcel No. 19-528-162X**

Staff recommended the Board approve the award of the Lake Panasoffkee Cattle Lease to Brian Bailey and execute the lease on behalf of the District.

**2.7 Donation of Utility Easement to TECO – Harney Canal, SWF Parcel No. 13-136-154X**

Staff recommended the Board:

- Approve the Easement and authorize the Chair and Secretary to execute on behalf of the District subject to release to TECO after USACE approval; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**~~2.8 Halpata Yellow Timber Harvest Agreement~~**

~~Staff recommended the Board approve and execute the Halpata Yellow Timber Harvest Agreement 2024LMREV001.~~

**Regulation Committee**

**2.9 Water Use Permit No. 20 021121.000, Tampa Bay Water / South Hillsborough County Production Well (Hillsborough County)**

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

**~~2.10 Water Use Permit No. 20 002332.009, Town of Lake Hamilton / Town of Lake Hamilton (Polk County)~~**

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

**Executive Director's Report**

**2.11 Approve Fiscal Year 2024 Final Budget Hearing Minutes**

Staff recommended the Board approve the minutes as presented.

**2.12 Approve Governing Board Minutes – September 26, 2023**

Staff recommended the Board approve the minutes as presented.

**A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:10:11)**

**Finance/Outreach and Planning Committee**

Treasurer Jack Bispham called the committee to order.

**3.1 Consent Item(s) Moved to Discussion - None**

**3.2 Investment Strategy Quarterly Update**

Mr. John Grady, Public Trust Advisors, presented information which included the economic forecast, federal funds rate expectations and implied rates, Gross Domestic Product, inflation/consumer price index, job, and unemployment rates. He also presented an overview of the District's portfolio strategy for the last quarter (July 1, 2023 through September 30, 2023). Mr. Grady responded to questions.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended September 30, 2023.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:34:46)**

**3.3 Knowledge Management: Industrial, Commercial & Institutional Advisory Committee Policy**

Ms. Robyn Felix, Communications and Board Services Bureau Chief, presented an overview

of the current Industrial Advisory Committee. She outlined the proposed changes to expand the committee, benefits associated, and outreach efforts. Ms. Felix stated that the current Industrial Committee is in support of this proposed expansion. She outlined future steps.

Staff recommended the Board approve the expansion of the Industrial Advisory Committee to the Industrial, Commercial & Institutional Advisory Committee.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 00:38:50)

### **3.4 Development of Preliminary Budget for Fiscal Year 2025**

Mr. Brandon Baldwin, Business and IT Services Director, presented a timeline overview of the Fiscal Year (FY) 2025 budget cycle and outlined Governing Board budget metrics. He presented assumptions for salaries, benefits, operating expenses, contracted services, operating capital outlay, projects, revenue, fund balance and Ad Valorem growth. Mr. Baldwin presented a chart outlining new growth model and performance. Mr. Baldwin responded to questions.

Staff recommended the Board approve the general budget assumptions as outlined in the October 24, 2023, budget presentation for the development of the Preliminary Budget for FY2025.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 00:52:15)

### **3.5 Budget Transfer Report**

This item was for information. No action was required.

### **3.6 Office of Inspector General Quarterly Update – July 1, 2023 to September 30, 2023**

This item was for information. No action was required.

## **Resource Management Committee**

Vice Chair Michelle Williamson called the committee to order.

### **4.1 Consent Item(s) Moved to Discussion - None**

### **4.2 Peace River Manasota Regional Water Supply Authority - Regional Integrated Loop System Phase 3C Project – Third-Party Review (Q313)**

Mr. Jay Hoecker, Water Resources Bureau Chief, presented the results from a third-party review for the Peace River Manasota Regional Water Supply Authority (Authority) Integrated Loop System Phase 3C project. He stated this is one of seven prioritized Alternative Water Supply (AWS) projects in the District's long term funding plan. Mr. Hoecker provided an overview of the project, benefits, design improvements, cost estimates, and funding sources. He stated the Authority submitted a revised conceptual total project cost of \$63,850,000 based on value engineering of the pumping and storage components and the pipeline GMP.

Board Member Robert Stern asked about costs for easements associated with the project. Mr. Hoecker stated those costs are not included in the District's funding share. Board Member Kelly Rice asked for a definition regarding the term "value engineering." Mr. Coates explained that is the refining of a project to reduce price but maintain the same benefits. Board Member Nancy Watkins asked what the District may be giving up through value engineering. Mr. Hoecker responded that for this project the District is getting the same benefit of pumping and storage, but at a different location. Board Member Watkins stated that for future projects she would like to know the differences and potential ramifications between the original conceptual design and the value-engineered design.

Staff recommended the Board:

1. Authorize final design, permitting, and construction of the pipeline and approve modification of the Cooperative Funding Agreement to include a pipeline cost of \$59,747,836 for the Regional Integrated Loop System Phase 3C Project (Q313).
2. Authorize the Peace River Manasota Regional Water Supply Authority, at their own cost, to perform an independent third-party review of the pumping and storage improvements at the Carlton facility for the Regional Integrated Loop System Phase 3C Project (Q313).

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 01:05:40)

## **Operations, Lands and Resource Monitoring Committee**

Board Member John Hall called the committee to order.

### **5.1 Consent Item(s) Moved to Discussion**

#### **2.8 Hálpata Yellow Timber Harvest Agreement**

Ms. Ellen Morrison, Land Resources Bureau Chief, provided a summary of the District's policies and procedures associated with timber harvesting. She provided an overview of the Hálpata Tastanaki Preserve and the associated timber harvest agreement. Ms. Morrison summarized the ten-year timber management program and processes.

Board Member Rice asked if the District has Best Management Practices (BMPs) after the timber has been harvested that may benefit taxpayers. Specifically, he asked if the District replants timber after it has been harvested to continue revenue generation. Ms. Morrison responded that planting is only performed for habitat restoration not to generate revenue. Discussion ensued.

Mr. Chris Reed explained the cutting and planting process.

Staff recommended the Board approve and execute the Hálpata Yellow Timber Harvest Agreement 2024LMREV001.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 01:21:29)

### **5.2 Hydrologic Conditions**

Ms. Tamera McBride, Hydrologic Data Manager, presented the hydrologic conditions report. She stated that some rainfall was received from Hurricane Idalia, however, rainfall has been below average. She provided information regarding rainfall, streamflow, groundwater levels, lake levels, public supply reservoirs, climate forecasts and a tropical storm forecast. Ms. McBride stated that a Phase 1 Water Shortage Order is being considered.

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

## **Regulation Committee**

Board Member Robert Stern called the committee to order.

### **6.1 Consent Item(s) Moved to Discussion**

#### **2.10 Water Use Permit No. 20 002332.009, Town of Lake Hamilton / Town of Lake Hamilton (Polk County)**

Treasurer Bispham asked for an explanation regarding transitional quantities. Mr. Brian Armstrong responded with an overview of water use permitting associated with land use transition as related to this permit. Treasurer Bispham asked how future agricultural interests are protected. Mr. Armstrong stated that all water users follow the same process as

outlined by the rules. Treasurer Bispham asked what consideration be given regarding how to protect agriculture and a presentation be provided at a future Board meeting. Board Member John Hall asked about the process of net benefit associated with water use permits. Mr. Armstrong and Ms. Michelle Hopkins, Regulation Director, responded. Ms. Hopkins and Ms. April Breton, Water Use Permitting Manager, responded to additional questions.

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

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 01:40:08)

## **6.2 Denials Referred to the Governing Board**

None were presented.

## **General Counsel's Report**

### **7.1 Consent Item(s) Moved to Discussion - None**

### **7.2 Affirm Governing Board Committee Actions**

~~Staff recommended the Board affirm the actions of the Governing Board Committees taken during the regularly scheduled Governing Board meeting.~~

## **Committee/Liaison Reports**

### **8.1 Agricultural and Green Industry Advisory Committee**

A written summary of the September 12 meeting was provided.

## **Executive Director's Report**

### **9.1 Executive Director's Report**

Mr. Brian Armstrong, Executive Director, provided an overview of his FY2024 goals. A written summary was provided.

## **Chair's Report**

### **10.1 2023 Employee Evaluation and 2024 Performance Goals for the Executive Director and Inspector General**

Chair Armstrong commended the culture of the District and credited it to the leadership of the Executive Director, Mr. Armstrong. He also praised the Directors for their dedication.

Chair Armstrong recommended a performance evaluation score of 4.95 and a five percent merit increase for Mr. Armstrong.

**A motion was made and seconded to accept the Chair's recommendation for the Executive Director. The motion was seconded and passed unanimously.**  
(Audio – 01:44:20)

Treasurer Bispham commended Inspector General Brian Werthmiller and recommended a performance evaluation score of 4.80 and a five percent merit increase for Mr. Werthmiller.

**A motion was made and seconded to accept the Treasurer's recommendation for the Inspector General. The motion was seconded and passed unanimously.**  
(Audio – 01:45:28)

### **10.2 Chair's Report**

Chair Armstrong stated the next Governing Board meeting is scheduled on Tuesday, November 14 at 9:00 a.m., in the Tampa office. A Governing Board workshop will also be held following the meeting.

**10.3 Employee Milestones**

A written summary was provided.

**Adjournment**

The meeting adjourned at 10:47 a.m.

DRAFT

**Governing Board Meeting**  
**November 14, 2023**

**3. FINANCE/OUTREACH & PLANNING COMMITTEE**

3.1	Consent Item(s) Moved to Discussion.....	77
3.2	Budget Transfer Report .....	78

**FINANCE/OUTREACH AND PLANNING COMMITTEE**

**November 14, 2023**

**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.

Presenters:

Michael Molligan, Division Director, Employee, Outreach and General Services Division

Brandon Baldwin, Division Director, Business and IT Services Division



**FINANCE/OUTREACH AND PLANNING COMMITTEE**

**November 14, 2023**

**Submit & File: Information Item: Budget Transfer Report**

*Purpose*

Provide the Budget Transfer Report covering all budget transfers made during the month of October 2023.

*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 October 2023.

Staff Recommendation:

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

Presenter:

Melisa J. Lowe, Bureau Chief, Finance Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**Budget Transfer Report**  
**October 2023**

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category			
<b><u>Change from Original Budget Intent - FY2023</u></b>					
1	Operations	Operations	Transfer of funds originally budgeted for contracted services to perform vegetation management, debris and fallen tree removal or related activities on flood control structures and other District managed projects or properties that cannot be performed by staff. Expenditures were less than anticipated for the fiscal year. The funds are for chemical supplies necessary to treat invasive plant species on District conservation lands. These additional funds are required primarily as a result of increases in the cost of chemicals.		\$ 1,900.00
	Other Contractual Services	Chemical Supplies			
Total Change from Original Budget Intent				<u>\$ 1,900.00</u>	
Total Amount Transferred				<u>\$ 1,900.00</u>	

.....

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**  
**November 14, 2023**

**4. RESOURCE MANAGEMENT COMMITTEE**

4.1	Consent Item(s) Moved to Discussion .....	80
4.2	Tampa Bay Water Update.....	81

**RESOURCE MANAGEMENT COMMITTEE**

**November 14, 2023**

**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 Division

**RESOURCE MANAGEMENT COMMITTEE**

**November 14, 2023**

**Discussion: Information Item: Tampa Bay Water Update**

*Purpose*

To provide the Board with an overview of Tampa Bay Water's regional water supply activities, including water supply facilities, regional projects, planning and vision for the future.

*Background/History*

Tampa Bay Water has continued to fulfill its mission to reliably provide clean, safe water for more than 2.5 million residents and businesses throughout their service area. The District and Tampa Bay Water continue to closely coordinate on important items including long-term water resource planning, cooperative funding initiative opportunities, shared operational and land use activities, Minimum Flows and Levels, and regulatory items. Charles Carden, General Manager of Tampa Bay Water, will provide the Board with an overview of the agency's activities.

Staff Recommendation:

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

Presenter:

Charles Carden, General Manager, Tampa Bay Water

**Governing Board Meeting**  
**November 14, 2023**

**5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

5.1	Consent Item(s) Moved to Discussion .....	82
5.2	Offer for Surplus Lands – Tampa Bypass Canal (TBC-14), SWF Parcel No. 13-004-317S.....	83



**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

**November 14, 2023**

**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 Division

## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

**November 14, 2023**

**Discussion: Action Item: Offer for Surplus Lands – Tampa Bypass Canal (TBC-14), SWF Parcel No. 13-004-317S**

### *Purpose*

Recommend the Governing Board approve the Contract for Sale and Purchase, included as Exhibit 1, for a surplus parcel identified as TBC-14. The District received an offer to purchase the TBC-14 parcel from Luke Smith for \$407,000. The offer reflects a price of approximately \$113,056 per acre for approximately 3.60 acres. A general location map and site map are included as Exhibits 2 and 3, respectively.

### *Background*

The Tampa Bypass Canal system (TBC) runs in a linear alignment along the eastern edge of the cities of Tampa and Temple Terrace in Hillsborough County, Florida. From its northern terminus at Cow House Creek in the Lower Hillsborough Wilderness Park (and flood detention area), it runs south and west to McKay Bay near the City of Tampa. The TBC is also linked to the Hillsborough River via the Harney Canal segment (C-136). Owing to the urbanized nature of the area it traverses, the TBC system is crossed by a number of major highways, including I-75, I-4, US 301, and US 41.

The TBC is a component of the Four River Basins, Florida Project, formulated by the U.S. Army Corps of Engineers (USACOE) in response to severe regional flooding which occurred in west-central Florida in 1960. The TBC system was designed and constructed to provide standard flood protection (100-year flood plus 25 percent) to urbanized areas along the Lower Hillsborough River. Congress authorized the major flood control project under the joint sponsorship of the USACOE, and at the time, the newly created Southwest Florida Water Management District. Construction and excavation began in 1966 and continued until its completion in 1981.

The TBC system functions in concert with the Lower Hillsborough Wilderness Park (and flood detention area) by intercepting flood waters from the Hillsborough River and then conveying them to McKay Bay. With the use of flood control Structure S-155 located on the Hillsborough River and the earthen levee that runs along the western edge of the flood detention area, flood waters are impounded and spill over into the northern portion of the TBC. Several flood control structures (S-159, S-161, S-162 and S-160) on the TBC direct controlled flows safely to McKay Bay. Structure S-161 within the Harney Canal portion is also used to convey flows into the TBC from the Hillsborough River.

In 2012, TBC-14 and other parcels along the TBC were identified as no longer necessary for continued operation and maintenance of the canal and declared surplus. The TBC-14 parcel has been listed with a broker since 2019 and has met statutory requirements for posting the sale through a legal ad in the La Gaceta newspaper on August 11, 2023, August 18, 2023 and August 25, 2023.

### *Appraisal and Price*

The TBC-14 Parcel was appraised on September 19, 2023, at \$370,000 by BBG Real Estate Services, Woodman S. Herr, MAI and Brian E. Zamorski, MAI.

As part of the appraisal, District staff discussed the contracts and market activity related to this property with the appraiser and the independently considered market conditions affecting the value of the

property. The highest and best use for the property is for the development of three to five single family homes. A sales summary and adjustment grid from the appraisal is attached as Exhibit 4. The full appraisal is available upon request. The property value details are summarized below:

	<b>Total</b>	<b>Per Acre</b>
Offer Amount	\$407,000	\$113,056
Appraised Value	\$370,000	\$102,778
Listing Price	\$444,000	\$123,333

The buyer has not proposed any changes to the District's standard Contract for Sale and Purchase. The District's title to the property includes the subsurface rights. Upon the request of a buyer and in accordance with Section 270.11(3), Florida Statutes the District may release its interest in all phosphate, minerals, metals, and petroleum that may be in, on or under the property. The current offer being presented to the Governing Board is also above the appraised value and if accepted will be accompanied by a five percent (5%) good faith deposit. The contract details are summarized below:

#### *Sale Terms*

- The District will retain an access easement over the land traversing from Harney Road at the north to the developable portion of the land to the South. This will be a mutually exclusive easement that benefits both the buyer and the District. The District will deliver title to the buyer by Quit Claim Deed.
- The buyer will make a deposit of five percent (5%) of the contract price or \$20,350 with a closing to occur no more than 180 days after the effective date of the Contract for Sale and Purchase.
- The buyer will pay the real estate commission of \$24,420 to Saunders Real Estate.
- The buyer will bear all expenses of the transaction except for the appraisal and advertising costs.

#### *Benefits/Costs*

The sale of surplus lands will allow the District to acquire lands that are more environmentally significant. Funds derived from the sale of surplus land may only be used for the purchase of other lands meeting the criteria in Section 373.139, Florida Statutes, resulting in more effectively meeting the District's core mission.

#### Staff Recommendation:

- Accept the offer of \$407,000;
- Approve the Contract for Sale and Purchase 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.

#### Presenter:

Ellen Morrison, Bureau Chief, Land Resources Bureau

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Approved by Attorney: CT

## Exhibit 1

### CONTRACT FOR SALE AND PURCHASE

**THIS Contract for Sale and Purchase** (Contract) is made this \_\_\_\_\_ day of, 2023, 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 Luke Smith having an address of 4102 Causeway Blvd, Tampa, FL 33619, with right of assignment to a related entity (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 will be binding for sixty (60) days after such execution by Buyer. If this Contract is not executed by the District on or before sixty (60) days after execution of this Contract by Buyer, Buyer's offer contained in this Contract is withdrawn and this Contract will terminate.
3. **EFFECTIVE DATE:** The effective date of this Contract will 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 will terminate.
5. **PURCHASE PRICE:** The total purchase price for the Property will be FOUR HUNDRED SEVEN THOUSAND and NO/100 U.S. dollars (\$407,000.00), which will be paid in the following manner:
  - a. **Deposit:** Concurrent with the execution by Buyer of this Contract, Buyer will deposit five percent (5%) of the purchase price in the form of a certified or cashier's check from a financial institution as defined in Section 655.005, Florida Statutes (F.S.), made payable to the closing agent designated by the District, as earnest money (Deposit). In the event this Contract is terminated under Paragraphs 2, 4, 9, or 13 of this Contract, or as a result of the District's default under paragraph 14 of this contract, the District will return the Deposit to Buyer.
  - b. **Balance:** The balance of the purchase price will 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 will be closed no later than one hundred eighty (180) days from the effective date referenced in Paragraph 3, unless this

Contract is terminated pursuant to Paragraphs 2, 4, 9, 13, or 14. The following are additional details of closing:

- a. **Time and Place**: The date, time and place of closing will 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 has designated Meridian Title Company Inc., having an address of 37837 Meridian Ave STE 100, Dade City, FL 33525, as the escrow agent for closing. The Buyer will pay any costs charged by such company or agent for this closing service. If Buyer obtains a survey of the Property, nothing contained therein will affect the purchase price or terms of this Contract.
- d. Buyer will also be responsible for paying SAUNDERS RALSTON DANTZLER Real Estate in the amount of TWENTY-FOUR THOUSAND FOUR HUNDRED TWENTY and No/100 U.S. dollars (\$24,420.00), by separate certified or cashier's check made payable to, or wire transfer to, the escrow agent designated by the District. The commission for the District's sale of surplus property is calculated based on the following schedule:

Commission Schedule: Maximum Compensation Rate			
Purchase Price for the Property			Maximum Rate
The first	\$ 0	- \$ 1,000,000	6.0%
The next	\$ 1,000,001	- \$ 5,000,000	5.0%
The next	\$ 5,000,000 and over		4.0%

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.

Contract for Sale and Purchase  
Parcel Name: TBC-14  
SWF Parcel No 13-004-317S.:

Revised 3/1/2021



9. **DUE DILIGENCE PERIOD:** Buyer will, at Buyer's expense, determine whether the Property is suitable for the Buyer's intended use and development of the Property within One Hundred Twenty (120) days from the effective date of this Contract (Due Diligence Period).

- a. During the Due Diligence Period, Buyer may conduct any tests, analyses, surveys, inspections, and investigations which Buyer deems necessary to determine to Buyer's satisfaction the suitability of the Property for Buyer's intended use and development. Buyer will deliver written notice to the District prior to the expiration of the Due Diligence Period of Buyer's determination of whether the Property is acceptable. If Buyer fails to comply with this notice requirement, Buyer will be deemed to have waived any objection to the suitability of the Property for the Buyer's intended use and development and to have accepted the Property in its present "as is" condition.
- b. If Buyer determines that the Property is not acceptable, Buyer must include the specific reasons therefore in its notice to the District. The District will have thirty (30) days from receipt of Buyer's notice to cure the specified deficiencies. If the deficiencies are identified by a survey, the survey must meet the requirements for a **Certified Boundary Survey in accordance with Chapter 472, Florida Statutes**, and must be provided to the District for review. If the deficiencies are identified in a Title Insurance Commitment, the Title Insurance Commitment and supporting documentation must be provided to the District for review. If the District fails to cure the deficiencies to the reasonable satisfaction of the Buyer, its attorney or the Buyer's title insurance company within the 30-day cure period, Buyer may either terminate this Contract or proceed to closing in the same manner as if no deficiencies had been found.
- c. Buyer may contact the District to arrange access to the Property for Buyer, its agents, contractors and assigns for the purpose of conducting such tests, analyses, surveys, inspections, and investigations. Buyer will indemnify and hold the District harmless from losses, damages, costs, claims and expenses of any nature, including attorneys' fees at all levels, and from liability to any person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will not engage in any activity that could result in a mechanic's lien being filed against the Property.

10. **EVIDENCE OF TITLE:** Buyer may, at Buyer's expense, obtain evidence of title and determine insurability of title or waive insurable title, within the Due Diligence Period specified in paragraph 9 and subject to the same notices and waivers. Buyer understands that District may only convey title by Quit Claim Deed and Buyer agrees that this will not be an objection to title.

11. **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.

12. **OPERATION OF PROPERTY DURING CONTRACT PERIOD:** Prior to closing, the District will continue to operate the Property and any business conducted on the Property in

the manner operated prior to the date of the Contract and will take no action that would adversely impact the Property.

13. **RISK OF LOSS**: If substantial damage to the Property (more than \$5,000) occurs between the date of this Contract and the date of closing, the District will have the option of restoring the damaged Property to its condition immediately prior to the occurrence causing the damage, in which event, Buyer will complete the transaction as originally planned. If these repairs are not completed prior to the closing date, closing will be extended until such time as the repairs are completed. If the District elects not to restore the damaged Property, Buyer's sole remedy will be the right to terminate this Contract by giving written notice to the District or, alternatively, to proceed to closing on the Property, as damaged, without adjustment in the purchase price. If damage to the Property is \$5,000 or less, the parties will proceed to closing as though no damage had occurred.

14. **DEFAULT**: If Buyer fails to close within Two Hundred Ten (210) days from the effective date referenced in Paragraph 3, the District will retain the Deposit, this Contract will terminate, and the District and Buyer will be relieved of all rights and obligations under this Contract. If the District fails to deliver the quit claim deed to Buyer within Two Hundred Ten (210) days from the effective date referenced in Paragraph 3, the District will return the Deposit to Buyer, this Contract will terminate, and Buyer and the District will be relieved of all rights and obligations under this Contract. Notwithstanding the above, neither party shall be liable under this provision if the closing date is extended pursuant to Paragraph 13, Risk of Loss.

15. **ATTORNEYS' FEES AND COSTS**: Except as provided in Paragraph 9, Due Diligence Period, in any claim or controversy arising out of or relating to this Contract, each party agrees to bear its own attorney fees and costs.

16. **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. As to the Buyer, notices shall also be sent to Gordon J. Schiff, Esq., Gordon J. Schiff, P.A., 4155 W Cypress St., Tampa, FL 33607. Notice is effective upon receipt.

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

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

19. **ASSIGNMENT**: This Contract may not be assigned by Buyer without the prior written consent of the District (except Buyer shall have an unconditional right of assignment to a related entity).

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

21. **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 will be revised by or at the direction of the District and will be subject to the final approval of the District. Anything to the contrary hereinabove notwithstanding, such a revision of the description of the Property will 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 will constitute a full and complete ratification and acceptance of the revised description of the Property by the parties.

22. **SURVIVAL:** Paragraphs 6c, 7, 11 and 15 of this Contract will survive delivery and recording of deed and possession of the Property.

23. **COUNTERPARTS AND AUTHORITY TO SIGN:** The signatures of all parties need not appear on the same counterpart. In accordance with the Electronic Signature Act of 1996, electronic signatures, including facsimile transmissions, may be used and shall have the same force and effect as a written signature. Each person signing this Contract warrants that he or she is duly authorized to do so and to bind the respective party to the Contract.

24. **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"  
Exhibit "B"

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

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**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_

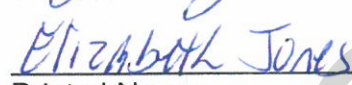
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Title: \_\_\_\_\_

Date: \_\_\_\_\_

**BUYER:**

  
Witness

  
Printed Name

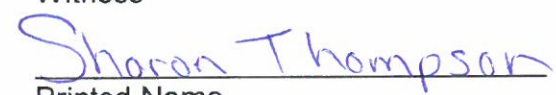
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Date: 

  
Witness

  
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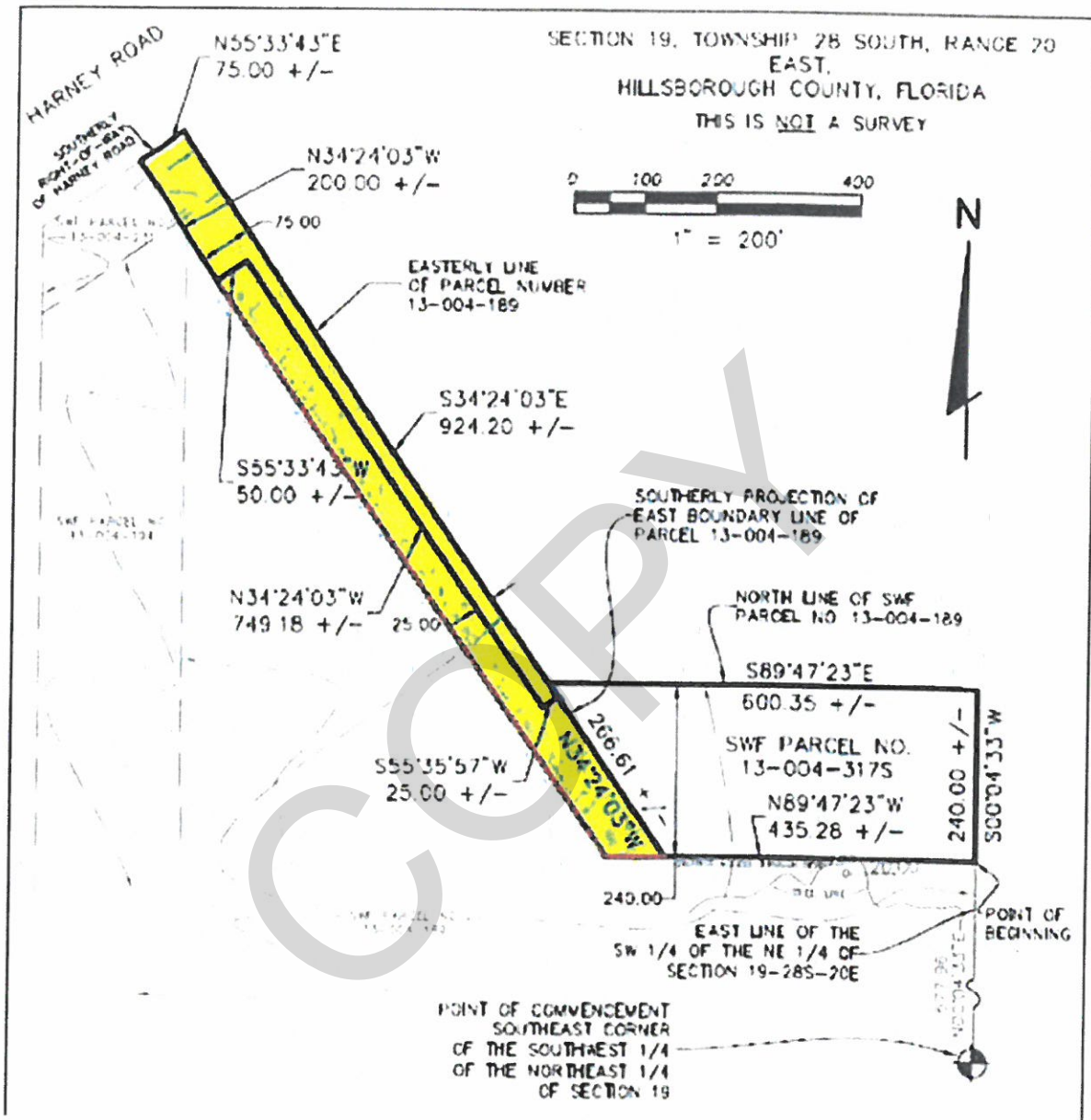
By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# SITE SKETCH



*Legal Description and Survey to be provided by Buyer*



**Exhibit "B"**  
**Southwest Florida Water**  
**Management District Requirements**  
**for Surplus Boundary Surveys**

- ☐ All improvements within 10 feet of the boundary lines must be shown (including, but not limited to: wells, septic tanks, fencing, gates, and utilities). Visible evidence of underground installations or apparent cross rights uses will be located and noted.
- ☐ The survey will be certified to the Southwest Florida Water Management District
- ☐ The following certification will appear on the survey map:

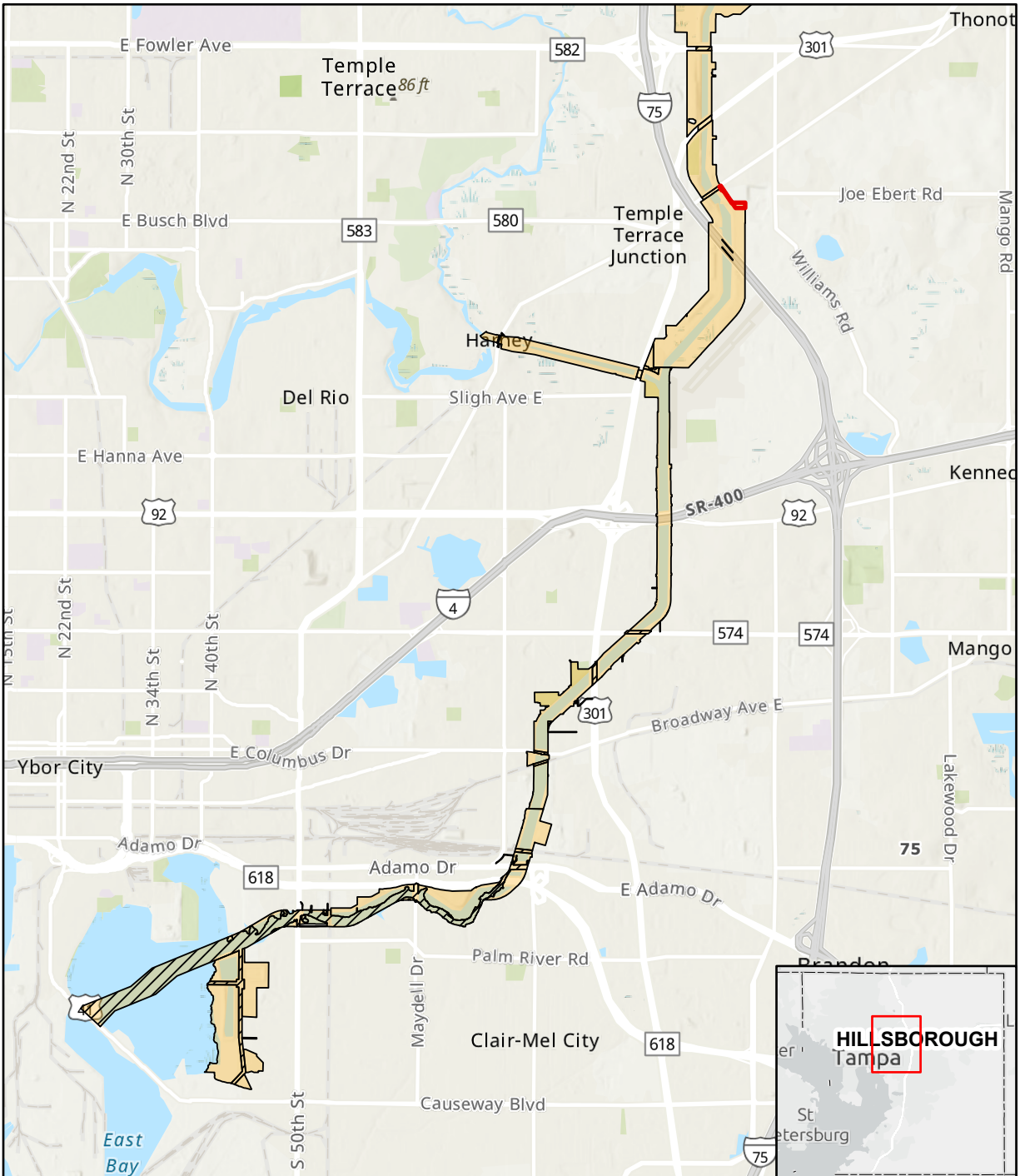
**THIS \_\_\_\_\_ SURVEY IS CERTIFIED TO THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AS MEETING OR EXCEEDING, IN QUALITY AND PRECISION, THE STANDARDS APPLICABLE FOR THIS WORK, AS SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.**

- ☐ Title Commitment exceptions must be addressed on the survey.
- ☐ When applicable, the existence of Sovereign Boundaries will be determined by coordinating with the Bureau of Survey and Mapping, Florida Department of Environmental Protection. The demarcation will be a part of this scope.
- ☐ When the question or establishment of mean high water, safe upland elevation or ordinary high-water lines is required, a scanned copy of the signed letter from DEP will be provided in PDF format (filename: DEP Sovereign Letter.pdf)
- ☐ All monumentation recovered outside the boundaries of the subject survey that was included in the analysis and resolution of the survey will be shown and dimensioned on the map of survey.
- ☐ The legal description of the parcel being surveyed will be shown on the map of survey.

Remainder of this page intentionally left blank.



# Exhibit 2



Esri, NASA, NOAA, USGS, University of South Florida, City of Tampa, FDEP, Esri, HERE, Garmin, IAO, NOAA, USGS, EPA, NPS, University of South Florida, City of Tampa, FDEP, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, USDA

- SWF Parcel No. 13-001-3175
- District Owned Lands Fee Simple
- District Owned Land Easements

0 0.5 1  
Miles






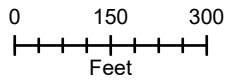
**Southwest Florida**  
Water Management District

# Exhibit 3



Southwest Florida Water Management District, Esri Community Maps Contributors, University of South Florida, City of Tampa, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, Geo technologies, Inc, Mx11/ NASA, USGS, EPA, NPS, US Census Bureau, USDA

-  SWF Parcel No. 13-001-317S
-  District Owned Lands Fee Simple
-  District Owned Land Easements



Southwest Florida  
Water Management District



## LAND SALE COMPARABLES ADJUSTMENT GRID

LAND SALE COMPARABLES SUMMARY AND ADJUSTMENT GRID							
Sale Comparable	Subject	1	2	3	4	5	6
Location	Harney Road	North Highland Avenue	736 South 51st Street	1925 14th Avenue Southeast	Armanda Drive and Soccer Avenue	17438 Dorman Road	Williams Road south of Harney Road
City	Thonotosassa	Tarpon Springs	Tampa	Ruskin	Town 'n' Country	Lithia	Seffner
Sale Date	N/A	April 16, 2023	February 7, 2023	June 1, 2022	January 19, 2022	November 15, 2021	July 21, 2021
Uplands SF	156,815	152,460	102,802	217,800	423,839	182,952	392,040
Upland Acres	3.60	3.50	2.36	5.00	9.73	4.20	9.00
Zoning/Density	Assume Re-Zone to PD	A & RPD	RDC-12	AR, FLUM is R-4	RSC-6	AS-1, AR with R-2 FLU	AR, rezoned to PD
Sale Price		\$350,000	\$300,000	\$599,990	\$725,000	\$425,000	\$700,000
Price/SF		\$2.30	\$2.92	\$2.75	\$1.71	\$2.32	\$1.79
<b>Transaction Adjustments</b>							
Rights Conveyed		Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
		0%	0%	0%	0%	0%	0%
Financing		Cash Equivalent	Cash Equivalent	Cash Equivalent	Cash Equivalent	Cash Equivalent	Cash Equivalent
		0%	0%	0%	0%	0%	0%
Conditions of Sale		Normal	Normal	Normal	Normal	Normal	Normal
		0%	0%	0%	0%	0%	0%
Market Conditions	10%	Similar	Similar	Inferior	Inferior	Greatly Inferior	Greatly Inferior
	10/1/2022	0%	0%	3%	7%	9%	12%
Net Adjustments		0%	0%	3%	7%	9%	12%
Adjusted Price/SF		\$2.30	\$2.92	\$2.84	\$1.83	\$2.53	\$2.00
<b>Physical Adjustments</b>							
Location	Average	Superior	Inferior	Superior	Inferior	Similar	Similar
Access		Inferior	Similar	Similar	Similar	Similar	Similar
Size (Acre) and Shape	3.60	Similar	Similar	Similar	Larger	Similar	Larger
Zoning/FLU	Assume Re-Zone to PD	Inferior	Superior	Inferior	Similar	Inferior	Superior
Utilities and Drainage		Superior	Similar	Superior	Superior	Similar	Similar
Topography		Similar	Similar	Similar	Similar	Similar	Inferior
Net Adjustments		5%	0%	-5%	15%	5%	15%
Overall Comparability		Inferior	Similar	Superior	Inferior	Inferior	Inferior
Adjusted Price/SF		\$2.41	\$2.92	\$2.70	\$2.10	\$2.66	\$2.30

SALES SUMMARY		
Sale Price	Unadjusted	Adjusted
Minimum	\$1.71	\$2.10
Maximum	\$2.92	\$2.92
Average	\$2.30	\$2.51
Median	\$2.31	\$2.53

**Governing Board Meeting**  
**November 14, 2023**

**6. REGULATION COMMITTEE**

6.1	Consent Item(s) Moved to Discussion .....	97
6.2	Denials Referred to the Governing Board.....	98
6.3	Consider Water Shortage Order(s) as Necessary .....	99

**REGULATION COMMITTEE**

**November 14, 2023**

**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 Division

**REGULATION COMMITTEE**

**November 14, 2023**

**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 Division

**REGULATION COMMITTEE**

**November 14, 2023**

**Discussion: Action Item: Consider Water Shortage Order(s) as Necessary**

Staff continues to monitor water resource and supply conditions to determine if any actions would be prudent. Since Board issued water shortage orders must be discussed in a noticed public meeting prior to implementation, this agenda item is included as a contingency provision. It allows the Governing Board to immediately consider any action that staff may recommend based on regional data to be reviewed November 7, 2023.

**Staff Recommendation:**

Recommendations will be presented at the Governing Board Meeting November 14, 2023, based on then current conditions and predictions.

**Presenter:**

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



**Governing Board Meeting**  
**November 14, 2023**

**7. GENERAL COUNSEL'S REPORT**

<b>7.1 Discussion:</b>	Information Item: Consent Item(s) Moved to Discussion .....	100
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**GENERAL COUNSEL'S REPORT**

**November 14, 2023**

**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, Office of General Counsel

**COMMITTEE/LIAISON REPORTS**

**November 14, 2023**

**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

**EXECUTIVE DIRECTOR'S REPORT**

**November 14, 2023**

**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**

**November 14, 2023**

**Discussion: Information Item: Chair's Report**

Staff Recommendation:

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

Presenter:

Ed Armstrong, Chair

**CHAIR'S REPORT**

**November 14, 2023**

**Discussion: Information Item: Employee Milestones**

Staff Recommendation:

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

Presenter:

Ed Armstrong, Governing Board Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	11/19/2018	Alex Horony	Field Services Supervisor	Sarasota	Regulatory Support	2023	11/19/2023