Southwest Florida Water Management District

Governing Board Meeting

Agenda and Meeting Information

October 18, 2022

9:00 a.m.

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

Southwest Florida Water Management District
WATERMATTERS.ORG • 1-800-423-1476

Southwest Florida Water Management District

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

An Equal Opportunity Employer

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), ext. 4747; or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). 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.

MEETING NOTICE

Final Agenda
GOVERNING BOARD MEETING

OCTOBER 18, 2022
9:00 AM

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

All meetings are open to the public

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

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

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

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

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

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

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

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

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

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

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 **Finance/Outreach and Planning Committee:** Office of Inspector General Performance Measures

2.2 **Resource Management Committee:** Polk Regional Water Cooperative – Peace Creek Integrated Water Supply Plan (N928) and Peace River/Land Use Transition (Q133) Projects, Reduction of Scope and Budget to Eliminate Third-Party Reviews

2.3 **Resource Management Committee:** FARMS – Sweet Life Acres Phase 1 (H808), Hillsborough County

2.4 **Resource Management Committee:** Approve the Plant City Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Plant City (N995)

2.5 **Resource Management Committee:** Minimum Flows and Minimum Water Levels Priority List and Schedule Update

2.6 **Regulation Committee:** Water Use Permit No. 20 010420.012, Peace River/Manasota Regional Water Supply Authority / Peace River Water Treatment Plant Facility (DeSoto County)

2.7 **Regulation Committee:** Knowledge Management: Retirement of Governing Board Policy Well Drilling Advisory Committee

2.8 **General Counsel's Report:** Approval of Consent Order between SWFWMD and Vatsala Sastry – As-Built Deviations Permit Violations – ERP Number 44029286.000 – CT Number 378487 – Pasco County

2.9 **General Counsel's Report:** Governing Board Concurrence – Emergency Order Nos. SWF 22-010 and 22-011 – Emergency Measures Due to Hurricane Ian and High-Water Conditions

2.10 **Executive Director's Report:** Approve Fiscal Year 2023 Final Budget Hearing Minutes

2.11 **Executive Director's Report:** Approve Governing Board Minutes - September 20, 2022

3. FINANCE/OUTREACH AND PLANNING COMMITTEE

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

3.2 **Discussion:** Action Item: Investment Strategy Quarterly Update

3.3 **Discussion:** Information Item: Annual Review of the District's Investment Policy

3.4 **Discussion:** Action Item: Development of Preliminary Budget for Fiscal Year 2024

3.5 **Submit & File:** Information Item: Office of Inspector General Quarterly Update – July 1, 2022 to September 30, 2022

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

4. RESOURCE MANAGEMENT COMMITTEE

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

4.2 **Discussion:** Information Item: Thirty-fifth Year Anniversary of the Surface Water Improvement and Management Program

4.3 **Discussion:** Action Item: FARMS – Bay Grove – T&T Environmental, LLC, Phase 1 (H805), DeSoto County

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

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

5.2 **Discussion:** Information Item: Hydrologic Conditions, Structure Operations, Hurricane Ian Update

6. REGULATION COMMITTEE

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

6.2 **Discussion:** Action Item: Denials Referred to the Governing Board

7. GENERAL COUNSEL'S REPORT

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

8. COMMITTEE/LIAISON REPORTS

8.1 **Discussion:** Information Item: Agricultural and Green Industry Advisory Committee

9. EXECUTIVE DIRECTOR'S REPORT

9.1 **Discussion:** Information Item: Executive Director's Report

10. CHAIR'S REPORT

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

10.2 **Discussion:** Information Item: Employee Milestones

10.3 **Discussion:** Action Item: 2022 Employee Evaluation and 2023 Performance Goals for the Executive Director and Inspector General

ADJOURNMENT

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Approved June 6, 2022

OFFICERS	
Chair	Joel Schleicher
Vice Chair	Ed Armstrong
Secretary	Michelle Williamson
Treasurer	John Mitten

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
Jack Bispham
Kelly Rice
John Hall

RESOURCE MANAGEMENT COMMITTEE
Ashley Bell Barnett
Michelle Williamson
William Hogarth

REGULATION COMMITTEE
John Hall
Seth Weightman
Ashley Bell Barnett

FINANCE/OUTREACH AND PLANNING COMMITTEE
John Mitten
Jack Bispham
Ed Armstrong

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

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Kelly Rice
Environmental Advisory Committee	Michelle Williamson
Industrial Advisory Committee	Ashley Bell Barnett
Public Supply Advisory Committee	Ed Armstrong
Well Drillers Advisory Committee	Seth Weightman

OTHER LIAISONS	
Central Florida Water Initiative	John Hall
Springs Coast Steering Committee	Kelly Rice
Coastal & Heartland National Estuary Partnership Policy Committee	Jack Bispham
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	William Hogarth
Tampa Bay Regional Planning Council	Vacant

Southwest Florida Water Management District Schedule of Meetings
Fiscal Year 2023

10/6/2022

Governing Board Meeting

October 18, 2022 – 9:00 a.m., Tampa Office
November 15, 2022 – 9:00 a.m., Brooksville Office
December 13, 2022 – 9:00 a.m., Brooksville Office
January 24, 2023 – 9:00 a.m., Tampa Office
February 28, 2023 – 9:00 a.m., Brooksville Office
March 28, 2023 – 9:00 a.m., Brooksville Office
April 25, 2023 – 9:00 a.m., Tampa Office
May 23, 2023 – 9:00 a.m., Tampa Office
June 27, 2023 – 9:00 a.m., Brooksville Office
July 25, 2023 – 9:00 a.m., Tampa Office
August 22, 2023 – 9:00 a.m., Brooksville Office
September 26, 2023 – 3:00 p.m., Tampa Office

Governing Board Workshop

November 15, 2022 – 10:30 a.m., Brooksville Office

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

2023 – September 12 & 26

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

2022 – December 6
2023 – March 14, June 13, September 12

Environmental Advisory Committee – 10:00 a.m.

2022 – October 11 (canceled)
2023 – January 10, April 11, July 11

Industrial Advisory Committee – 10:00 a.m.

2022 – November 8
2023 – February 14, May 9, August 8

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

2022 – November 8
2023 – February 14, May 9, August 8

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

2022 – October 26, December 7
2023 – January 11, February 22, May 24, July 12

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

2022 – November 9
2023 – January 25, March 8, July 26

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

2023 – February 1 – Northern Region, Brooksville Office
2023 – February 2 – Southern Region, Sarasota County Commission Chambers
2023 – February 8 – Heartland Region, TBD
2023 – February 9 – Tampa Bay Region, Tampa Office
2023 – April 5 – Northern Region, Brooksville Office
2023 – April 6 – Southern Region, Sarasota County Commission Chambers
2023 – April 12 – Heartland Region, Bartow City Hall
2023 – April 13 – Tampa Bay Region, Tampa Office

Meeting Locations

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

Governing Board Meeting
October 18, 2022

1. CONVENE PUBLIC MEETING

CONVENE PUBLIC MEETING

October 18, 2022

Call to Order

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

Presenter:
Joel A. Schleicher, Chair

CONVENE PUBLIC MEETING

October 18, 2022

Invocation and Pledge of Allegiance

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

Presenter:
Joel A. Schleicher, Chair

CONVENE PUBLIC MEETING

October 18, 2022

Employee Recognition

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

Presenter:
Joel A. Schleicher, Chair

CONVENE PUBLIC MEETING

October 18, 2022

Additions/Deletions to Agenda

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

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

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

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

CONVENE PUBLIC MEETING

October 18, 2022

Public Input for Issues Not Listed on the Published Agenda

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

Presenter:
Joel A. Schleicher, Chair

Governing Board Meeting

October 18, 2022

2. CONSENT AGENDA

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

CONSENT AGENDA

October 18, 2022

Finance/Outreach and Planning Committee: Office of Inspector General Performance Measures

In accordance with the OIG Charter Governing Board Policy, the OIG shall have performance measures defined by the Finance/Outreach & Planning Committee and approved by the Governing Board. After Governing Board approval, these will be the performance measures which the OIG will report on at least a semi-annual basis.

Staff Recommendation:
Staff recommends the Board approve the OIG performance measures.

Presenter:
Brian Werthmiller, Inspector General

Southwest Florida Water Management District

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1-800-836-0797 (FL only)

October 18, 2022

MEMORANDUM

TO: Finance/Outreach & Planning Committee
Remaining Governing Board members

FROM: Brian Werthmiller, CPA, Inspector General

SUBJECT: Office of Inspector General (OIG) Performance Measures

The purpose of this memo is to fulfill a requirement of Governing Board policy.

Per the Office of Inspector General Charter Governing Board Policy, the OIG shall have performance measures defined by the Finance/Outreach & Planning Committee and approved by the Governing Board. After Governing Board approval, these will be the performance measures which the OIG will report actual results of performance on at least a semi-annual basis.

Office of Inspector General	
Performance Measure	***Goal***
Complete follow-up on the disciplinary actions recommendation from FY 2022	Complete by September 2023
Complete follow-up on the conflict of interest recommendation from FY 2022	Complete by September 2023
Complete follow-up on the increases in pay recommendation from FY 2022	Complete by September 2023
Complete follow-up on the use of District vehicles recommendation from FY 2022	Complete by September 2023
Complete a Cybersecurity Audit	Complete by September 2023[1]
Appropriate time allocated to efforts resulting in reporting to the Board	65% of Chargeable Hours
Performance Measures – Daily Deliverables	***Goal***
Risk Assessment and audit plan	Submit the audit plan to the Board by January 2023
Inspector General FY 2023 Annual Report	Submit to the Board September 2023
Updates to the Finance/Outreach & Planning Committee including IG performance measures	Submit to the Board the month following each quarter-end

[1] If the Auditor General's audit begins in FY 2023, then the goal would be to complete by December 2023.

CONSENT AGENDA

October 18, 2022

Resource Management Committee: Polk Regional Water Cooperative – Peace Creek Integrated Water Supply Plan (N928) and Peace River/Land Use Transition (Q133) Projects, Reduction of Scope and Budget to Eliminate Third-Party Reviews

Purpose

The purpose of this item is to request Governing Board approval to eliminate the third-party reviews for the Peace Creek (N928) and Peace River/Land Use Transition (Q133) Cooperative Funding Agreements (CFAs) with a corresponding decrease in budgets.

Background/History

The Peace Creek Integrated Water Supply Plan Project includes a feasibility study, preliminary design of a viable water supply option from the Peace Creek in Polk County, a third-party review of the preliminary design, and an integrated water supply plan (IWSP). The project was co-funded in FY2017 as CFA #17CF0000832; with a budget totaling $1,980,250, and with the Polk Regional Water Cooperative (PRWC) and District each contributing shares of $990,125. The project's measurable benefit is completion of the feasibility study and the development of an integrated water supply plan that will identify potential water supply options. A third-party review of the preliminary design was included in the project scope to evaluate sufficiency of applied methods and confirm construction cost estimates for future funding if constructed. In July 2021, the PRWC completed the draft report for the preliminary design of a project option consisting of a surface water diversion, wetland treatment, and aquifer recharge facility located along Peace Creek east of the City of Bartow to provide approximately 5.8 mgd in long-term average capacity for aquifer recharge and groundwater credits. The project scope also specifies that the IWSP task would commence following the completion of the preliminary design report.

The Peace River/Land Use Transition Project includes a feasibility study to determine the viability of the upper Peace River as a supply source option, a conceptual water use plan for a surface water treatment facility and storage alternatives, and a third-party review of the conceptual plan. The project was co-funded in FY2019 as CFA #19CF0002558, with a budget totaling $961,100, and with the PRWC and District each contributing shares of $480,550. The project's measurable benefit is completion of the feasibility study and the development of a conceptual potable water supply project plan that will identify potential water supply and treatment options including permitability. A third-party review of the conceptual water use plan was included in the scope to evaluate the methods used and assure the project's viability. In May 2022, the PRWC completed a draft report that included the conceptual plan of a surface water intake and treatment facility located along the Peace River south of Fort Meade with 18 mgd of supply capacity, plus supplemental augmentation from transitioned wells.

Concurrent to the PRWC implementing these projects, District staff commenced the reevaluation of minimum flows for the upper Peace River. The ongoing MFL process includes a reevaluation of the established minimum low-flow conditions and development of new minimum flows for medium and high-flow conditions. The updated MFL is expected to result in surface water availability constraints within the Peace River watershed, including Peace Creek and other tributaries. Staff anticipate the completion and adoption of the upper Peace River minimum flows in 2025. Staff have already developed provisional minimum flow constraints from existing data that can be used to assess water availability. District

analyses with the provisional constraints indicate that permittable surface water withdrawals likely aren't available from the Peace Creek, and quantities available from the upper Peace River are less than the quantities included in the draft conceptual plan. The provisional constraints were not available when the PRWC commenced their feasibility studies, but District staff presented them to the PRWC and its consultants in March 2022 and requested they assess the impacts to their designs.

Due to the District's preliminary evaluation of surface water availability, staff recommend not conducting the third-party reviews for the current Peace Creek and Peace River project CFAs. The Peace Creek project option may not be viable as a water supply once the new MFL is adopted. Surface water quantities may be available for the Peace River project option, but a third-party review is premature since facility components will likely be downsized, and cost opinions will have more value if timed closer to project implementation. The PRWC is willing to delay additional development of the projects (pending review and approval by their Board of Directors) until after new MFLs are adopted. Additionally, the PRWC is currently developing the Southeast and West Polk Wellfield Projects to meet its members' projected water demands for the next 20 years and may revisit the surface water project costs and benefits on a schedule based on the member's future needs.

Benefits/Costs

The third-party review task budgets are $30,000 for the Peace Creek project and $20,000 for the Peace River project. Additionally, the Peace Creek Project's IWSP task budget is $508,000 and the task has not been authorized since it was scheduled after completion of the preliminary design. District staff recommend eliminating both third-party reviews and the IWSP from the CFAs and reducing the project total budgets by the equivalent amounts. The total project costs will become $1,442,250 for the Peace Creek project and $941,100 for the Peace River project. The combined savings for both projects is $558,000, with the District and PRWC each saving $279,000. The District's funding shares were originally sourced from the Polk Partnership Fund created by Governing Board resolutions 15-07 and 18-06. Staff recommend transferring the District's $279,000 savings back to the Polk Partnership Fund where it can be applied to future PRWC cooperative funding requests. In addition to reduced costs, considerable staff time will be saved by omitting the procurement and management of the third-party review consultants. Both CFAs are scheduled to expire on March 31, 2023. The PRWC may revisit the projects once the upper Peace River MFL is adopted and may reapply for cooperative funding as needed.

Staff Recommendation:

1. Authorize staff to amend the (N928) Peace Creek Integrated Water Supply Plan Project CFA to eliminate the third-party review and integrated water supply plan tasks, reduce the total project budget to $1,442,250, and transfer the $269,000 savings to the Polk Partnership Fund (H094).
2. Authorize staff to amend the (Q133) Peace River/Land Use Transitions Project CFA to eliminate the third-party review task, reduce the total project budget to $941,100 and transfer the $10,000 savings to the Polk Partnership Fund (H094).

Presenter:

Jay Hoecker, PMP, Bureau Chief, Water Resources

CONSENT AGENDA

October 18, 2022

Resource Management Committee: FARMS – Sweet Life Acres Phase 1 (H808), Hillsborough County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Sweet Life Acres Phase 1, and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of $294,658 (75 percent of total project costs). The District funding is requested from the Governing Board FARMS Fund. Total project costs are estimated at $392,877.

Project Proposal

The District received a project proposal from Sweet Life Acres, LLC. for their 459-acre property located four (4) miles north of Plant City in eastern Hillsborough County within the Dover Plant City Water Use Caution Area (DPCWUCA), and within the Hillsborough River Groundwater Basin. This project will involve the utilization of one (1) 3.0-acre reservoir to collect tailwater and surface water from the property and surrounding watershed to offset Upper Floridan aquifer groundwater used for the irrigation of 130 acres of row crops. The Water Use Permit (WUP) authorizes annual average groundwater withdrawals of 176,000 gallons per day (gpd). FARMS project components consist of two (2) surface water irrigation pump stations, weather station, filtration, pump and valve automation, soil moisture probes, fertigation, and the piping necessary to connect the surface water to the irrigation system.

Benefits/Costs

The proposed project involves water quantity, and nutrient reduction best management practices (BMPs) for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS program. The project is expected to reduce groundwater use by about thirty-four (34) percent, or 60,000 gpd for daily irrigation, and reduce nitrogen applications by 234 pounds of nitrogen per year. The conservation components are integrated with the nutrient reduction components to maximize nutrient reduction. Based on the estimated groundwater offset, a reduction of nitrogen application, and a proposed five-year contract term, the cost per thousand gallons of water saved is $3.90 and the cost per pound of nitrogen reduced per year is $16.60 (based on the fertigation components). This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies, improved irrigation techniques, and nutrient reduction BMPs for row crop operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have $4,402,978 remaining in its FARMS Program budget.

Staff Recommendation:

1. Approve the Sweet Life Acres, LLC project for a not-to-exceed project reimbursement of $294,658 provided by the Governing Board;
2. Authorize the transfer of $294,658 from fund 010 H017 Governing Board FARMS Fund to the H807 Sweet Life Acres, LLC project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

Presenter:

Carole Estes, P.G., FARMS Manager, Water Resources

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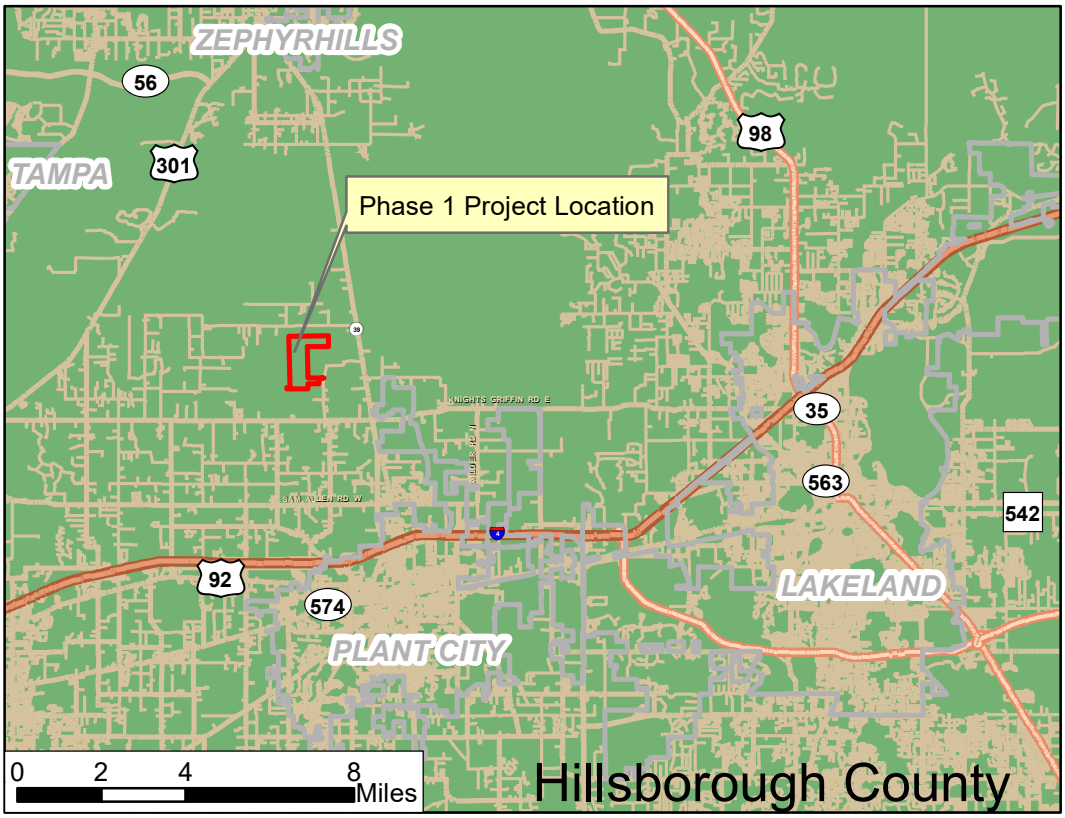
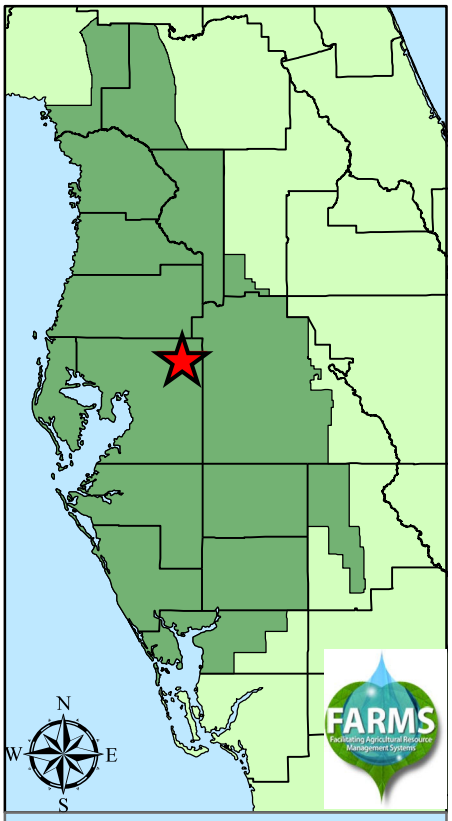
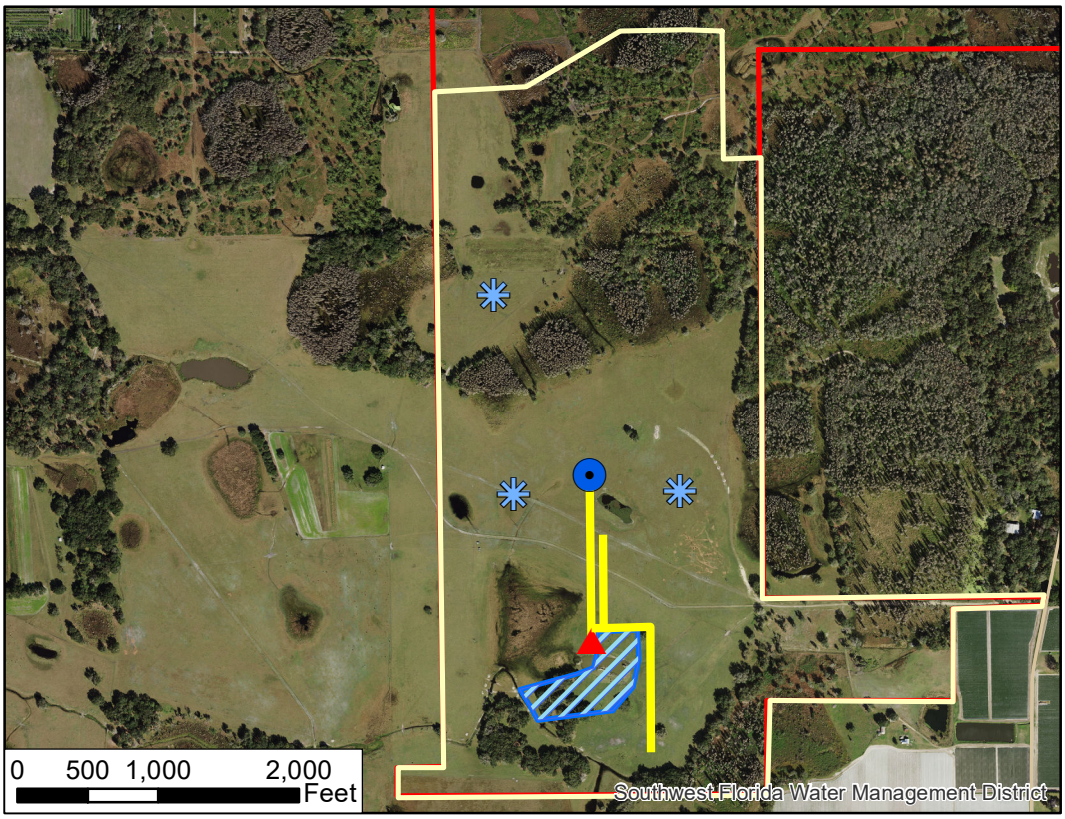
Location Map
FARMS Project H808
Sweet Life Acres Phase 1







Legend

- WUP 21037 Boundary
- Phase 1 Project Area
- Proposed Reservoir
- Groundwater Well
- Proposed Weather Station and Soil Moisture Sensors
- Proposed Surface Water Pump Stations, Automation, Fertigation System
- Proposed Mainline Pipe

Southwest Florida Water Management District

KAG 9/08/2022
2020 Aerial
2012 NAVTE^

CONSENT AGENDA

October 18, 2022

Resource Management Committee: Approve the Plant City Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Plant City (N995)

Purpose

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

Background/History

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for 95 watersheds throughout the District. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2021-2025. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the Plant City watershed was prepared by a District hired consultant Atkins North America, Inc., Engineering Firm of Record, reviewed by District and City staff, and then reviewed by the District's independent peer review consultant, Johnson, Miriman & Thompson, Inc. Floodplain information for the watershed was presented for public review and comment through an open engagement website and an in-person meeting was held on February 15, 2022. During the outreach period, the District received approximately 150 unique comments. This data was used to make model refinements where appropriate. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Staff Recommendation:

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

Presenter:

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

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CONSENT AGENDA

October 18, 2022

Resource Management Committee: Minimum Flows and Minimum Water Levels Priority List and Schedule Update

Purpose

To request approval of the District's 2022 priority list and schedule for the establishment of minimum flows, minimum water levels and reservations (i.e., priority list) prior to submission to the Florida Department of Environmental Protection (DEP).

Background/History

Pursuant to Sections 373.036(7) and 373.042(3), Florida Statutes, the District is required to annually update and submit its priority list to the DEP by November 15th, for approval, and include the approved priority list in the District's Consolidated Annual Report by March 1st.

Staff presented a draft 2022 priority list to the District's Environmental Advisory Committee on July 12, 2022, and the Public Supply Advisory Committee on August 9, 2022. No changes to the draft priority list were suggested during these committee meetings.

Staff subsequently presented the draft priority list to the Governing Board as a Submit & File Report item at the August 23, 2022, Board meeting. The draft priority list was posted to the District website and staff informed the DEP and other water management districts of its availability.

A public meeting for soliciting comment on the draft priority list was held on August 24, 2022 via the internet using Microsoft Teams. Seventeen stakeholders participated in the meeting and were joined by 9 District staff members. No comments or questions concerning the draft priority list were provided during the meeting.

On August 24, 2022, staff met with staff from the DEP, South Florida Water Management District (SFWMD) and St. Johns River Water Management District (SJRWMD) to discuss each district's draft priority list, with an emphasis on prioritized water bodies in the Central Florida Water Initiative (CFWI) area. No changes to the District's draft priority list or those of the SFWMD and SJRWMD were identified during the meeting.

In conjunction with staff from the SFWMD and SJRWMD, District staff participated in a public meeting on September 1, 2022, to solicit input on each district's draft priority list in general, and to specifically solicit input on prioritization of water bodies in the CFWI area. The meeting was held virtually on the internet using Zoom software. Discussion among the 80 meeting participants, which included stakeholders and representatives from each district, addressed: goals for establishing minimum flows and levels and the types of data and tools used for their development, opportunities for public review and comment on the District's technical work, concerns over low water levels in the upper portion of the St. Johns River, consideration of saltwater intrusion when establishing minimum flows and levels and availability of groundwater and saltwater intrusion model reports, and District plans for updates of groundwater and surface water models used for minimum flow and levels development. No additions, deletions or schedule changes were identified for water bodies on the District's priority list or those of the other two districts.

Following the public meetings, staff received a suggestion to consider rescheduling the establishment of minimum flows for the upper and lower segments of the Little Manatee River from 2022 to 2023. Although staff expects technical work supporting development of the minimum flows will be completed this year, presentation of minimum flow recommendations for the river to the Governing Board for approval to initiate rulemaking, and the subsequent rulemaking are now anticipated to occur in early 2023. Based on this revised schedule, the establishment of minimum flows for the upper and lower segments of the Little Manatee River is identified for completion in 2023 on the updated priority list included as an exhibit to this agenda item.

During preparation of the updated priority list, staff also identified and corrected several typographic errors, correctly listed the established Dover/Plant City Water Use Caution Area Minimum Aquifer Level as having been reevaluated, and modified the narrative portion of the priority list to correctly note the priority list includes the planned reevaluation of one reservation.

Follow-Up Activities

In accordance with the annual requirement in the Florida Statutes, the District's 2022 priority list approved by the Governing Board will be submitted to DEP by November 15, 2022. At the request of DEP, the priority list information will also be submitted to DEP in spreadsheet format to facilitate tracking of minimum flows, minimum levels, and reservation establishment.

Following DEP approval, the 2022 priority list will be incorporated into the District's 2022 Consolidated Annual Report that will be presented to the Board for consideration and approval in January and February 2023, respectively.

Benefits

The 2022 priority list includes water bodies for which the District anticipates establishment, i.e., adoption of minimum flows or minimum water levels and reservations by 2025. Once adopted, minimum flows and levels and reservations are used to support regional water supply planning and District regulatory programs.

Staff Recommendation:

Approve the District's Minimum Flows and Minimum Water Levels 2022 Priority List and Schedule for submission to DEP for review and approval as required by Chapter 373, F.S.

Presenter:

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

2022 Southwest Florida Water Management District Priority List and Schedule for the Establishment of Minimum Flows, Minimum Water Levels and Reservations

Overview

Pursuant to Sections 373.036(7) and 373.042(3), Florida Statutes (F.S.), the Southwest Florida Water Management District is required to annually update its priority list and schedule for the establishment of minimum flows and minimum water levels, submit the updated list and schedule to the Florida Department of Environmental Protection (DEP) by November 15th for approval, and include the approved list and schedule in the District's Consolidated Annual Report by March 1st. Minimum flows and minimum water levels are rules adopted by the state water management districts or DEP that define the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. In addition to prioritized minimum flows and minimum water levels, the priority list and schedule must include reservations proposed for establishment. Reservations are rules that reserve water from use by permit applications, as necessary for the protection of fish and wildlife or public health and safety.

The District prepared this 2022 priority list and schedule to address all relevant statutory directives, and guidance concerning minimum flow, minimum water level and water reservation prioritization included in Rules 62-40.473, and 62-40.474 within the State Water Resource Implementation Rule (Chapter 62-40, Florida Administrative Code (F.A.C.) and in Rule 62.41.304 within the Regulation of the Consumptive Use of Water Rule (Chapter 62-41, F.A.C.) of the DEP that address the Central Florida Water Initiative Area defined in Section 373.0465(2)(a), F.S.

Established Minimum Flows, Minimum Water Levels and Reservations

As of FY2022, District rules include minimum flows or minimum water levels for 203 water bodies (Chapter 40D-8, F.A.C.) and reservations for 2 water bodies (Chapter 40D-2, F.A.C.). As listed below, minimum flows or water levels are established for 126 lakes, 34 wetlands, 24 freshwater and estuarine river segments, 10 springs or spring groups (including all first magnitude springs and all second magnitude springs within the District that occur within state or federal lands purchased for conservation purposes), 7 Upper Floridan aquifer (UFA) sites in the northern Tampa Bay area, an UFA site in the Dover/Plant City area, and the UFA in the Most Impacted Area of the Southern Water Use Caution Area. In addition, 128 minimum flow or level reevaluations have been completed to confirm or support the revision or repeal of established minimum flows or minimum water levels. As also listed below, reservations have been established for Lake Hancock/Lower Saddle Creek and Morris Bridge Sink to support minimum flow recovery in 2 rivers.

Water Bodies with Adopted and Effective Minimum Flow and Minimum Water Level Rules, Including Those That Have Been Reevaluated

- Alafia River (upper segment)
- Alafia River (lower segment)/Lithia-Buckhorn Spring Group
- Anclote River (lower segment)
- Anclote River (upper segment)
- Braden River (upper segment)

- Chassahowitzka River/Chassahowitzka Spring Group (an Outstanding Florida Spring) and Blind Spring (reevaluated)
- Citrus County Lakes – Ft. Cooper, Tsala Apopka – Floral City, Inverness, and Hernando Pools
- Crystal River/Kings Bay Spring Group (an Outstanding Florida Spring)
- Crystal Springs
- Dona Bay/Shakett Creek System
- Dover/Plant City Water Use Caution Area Minimum Aquifer Level (reevaluated)
- Gum Slough Spring Run
- Hernando County Lakes – Hunters (reevaluated), Lindsey (reevaluated), Mountain (reevaluated), Neff (reevaluated), Spring, Tooke, Weekiwachee Prairie, Whitehurst
- Highland County Lakes – Angelo, Anoka, Damon, Denton, Jackson (reevaluated), Little Lake Jackson (reevaluated), June-in-Winter, Letta (reevaluated), Lotela (reevaluated), Placid, Tulane, Verona
- Hillsborough County Lakes – Alice (reevaluated), Allen (reevaluated twice), Barbara (reevaluated), Bird (reevaluated twice), Brant (reevaluated twice), Calm (reevaluated), Carroll, Charles (reevaluated), Church (reevaluated), Crenshaw, Crescent, Crystal (reevaluated twice), Cypress (reevaluated), Dan (reevaluated), Deer (reevaluated), Dosson (reevaluated twice), Echo (reevaluated), Ellen (reevaluated), Fairy [Maurine] (reevaluated), Garden, Halfmoon (reevaluated), Hanna (reevaluated), Harvey (reevaluated twice), Helen (reevaluated), Hobbs (reevaluated twice), Hooker, Horse (reevaluated), Jackson (reevaluated), Juanita (reevaluated twice), Keene, Kell, Little Moon (reevaluated), Merrywater (reevaluated twice), Mound, Platt, Pretty, Rainbow (reevaluated), Raleigh, Reinheimer, Rogers, Round (reevaluated), Saddleback (reevaluated twice), Sapphire (reevaluated twice), Starvation, Stemper (reevaluated), Strawberry (reevaluated), Sunset (reevaluated twice), Sunshine (reevaluated twice), Taylor (reevaluated), Virginia (reevaluated twice), Wimauma (reevaluated)
- Hillsborough County Wetlands – Cypress Bridge 32 (reevaluated), Cone Ranch 1 (reevaluated), Cone Ranch 2 (reevaluated), Cone Ranch 3 (reevaluated), Cone Ranch 4 (reevaluated), Cone Ranch 5 (reevaluated), Cone Ranch 6 (reevaluated), Eldridge Wilde 11 (NW-44) (reevaluated), Morris Bridge Clay Gully Cypress (MBR-88) (reevaluated), Morris Bridge Entry Dome (MBR-35) (reevaluated), Morris Bridge Unnamed (MBR-16) (reevaluated), Morris Bridge X-4 (MBR-89) (reevaluated)
- Hillsborough River (lower segment) (reevaluated)
- Hillsborough River (upper segment)
- Homosassa River/Homosassa Spring Group (an Outstanding Florida Spring) (reevaluated)
- Levy County Lake – Marion (reevaluated)
- Marion County Lakes – Bonable, Little Bonable, Tiger
- Myakka River (lower segment)
- Myakka River (upper segment)
- Northern Tampa Bay – 7 Wells – Upper Floridan aquifer/Saltwater Intrusion
- Pasco County Lakes – Bell, Big Fish (reevaluated), Bird, Buddy (reevaluated), Camp (reevaluated), Clear (reevaluated), Crews, Green, Hancock (reevaluated), Iola, Jessamine, King, King [East], Linda, Middle, Moon (reevaluated), Padgett (reevaluated), Parker aka Ann, Pasadena (reevaluated), Pierce (reevaluated), Unnamed #22 aka Loyce
- Pasco County Wetlands – Cross Bar Q-1 (reevaluated), Cross Bar T-3 (reevaluated), Cypress Bridge 4 (reevaluated), Cypress Bridge 16 (reevaluated), Cypress Bridge 25 (reevaluated), Cypress Creek W-56 (G) (reevaluated), Cypress Creek W-11 (reevaluated), Cypress Creek W-12 (reevaluated), Cypress Creek W-17 (reevaluated), North Pasco 3 (reevaluated), North Pasco 21 (reevaluated), South Pasco 2 (NW-49) (reevaluated), South Pasco 6 (NW-50) (reevaluated), South Pasco South Cypress (reevaluated), Starkey Central (reevaluated), Starkey Eastern (S-73) (reevaluated), Starkey M (S-69) (reevaluated), Starkey N (reevaluated), Starkey S-75 (reevaluated), Starkey S-99, Starkey Z (reevaluated)
- Peace River (lower segment) (reevaluated twice)
- Peace River (middle segment)
- Peace River (three upper segments – "low" minimum flows)
- Pinellas County Wetland – Eldridge Wilde 5
- Pithlachascotee River (lower segment)
- Pithlachascotee River (upper segment)

- Polk County Lakes – Annie, Aurora, Bonnie, Clinch (reevaluated), Crooked (reevaluated), Crystal, Dinner, Eagle (reevaluated), Easy, Eva, Hancock, Lee, Lowery, Mabel, McLeod (reevaluated), North Lake Wales, Parker (reevaluated), Starr (reevaluated), Venus, Wailes (reevaluated)
- Rainbow River/Rainbow Spring Group (OFS)
- Shell Creek (lower segment)
- Sulphur Springs
- Sumter County Lakes – Big Gant, Black, Deaton, Miona, Okahumpka, Panasoffkee
- Southern Water Use Caution Area – Upper Floridan aquifer
- Tampa Bypass Canal
- Weeki Wachee River/Weeki Wachee Spring Group (an Outstanding Florida Spring)

Water Bodies with Adopted and Effective Reservation Rules

- Lake Hancock/Lower Saddle Creek (water reserved to contribute to achieving minimum flows adopted for the three upper segments of the Peace River for the protection of fish and wildlife)
- Morris Bridge Sink (water reserved to contribute to achieving or maintaining minimum flows adopted for the lower segment of the Hillsborough River for the protection of fish and wildlife)

Prioritized Water Bodies for Establishment or Reevaluation of Minimum Flows and Minimum Water Levels

Minimum flows and minimum water levels proposed for establishment or reevaluation through 2025 are listed by water body name in tabular form below. One reservations is prioritized for reevaluation during this period.

System name is provided for each water body to distinguish waterbodies that may be part of a larger system. All currently prioritized waterbodies are, however, sufficiently distinct so the waterbody name and system name are the same. Water body type, i.e., lake, river, river-estuary or aquifer, is provided along with location information. District intent regarding completion of voluntary, independent, scientific peer review is also identified for each water body. Voluntary scientific peer review is proposed for minimum flows development or reevaluation for all prioritized river segments based on the expected level of complexity of the minimum level and flows, and the anticipated degree of public concern regarding their development. None of the prioritized lake minimum levels are expected to be subjected to voluntary scientific peer review, based on anticipated use of previously peer-reviewed methodologies for their development.

Prioritized water bodies that may be affected by withdrawals occurring in other water management districts, i.e., are potentially subject to cross-boundary impacts, including those specifically associated with withdrawals from within the Central Florida Water Initiative area, are identified to support coordination of regulatory activities among the districts and DEP. Development of minimum flow or water levels by the DEP for any of these water bodies is not, however, currently considered necessary or appropriate.

The status of rulemaking for each prioritized water body is also provided.

Minimum Flows and Minimum Water Levels to be Adopted in 2022.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name [a]	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? [b]	Latitude	Longitude	Rulemaking Status [c]
Reevaluation	North Lake Wales	North Lake Wales	Lake	Polk	No	Yes [d]	27.9096	-81.5805	N/A
Reevaluation	Tulane, Lake	Tulane, Lake	Lake	Highlands	No	Yes [d]	27.5860	-81.5036	N/A
Reevaluation	Verona, Lake	Verona, Lake	Lake	Highlands	No	Yes [d]	27.5978	-81.4969	N/A

Minimum Flows and Minimum Water Levels to be Adopted in 2023.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name [a]	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? [b]	Latitude	Longitude	Rulemaking Status [c]
Reevaluation	Aurora, Lake	Aurora, Lake	Lake	Polk	No	Yes [d]	27.879079	-81.465545	N/A
Reevaluation	Easy, Lake	Easy, Lake	Lake	Polk	No	Yes [d]	27.858101	-81.56204	N/A
Reevaluation	Eva, Lake	Eva, Lake	Lake	Polk	No	Yes [d]	28.095218	-81.62806	N/A
New	Charlie Creek	Charlie Creek	River	Hardee, Polk	Yes	No	27.3747	-81.7967	N/A
New	Horse Creek	Horse Creek	River	Hardee, DeSoto	Yes	No	27.1992	-81.9886	N/A
New	Little Manatee River (lower segment)	Little Manatee River (lower segment)	River-Estuary	Hillsborough	Yes	No	27.6708	-82.3528	N/A
New	Little Manatee River (upper segment)	Little Manatee River (upper segment)	River	Hillsborough, Manatee	Yes	No	27.6708	-82.3528	N/A

Minimum Flows and Minimum Water Levels to be Adopted in 2024.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name [a]	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? [b]	Latitude	Longitude	Rulemaking Status [c]
Reevaluation (second)	Eagle Lake	Eagle Lake	Lake	Polk	No	No	27.986734	-81.766533	N/A
Reevaluation (second)	McLeod, Lake	McLeod, Lake	Lake	Polk	No	No	27.967464	-81.752949	N/A
Reevaluation (second)	Jackson, Lake (Highlands)	Jackson, Lake (Highlands)	Lake	Highlands	No	Yes	27.491027	-81.462497	N/A
Reevaluation (second)	Little Jackson	Little Lake Jackson	Lake	Highlands	No	Yes	27.467746	-81.463525	N/A
Reevaluation (second)	Wailes, Lake	Wailes, Lake	Lake	Polk	No	Yes [d]	27.901501	-81.572589	N/A
New	Withlacoochee River (lower segment)	Withlacoochee River (lower segment)	River-Estuary	Citrus, Levy	Yes	Yes	29.0208	-82.6381	N/A
New	Withlacoochee River (upper segment, U.S. Geological Survey Holder gage to U.S. Geological Survey Wysong gage)	Withlacoochee River (upper segment, U.S. Geological Survey Holder gage to U.S. Geological Survey Wysong gage)	River	Citrus, Marion, Sumter	Yes	Yes	28.9886	-82.3497	N/A
New	Withlacoochee River (upper segment, U.S. Geological Survey Wysong gage to U.S. Geological Survey Croom gage)	Withlacoochee River (upper segment, U.S. Geological Survey Wysong gage to U.S. Geological Survey Croom gage)	River	Citrus, Sumter, Hernando	Yes	No	28.8231	-82.1833	N/A
New	Withlacoochee River (upper segment, upstream of U.S. Geological Survey Croom gage)	Withlacoochee River (upper segment, upstream of U.S. Geological Survey Croom gage)	River	Hernando, Sumter, Pasco, Lake, Polk	Yes	No	28.5925	-82.2222	N/A

Minimum Flows and Minimum Water Levels to be Adopted in 2025.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name [a]	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? [b]	Latitude	Longitude	Rulemaking Status [c]
Reevaluation	Peace River (upper segment, U.S. Geological Survey Zolfo Springs gage to U.S. Geological Survey Ft. Meade gage)	Peace River (upper segment, U.S. Geological Survey Zolfo Springs gage to U.S. Geological Survey Ft. Meade gage)	River	Hardee, Polk	Yes	No	27.5042	-81.8011	N/A
Reevaluation	Peace River (upper segment, U.S. Geological Survey Ft. Meade gage to U.S. Geological Survey Bartow gage)	Peace River (upper segment, U.S. Geological Survey Ft. Meade gage to U.S. Geological Survey Bartow gage)	River	Polk	Yes	No	27.7511	-81.7822	N/A
Reevaluation	Peace River (upper segment, upstream of U.S. Geological Survey Bartow gage)	Peace River (upper segment, upstream of U.S. Geological Survey Bartow gage)	River	Polk	Yes	No	27.9019	-81.8175	N/A

Reservations Priority List.

Waterbody Name	Waterbody Type	County(s)	Proposed Year	Rulemaking Status [c]
Hancock, Lake/Lower Saddle Creek (reevaluation)	Lake, River	Polk	2025	NA

[a] System name identifies larger system that the water body is associated with for minimum flows rule development; otherwise, system name is same as waterbody name or compliance point.

[b] WMD = Water Management District

[c] Last rulemaking action taken: Notice of Rule Development published; Notice of Proposed Rule published; Rule challenge pending; Rule adopted, Ratification not required; Rule adopted, Awaiting ratification; Rule adopted, Ratified. N/A indicates formal rulemaking has not been initiated.
[d] Potential cross-boundary withdrawal impacts from adjacent water management district associated with the Central Florida Water Initiative area.

CONSENT AGENDA

October 18, 2022

Regulation Committee: Water Use Permit No. 20 010420.012, Peace River/Manasota Regional Water Supply Authority / Peace River Water Treatment Plant Facility (DeSoto County)

This is a modification of an existing water use permit (WUP) for public supply use. The Peace River/Manasota Regional Water Supply Authority (PRMRWSA) is a regional utility that relies exclusively on surface water withdrawals from the lower Peace River. This modification adds a second source of alternative water supply (AWS), a brackish groundwater wellfield with reverse osmosis treatment, in further support of the Southern Water Use Caution Area (SWUCA) Recovery Strategy. This brackish wellfield is authorized to withdraw up to 9.0 million gallons per day (MGD) on both an annual average and peak month basis for conjunctive use with the existing surface water source to meet demand. There is no change in the diversion schedule associated with the lower Peace River withdrawals, nor any increase in underlying demand projections. Instead, this conjunctive use source offers redundancy and improved system reliability for the region served by this wholesale utility. This permit is located within the SWUCA and relies exclusively on AWS to meet demand.

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

Staff Recommendation:
Approve the proposed permit attached as an exhibit.

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

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 010420.012

PERMIT ISSUE DATE: October 18, 2022 **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 Water Supply Authority
9415 Town Center Parkway
Lakewood Ranch, FL 34202

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

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

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

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
MAXIMUM DAY[1]	258,000,000 gpd

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 (PRMRWSA) is a regional utility that relies exclusively on surface water withdrawals from the lower Peace River. This modification adds a second source of alternative water supply (AWS), a brackish groundwater wellfield with reverse osmosis treatment, in further support of the Southern Water Use Caution Area (SWUCA) Recovery Strategy. This brackish wellfield is authorized to withdraw up to 9.0 million gallons per day (MGD) on both an annual average and peak month basis for conjunctive use with the existing surface water source to meet demand. There is no change in the diversion schedule associated with the lower Peace River withdrawals, nor any increase in underlying demand projections. Instead this conjunctive use source offers redundancy and improved system reliability for the region served by this wholesale utility. This permit is located within the SWUCA and relies exclusively on AWS to meet demand.

Special conditions include those that require the Permittee to report monthly meter readings; 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 aquifer storage & recovery (ASR) wells; to construct proposed ASR and brackish groundwater wells according to approved specifications; and to comply with the SWUCA Recovery Strategy.

WATER USE TABLE (in gpd)

USE	ANNUAL AVERAGE	CROP PROTECTION /MAXIMUM
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:

I.D. NO. PERMITTEE/ DISTRICT	DIAM (in.)	DEPTH TTL./CSD.FT. (feet bls)	USE DESCRIPTION	AVERAGE (gpd)	PEAK MONTH (gpd)	MAXIMUM DAY (gpd)
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	Aqufer 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
APPZ1 / 82	16	1,700 /1,200	Public Supply	1,800,000	1,800,000	N/A
APPZ2 / 83	16	1,700 /1,200	Public Supply	1,800,000	1,800,000	N/A
APPZ3 / 84	16	1,700 /1,200	Public Supply	1,800,000	1,800,000	N/A

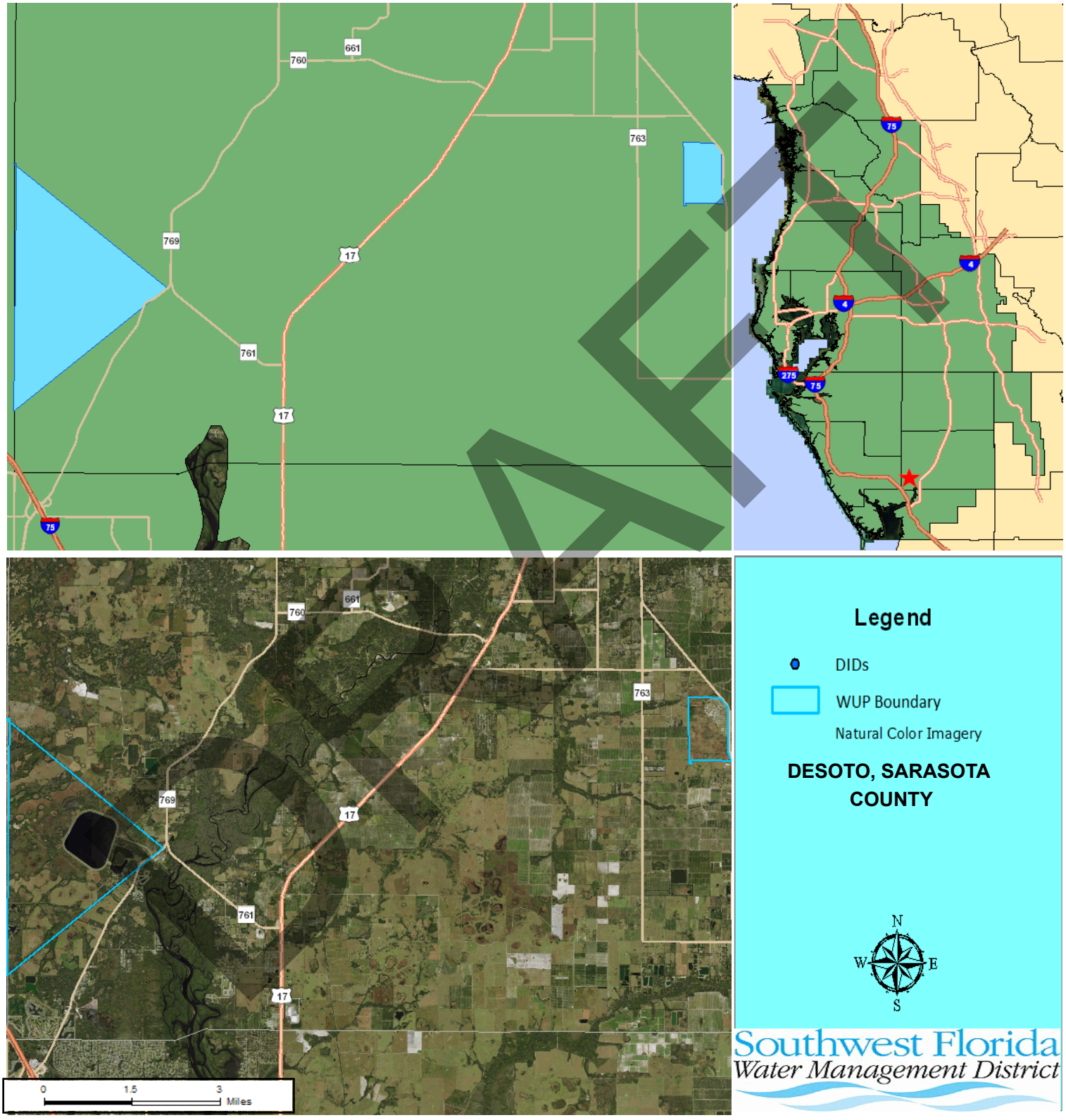
APPZ4 / 85	16	1,700 /1,200	Public Supply	1,800,000	1,800,000	N/A
IAS1 / 86	16	500 / 300	Public Supply	300,000	300,000	N/A
IAS2 / 87	16	500 / 300	Public Supply	300,000	300,000	N/A
IAS3 / 88	16	500 / 300	Public Supply	300,000	300,000	N/A
IAS4 / 89	16	500 / 300	Public Supply	300,000	300,000	N/A
IAS5 / 90	16	500 / 300	Public Supply	300,000	300,000	N/A
IAS6 / 91	16	500 / 300	Public Supply	300,000	300,000	N/A

WITHDRAWAL POINT LOCATION TABLE

DISTRICT I.D. NO.	LATITUDE/LONGITUDE
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' 17.55"/82° 03' 20.37"
83	27° 04' 13.30"/82° 02' 10.30"
84	27° 03' 24.50"/82° 03' 22.41"
85	27° 04' 42.14"/82° 01' 23.59"
86	27° 04' 25.80"/82° 02' 46.58"
87	27° 04' 05.92"/82° 02' 31.70"
88	27° 04' 24.42"/82° 01' 48.50"
89	27° 03' 44.60"/82° 03' 20.97"
90	27° 03' 39.61"/82° 02' 48.46"
91	27° 05' 11.33"/82° 00' 42.93"

Location Map
Peace River/Manasota Regional Water Supply Authority
WUP No. 20 010420.012



STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

   All mailed reports and data are to be sent to:

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

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

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

2. The annual average and peak month quantities for District ID Nos. 20 through 74, Permittee ID Nos. S-1 through S-46 (ASR Wellfields 1 and 2), 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 District ID Nos. 82 through 85, Permittee ID Nos. APPZ1 through APPZ4 (Brackish Wellfield - Avon Park Production Zone), 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 - Avon Park Production Zone is limited to 7,200,000 gpd and 7,200,000 gpd, respectively.

   The annual average and peak month quantities for District ID Nos. 86 through 91, IAS1 through IAS6 (Brackish Wellfield - Intermediate Aquifer System), 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 - Intermediate Aquifer Permeable Zone is limited to 1,800,000 gpd and 1,800,000 gpd, respectively.

(221)

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

   District ID Nos. 86 through 91, Permittee ID Nos. IAS1 through IAS6, having a surface diameter of 16 inches, are intended to withdraw exclusively from Permeable Zone 3 (PZ-3) of the Intermediate Aquifer system (AS), with a minimum casing depth of 300 feet below land surface (bls), drilled to an estimated maximum total depth of 500 feet bls, unless a variation is approved by the WUP Bureau Chief or Well Construction Section Manager.
   (223)

4. 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 through 49 and 57 through 74, Permittee ID Nos. S-21 through S-46, having a surface diameter of 16 inches, with a minimum casing depth of 570 feet, drilled to a minimum total depth of 900 feet.
   (235)

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

   District ID Nos. 82 through 85, Permittee ID Nos. APPZ1 through APPZ4, having a surface diameter of 16 inches, are intended to withdraw exclusively from the Avon Park Formation of the Upper Floridan Aquifer (UFA), with an estimated minimum casing depth of 1,200 feet below land surface, drilled to an estimated total depth of 1,700 feet bls, unless a variation is authorized by the WUP Bureau Chief or Well Construction Section Manager.
   (240)

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 DID 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. 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)

8. 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)

9. 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

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)

10. Flow in the lower Peace River shall be read at the Arcadia Station, USGS gage 02296750 (District ID No. 16); Horse Creek near Arcadia, USGS gage 02297310 (District ID No. 75); and Joshua Creek at Nocatee, USGS gage 02297100 (District ID No. 76). The combined flow of the three gages will be reported as District ID No. 77. 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)

11. The Permittee shall submit the annual wellfield report as described in the Brackish Wellfield Management Plan (WFMP) dated March 2022 that 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 chloride, sulfate, and TDS at all proposed production wells that are constructed and at the four associated monitor wells (District ID Nos. 92-95). 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)

12. 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)

13. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID Nos. 42 through 49, 57 through 74, and 82 through 91; Permittee ID Nos.S-21 through S-46, APPZ1 through APPZ4, and IAS1 through IAS 6. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)

14. The following withrawal 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)

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)

15. 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.(752)

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.

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. 42 through 49, and 57 through 74, Permittee ID Nos. S-21 through S-46, for TDS, sulfates, conductivity, chlorides and pH, on a monthly basis

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)

16. Background water quality samples shall be collected during construction of the proposed ASR wells . 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.

District ID Nos. 42 through 49, and 57 through 74, Permittee ID Nos. S-21 through S-46, for total dissolved solids, sulfate, conductivity, chlorides and pH.
(753)

17. The Permittee shall continue to record and submit water levels for the following wells and report them to the District at the frequency listed. To the maximum extent possible, water levels shall be recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate 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.

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.

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.
(758)

18. Total quantities and cumulative volumes of water stored and recovered for each ASR well shall be recorded and reported on a monthly basis. 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, 25, 26, 27 28, 35 and 36, Permittee ID Nos. S-1, S-2, S-3R, S-6, S-7, S-8, S-9R, T-1 and S-5R (ASR Wellfield No. 1)

District ID Nos. 23, 29, 30, 31, 32, 33, 34, 37, 38, 39, 40 and 41, Permittee ID Nos. S-4, S-10, S-11, S-12, S-13, S-14, S-15, S-16, S-17, S-18, S-19 and S-29 (ASR Wellfield No. 2).
(830)

19. 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)

20. 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 Wellfield Management Plan (WFMP) submitted to the District with the March 2022 WUP Application for this permit.
(991)

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/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

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

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

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

1. **Accuracy Test Due Date** - The Permittee is to schedule their accuracy test according to the following schedule:

   A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.

   B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.

   C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.

   D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.

   E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

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

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

2. **Accuracy Test Requirements**: The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:

   A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.

   B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.

   C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.

   D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.

3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:

   A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;

C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;

D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.

E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

WATER QUALITY INSTRUCTIONS

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

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

Frequency	Timetable
Weekly	Same day of each week
Quarterly	Same week of **February, May, August, November**
Semi-annually	Same week of **May, November**
Monthly	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 Statues 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

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.

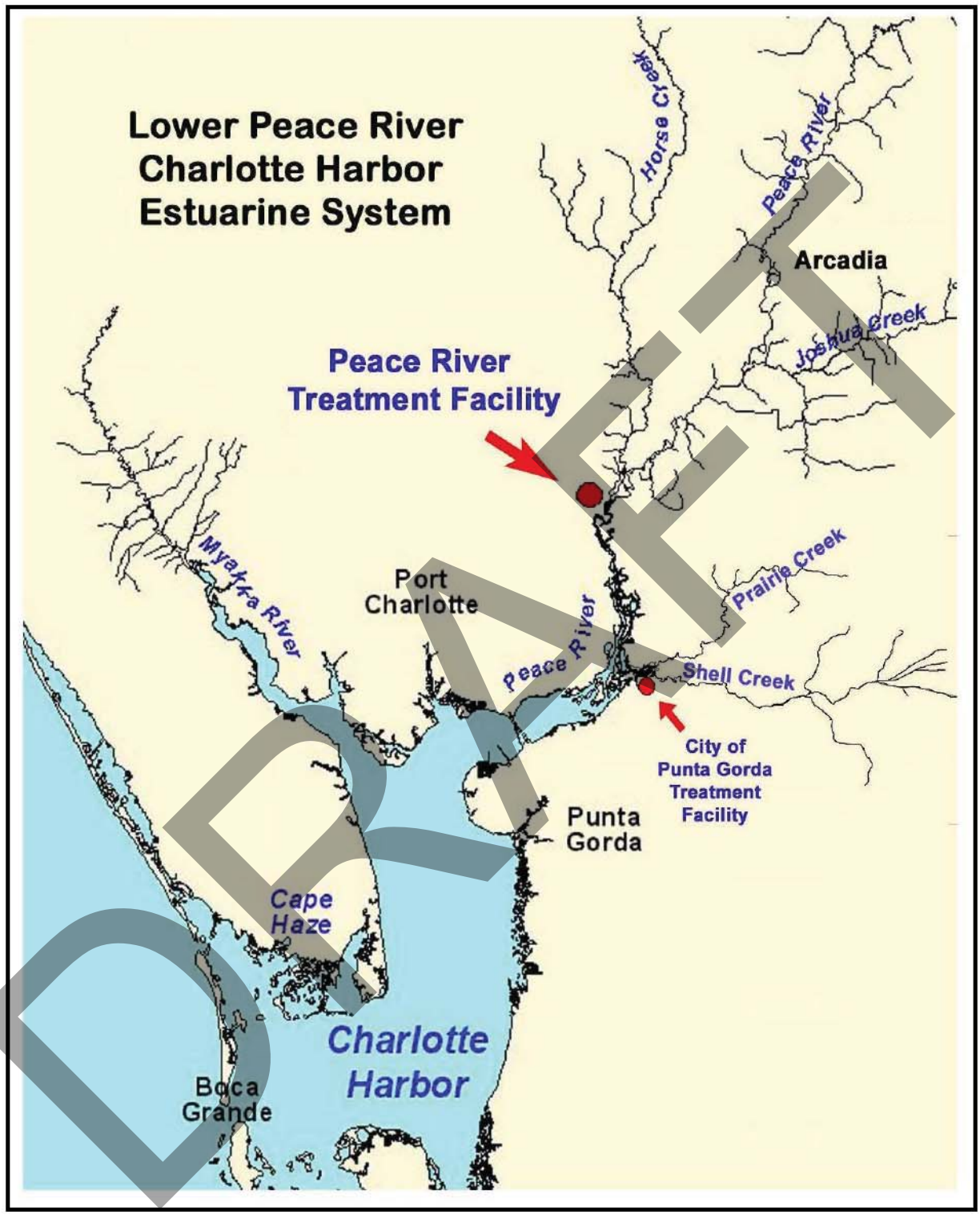


Figure 1.1 HMBP Study Area

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																						
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																						
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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 though 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.

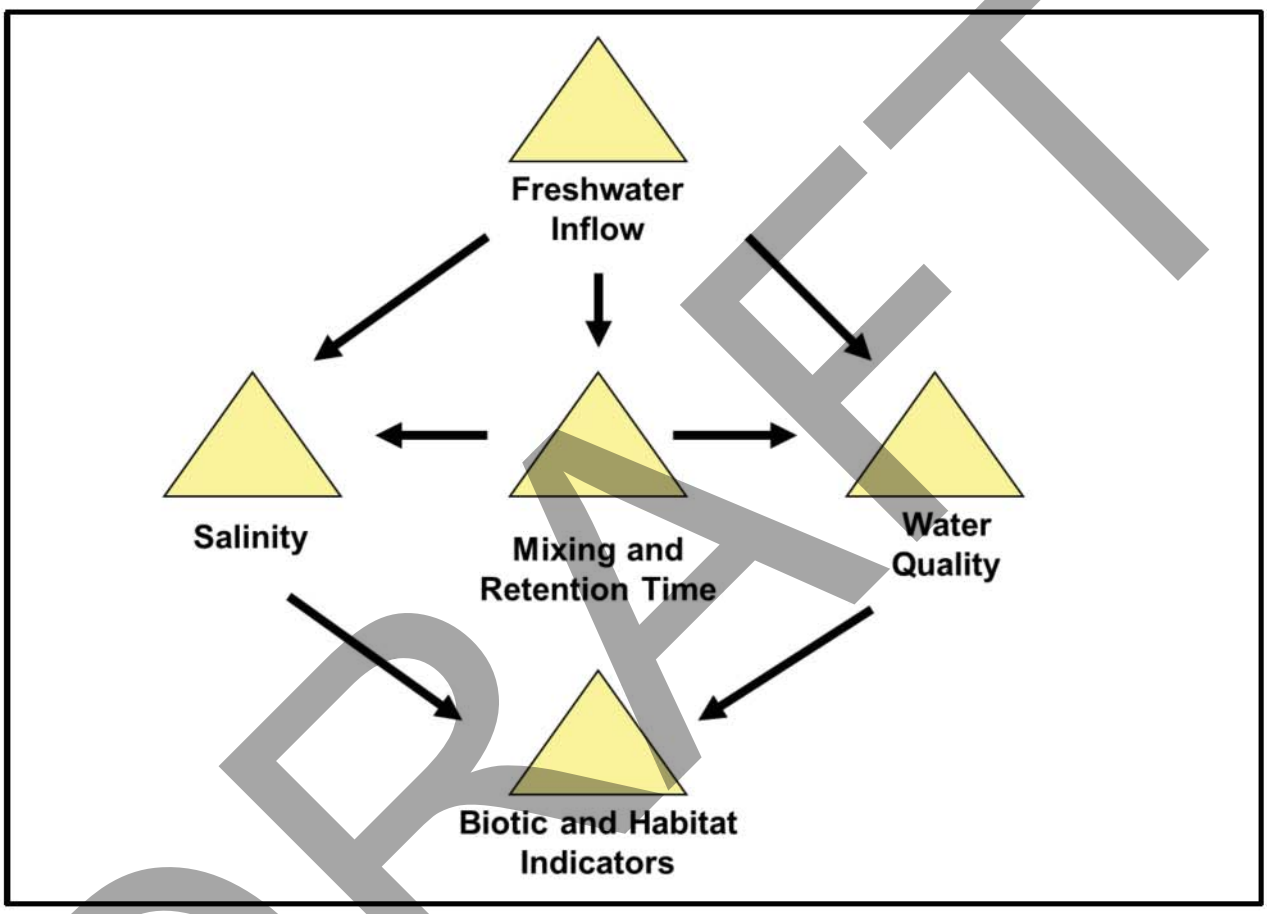

Figure 3.1 Basic conceptual model of potential impact mechanisms of surface water withdrawals

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.

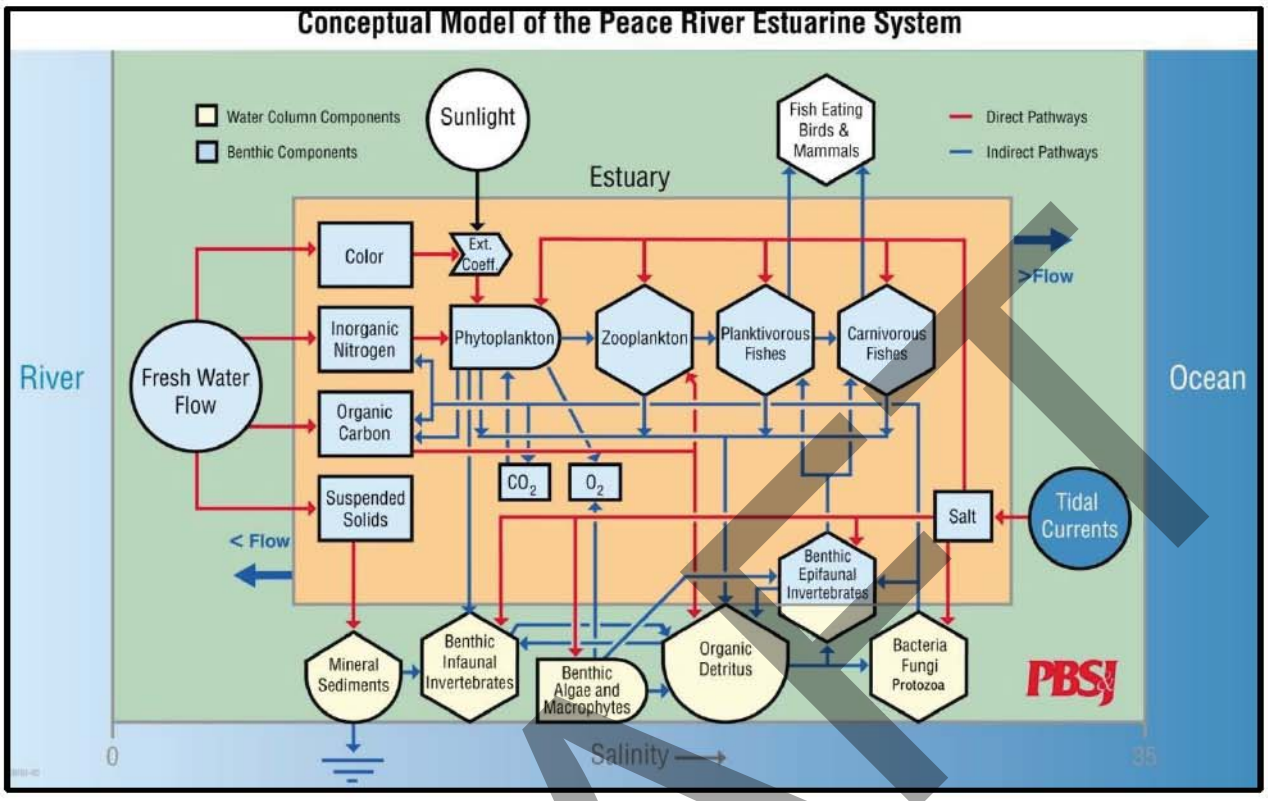

Figure 3.2 HBMP conceptual model of primary impact mechanisms of facility surface water withdrawals

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 (+/- 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.

Table 4.2 HBMP chemical water quality parameters analyzed in isohaline-based and fixed-station sampling

Salinity	Ammonia/Ammonium Nitrogen
Chloride	Total Kjeldahl Nitrogen
Color	Total Nitrogen
Iron	Suspended Solids
Ortho-Phosphorus	Volatile Solids
Nitrate + Nitrite Nitrogen	Chlorophyll *a*

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.

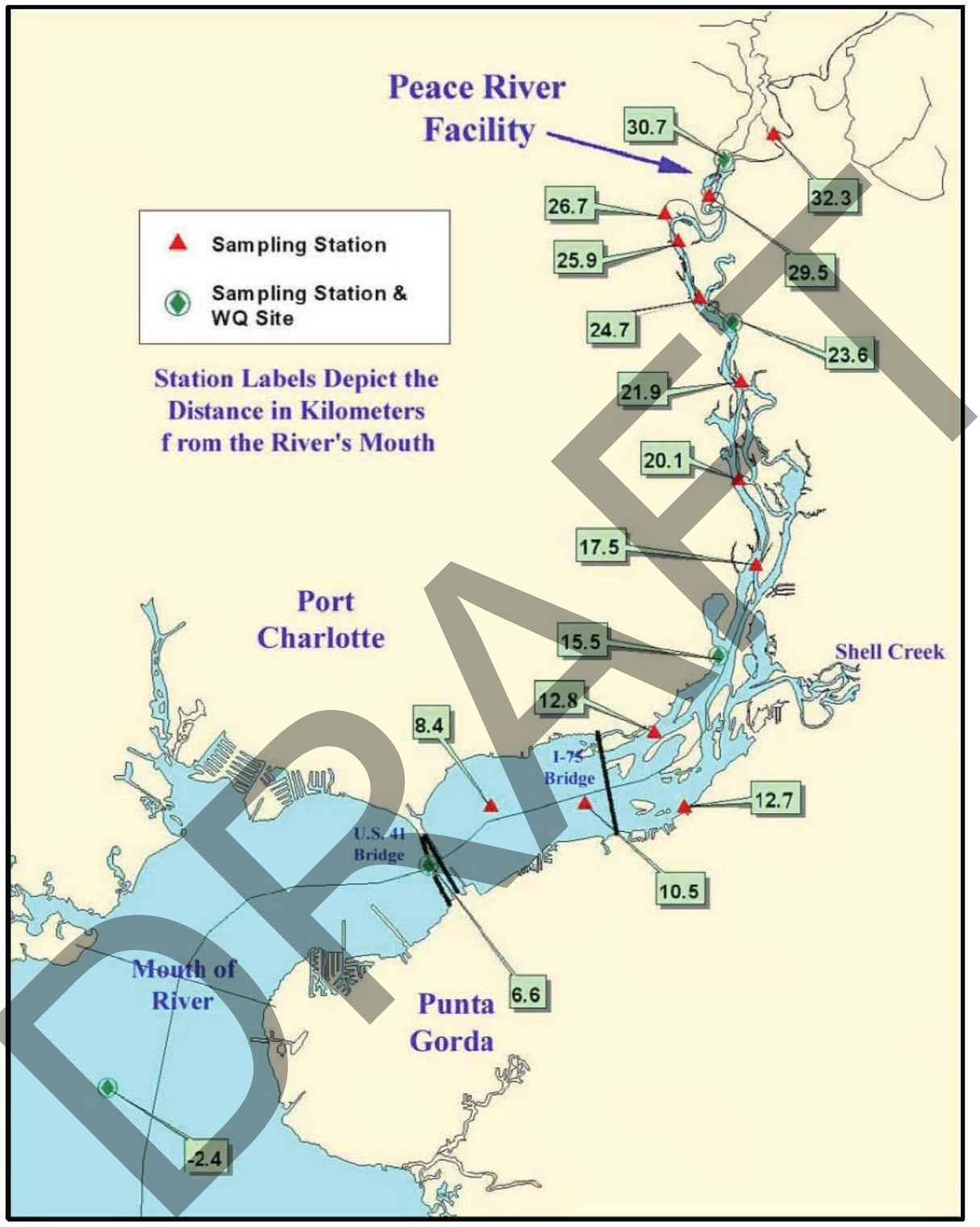

Figure 4.1 Fixed Station Locations

Table 4.3 Ongoing HBMP fixed sampling locations and type of sampling at each						
Historical Station Number*	**River Kilometer**	**Longitude**	**Latitude**	**Surface and Bottom Grab**	**Vertical Profile**	**Light Profile**
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. Secondarily, 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

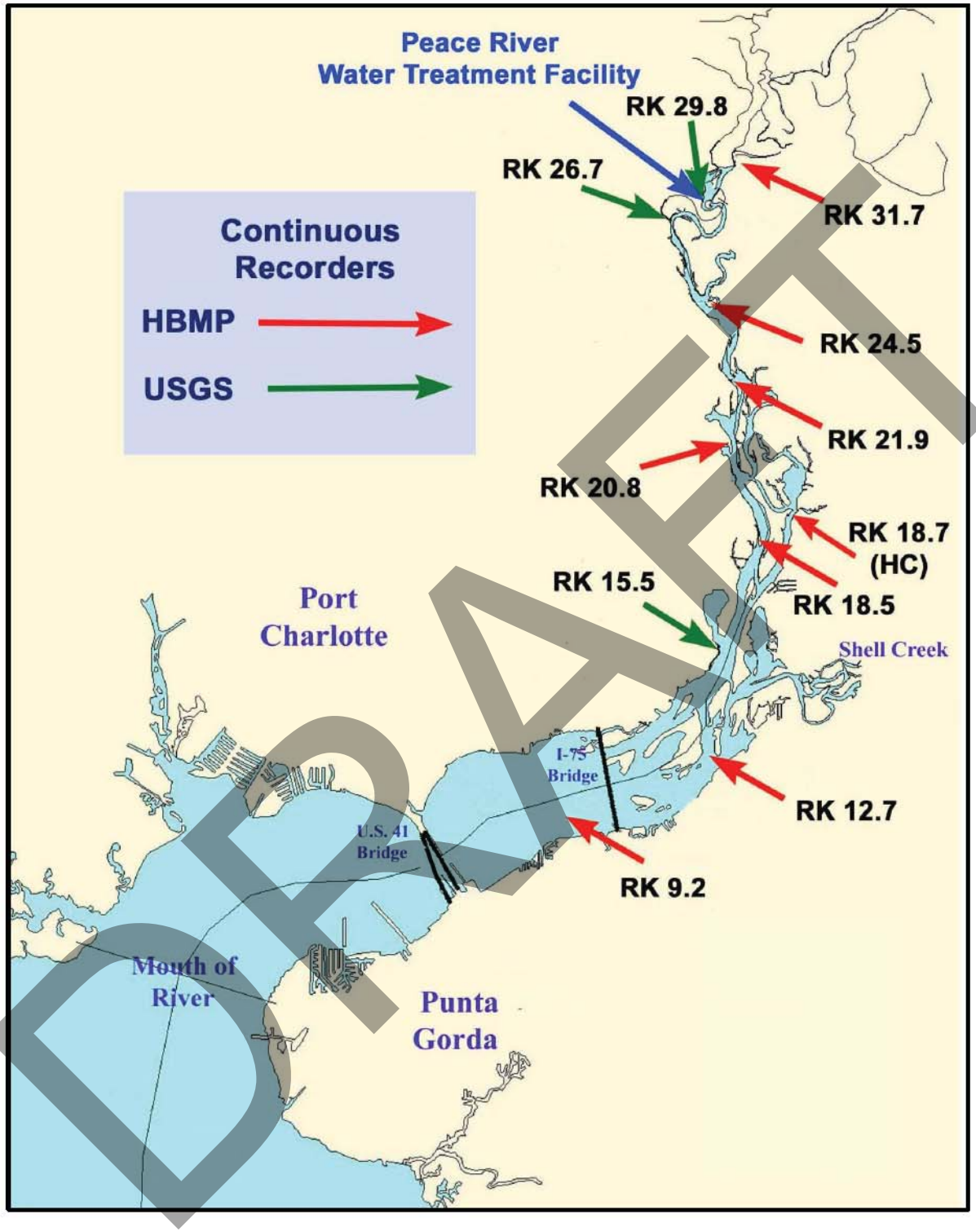

Figure 4.2 Current locations of USGS and Authority (HBMP) continuous recorders

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Table 4.3 HBMP continuous recorder locations							
Station ID	**Agency**	**Structure Type**	**Year Began**	**Latitude Degrees**	**Latitude Minutes**	**Longitude Degrees**	**Longitude Minutes**
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 1st 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 1st 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.

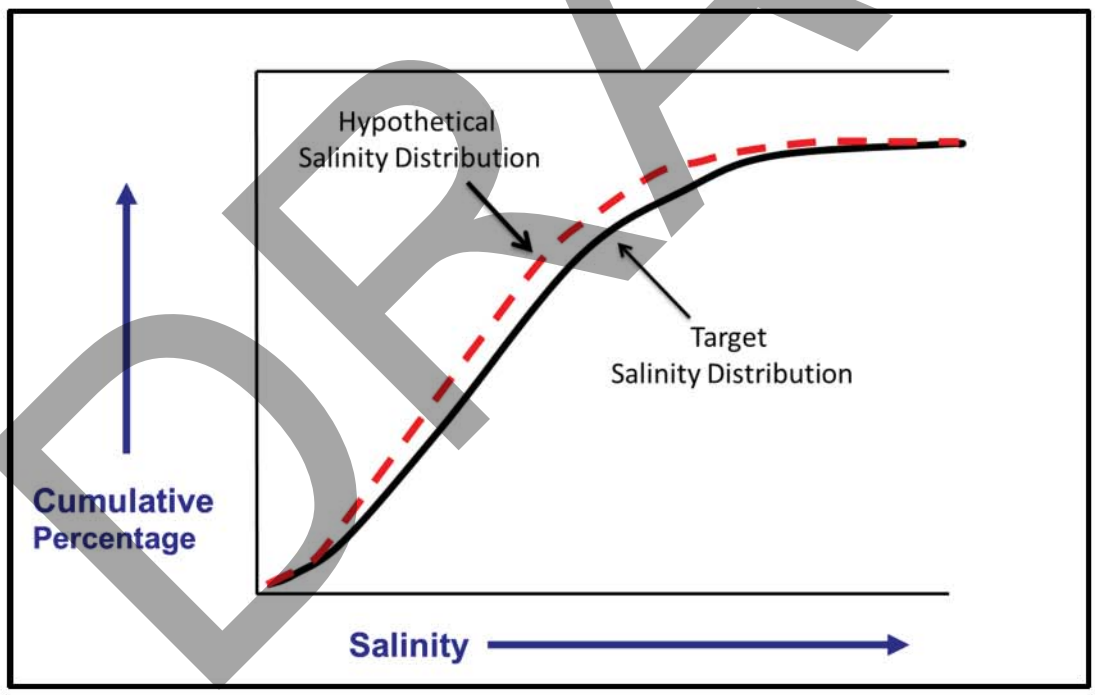


Figure 5.1 Conceptual illustration of a salinity target range (solid black line) relative to a hypothetical salinity distribution (dashed red line)

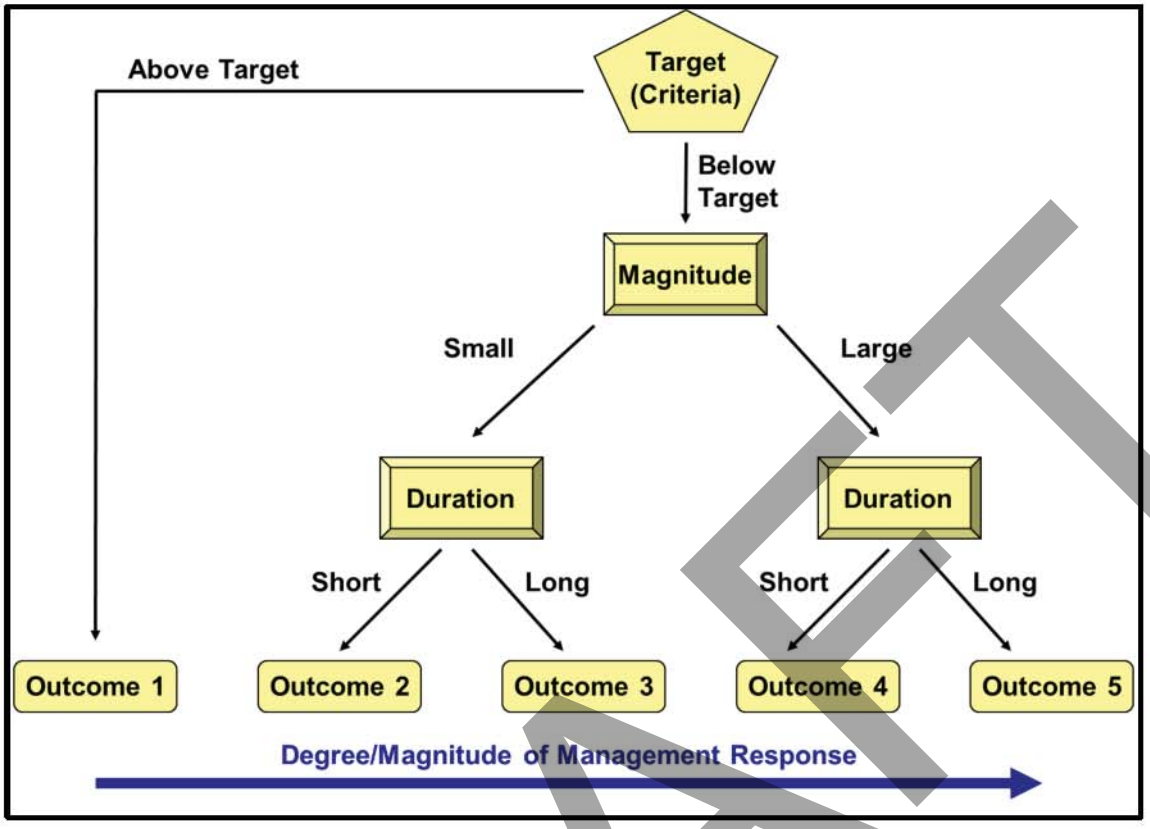


Figure 5.2 Conceptual design tree for evaluating change

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.

Table 5.1 Conceptual decision matrix for determining an appropriate management response to detected salinity change			
Probability of Making a Type I Error	**Magnitude of Detected Hydrobiological Change**		
Alpha	**Small**	**Moderate**	**Large**
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.

CONSENT AGENDA

October 18, 2022

Regulation Committee: Knowledge Management: Retirement of Governing Board Policy Well Drilling Advisory Committee

Purpose

Request to retire the Governing Board Policy for the Well Drilling Advisory Committee to allow for conversion to an advisory group.

Background

The Well Drilling Advisory Committee (WDAC) was formed in the 1970s to allow stakeholder input toward the District's newly formed well construction permitting program. Unlike the other Board advisory committees – Public Supply, Industrial, Environmental, and Agriculture and Green Industry – that discuss a wide range of issues, the WDAC focuses specifically on well drilling issues, including the permitting process. Converting the WDAC to an advisory group would allow for the same format and management that is used for the two other types of District permits – Water Use and Environmental Resource. The Water Use and Environmental Resource Permitting advisory groups are scheduled and managed at staff level with the appropriate stakeholders.

Benefits

Benefits of converting the WDAC to an advisory group include reduction of administrative tasks associated with public noticing, increased flexibility in coordination and scheduling of meetings, more direct coordination with well construction professionals, and less formality in the meeting format that may increase attendance and participation. Under the new format, the group meetings would be held, at a minimum, semi-annually with the option to add additional meetings with the water well construction industry as needed. As with the WDAC meetings, water well contractor license continuing education credits would continue to be offered. If the committee is converted to an advisory group, the current WDAC Governing Board policy would no longer be needed.

Staff Recommendation:

Approve retiring the Governing Board Policy for the Well Drilling Advisory Committee.

Presenter:

David N. Arnold, P.G., Well Construction Manager, Water Use Permit Bureau

BOARD POLICY

Southwest Florida Water Management District

Title: Well Drilling Advisory Committee

Document Owner:	Darrin W. Herbst, P.G., Water Use Permit Bureau Chief		
Approved By:	Jeffrey M. Adams, Chair	**Effective Date:**	2/26/2019
		Last Review:	2/26/2013

Contents

PURPOSE

The purpose of this policy is to establish the Well Drilling Advisory Committee (WDAC) to the Southwest Florida Water Management District, and to set forth the purpose, activities and membership guidelines of the WDAC.

The District Governing Board has established this Advisory Committee for the purpose of obtaining input on District programs, projects and related resource management issues. The Governing Board recognizes and appreciates the significant commitment of the organizations and individuals who agree to serve on this committee. This advisory committee is a valuable resource to the District and the input it provides helps to ensure the District is meeting its responsibilities in an effective and efficient manner.

The District has a thirteen-member Governing Board composed of gubernatorial appointees. The Board appointees are citizens from throughout the District representing the numerous and varied interests which exist. These Governing Board appointees are the policy makers of the District and ensure that the District achieves its statutory responsibilities. It is the intent of these Board members that the advisory committees not be engaged in policymaking but continue in the mission of providing valuable feedback and advice on issues that are determined by Board members to be directly related to the District's statutory responsibilities.

It is in recognition of staff's ongoing obligations to the Governing Board that this Advisory Committee is established. District staff is charged with providing administrative support to the Committee, including developing and posting meeting notices and agendas, making arrangements for meeting facilities, recording meetings and providing meeting summaries, monitoring membership and officer terms, and performing other related administrative matters.

SCOPE
The purpose of the WDAC is to provide professional and technical input into District programs and activities including regulatory programs, rule revisions, water quality activities, research and other water resource management projects that relate to the well construction industry. Subject matter considered by the WDAC shall relate to the statutory duties and responsibilities of the District. WDAC member representatives serve as liaisons with the District, maintaining communication with other members of their industry to the WDAC. In addition, the WDAC acts as an education extension of the District by helping to disseminate information and by advising and assisting the District in education programs and projects. A function of the WDAC shall be to provide two-way communication between the District and the well construction industry.

AUTHORITY
Chapter 373, Florida Statutes

DEFINITIONS
N/A

STANDARDS
Membership will be representative of the well construction industry and consist of seven water well contractors holding valid Florida licenses. One of the seven members will be chosen by the Florida Ground Water Association to represent it on the WDAC. The six other representatives will be chosen by the Executive Director at the recommendation of the Governing Board or designated District staff. The chair of the WDAC may recommend new members to the District. WDAC members shall be designated as authorized travelers of the District.

TERMS OF MEMBERSHIP
WDAC member representatives serve three-year terms. Multiple terms may be served with the approval of the member organization and the District. If a WDAC member representative misses three consecutive meetings without prior notice to the District, the District shall request the selection of a representative who is better able to attend meetings. The executive director or his/her designee can remove a membership or a member representative from the committee for nonparticipation.

OFFICERS AND DUTIES
The WDAC will elect a chair and vice-chair who will serve two-year terms of office and may be elected to those positions a maximum of two consecutive times. Election shall be majority vote.

The chair will be responsible for assisting the District staff in establishing meeting agendas, in soliciting input from WDAC members, for chairing WDAC meetings, for establishing subcommittees as may be appropriate, and for representing the WDAC when necessary. The vice-chair shall serve as chair in the chair's absence.

POLICY

Meetings of the WDAC will be held, at a minimum, quarterly or as authorized by the Executive Director or his/her designee. The Chair of the WDAC may request that special meetings be held. Notices of WDAC meetings will be mailed in advance of the meetings by the District to members and interested persons and posted on the District's web calendar. The WDAC's meetings will be recorded by the District staff. Abbreviated meeting summaries will be provided to WDAC members. Topics for discussion at WDAC meetings will focus on priorities set by the Governing Board and limited to issues specific to those priorities. Other topics may be proposed by the WDAC which shall be placed on the agenda for discussion; however, requests of staff requiring more than routine support will be subject to approval by the Executive Director or his designee. All determinations of the WDAC shall be by majority vote of the members present (no quorum requirement). Requested input from the WDAC to the District will be reported to the Governing Board when requested by the WDAC or when otherwise deemed appropriate. Such reports may be presented by the Governing Board Liaison, WDAC chair, other WDAC members designated by the chair or selected by the WDAC, or by District staff. Meetings shall be conducted in accordance with Robert's "Rules of Order" as described in Robert's "Rules of Order Newly Revised," originally written by General Henry M. Robert (1876), unless specified otherwise by law or this policy. The WDAC is subject to the Government-in-the-Sunshine Law and all applicable laws and regulations.

DISTRIBUTION

N/A

REFERENCES

Section 286.011, Florida Statutes (Government-in-the-Sunshine-Law)
Rules of Order Newly Revised, originally by Henry M. Robert (1876)

PERIODIC REVIEW

This policy will be reviewed every three years.

CONSENT AGENDA

October 18, 2022

General Counsel's Report: Approval of Consent Order between SWFWMD and Vatsala Sastry – As-Built Deviations Permit Violations – ERP Number 44029286.000 – CT Number 378487 – Pasco County

On September 28, 2005, the District issued Environmental Resource Permit (ERP) No. 44029286.000 (Permit) to property owner Dr. Vatsala Sastry authorizing the construction of a new surface water management system to serve a granite manufacturing facility and mini-storage facility, referred to as Imperial Granite (Project). Imperial Granite consisted of the development of a 16.14-acre site including 114,968 square feet of granite manufacturing and mini-storage buildings along with infrastructure improvements (streets, internal drainage and utilities) associated with the facility. The Project site is located at 18602 U.S. Highway 41, Spring Hill, 34610 in Pasco County, Florida. A modification of the Permit extended the Permit's expiration date to September 28, 2015.

On June 5, 2015, District staff conducted a site visit and determined that there exist significant deviations from the Project's permitted plans. Specifically, approximately 8,000 square feet of additional impervious area had been added to the site without prior District approval. There were also additional ponds, inlets, and a discharge structure added to the site without prior District approval.

On June 17, 2015, the District issued a Notice of As-Built Deviations, stating that the site was not constructed as permitted and requesting that an application for permit modification be submitted. On August 17, 2015, the District sent a second Notice of As-built Deviation reiterating the District's concerns, after having received a response from Dr. Sastry who maintained construction was completed according to the permitted plans. District staff sent several other letters attempting to resolve the compliance matter, but no agreement was reached. On December 10, 2019, the District's Governing Board approved issuance of an Administrative Complaint and Order to Dr. Sastry for the violations. Thereafter, Dr. Sastry renewed her attempts to reach a resolution and the Office of General Counsel began working with Dr. Sastry's attorneys in an attempt to resolve the matter.

On April 20, 2022, District staff conducted a site visit in anticipation of a scheduled pre-application meeting requested by Dr. Sastry. On May 13, 2022, Dr. Sastry submitted to the District a modification application for the Permit, which was approved by District staff, and the permit has been issued. In final resolution of this matter, Dr. Sastry has agreed to the terms of the attached Consent Order, which includes payment of $18,551.25 to the District. Dr. Sastry must also complete any construction in accordance with the permitted plans within 90 days and submit updated as-built construction drawings within 30 days thereafter.

Staff Recommendation:

1. Approve the Consent Order.
2. Authorize District staff to pursue compliance with the terms and conditions of the approved Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

Presenter:

Jennifer Soberal, Senior Attorney, Office of General Counsel

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 22-___

IN RE: VATSALA SASTRY, M.D.
PROJECT: IMPERIAL GRANITE
ERP NO. 44029286.000/CT NO. 378487
PASCO COUNTY, FLORIDA

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes (F.S.), this Consent Order is entered into by and between the Southwest Florida Water Management District (District), and Vatsala Sastry, M.D. (Sastry). The parties hereby voluntarily agree as follows:

FINDINGS OF FACT

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

2. Sastry owns real property located at 18602 U.S. Highway 41, Spring Hill, 34610 in Pasco County, Florida (Property). The Property is also identified by the Pasco County Property Appraiser Parcel ID Number 01-24-18-0000-00100-0030.

3. On September 28, 2005, the District issued Environmental Resource Permit (ERP) No. 44029286.000 (Permit) to Sastry authorizing the construction of a new surface water management system to serve a granite manufacturing and mini-storage facility, referred to as Imperial Granite (Project).

4. The Project involved the development of a 16.14-acre site with initial construction of 114,968 square feet of granite manufacturing and mini-storage buildings

along with infrastructure improvements (streets, internal drainage, and utilities) associated with the facility.

5. Specific Condition No. 4 of the Permit requires that a Statement of Completion and as-built construction drawings certified by a professional engineer be submitted to the District within thirty (30) days of completion of project construction. The Statement of Completion and as-built drawings were not timely submitted.

6. On October 7, 2010, the Permit was modified (ERP No. 44029286.001), authorizing an extension of the expiration date to September 28, 2015, and retaining all the terms and conditions of the Permit.

7. On May 14, 2014, after staff noticed that the construction was substantially different than the approved construction drawings and that there was erosion on the pond side banks, the District sent Sastry a request for Statement of Completion and as-built drawings.

8. On May 20, 2015, the as-built drawings and the Statement of Completion were received by the District.

9. On June 5, 2015, District staff conducted a site visit and determined that there exist significant deviations from the Project's permitted plans. Specifically, the drainage on the site was not constructed in accordance with the permitted plans and additional ponds, inlets, and a discharge structure that do not appear on the plans had been added to the site. Additionally, approximately 8,000 square feet of additional impervious area has been added to the site without prior approval from the District, and an unpermitted well was discovered within a manhole on site that was required to be abandoned pursuant to General Condition 10 of the Permit.

10. On June 17, 2015, the District issued a Notice of As-Built Deviations, stating that the site was not constructed as permitted and requesting that an application for permit modification be submitted.

11. On July 21, 2015, the District received a response from Sastry to the June 17, 2015 as-built deviation letter. In Sastry's response, she disputed the District's finding that the Project was not built in accordance with the permitted plans.

12. On August 17, 2015, the District sent a second Notice of As-built Deviation reiterating the District's concerns. After receiving no response, the District on December 22, 2016, sent a Final Notice of As-built Deviation letter.

13. On April 6, 2017, the District issued a Notice of Violation for the as-built deviations to Sastry and informed Sastry that failure to correct the deviations could result in the imposition of monetary penalties and enforcement costs.

14. On December 21, 2017, the District issued a Second Notice of Violation along with a proposed Consent Order to Sastry, but no agreement was reached between the District and Sastry.

15. On December 10, 2019, the District's Governing Board approved issuance of an Administrative Complaint and Order to Sastry for the violations.

16. On April 20, 2022, District staff conducted a site visit on the Property and observed two separate water wells located on the Property. The first well is unpermitted and is located in a manhole below ground surface. The second well is permitted under Well Construction Permit (WCP) No. 825336 for irrigation use. District staff later determined that neither well must be abandoned, and that both wells may remain on the property for irrigation use only. Additionally, District staff observed side slopes of the stormwater ponds were steeper than a 4:1 side slope as required by the District's ERP

Handbook II. District staff also observed standing water in the southwest pond of the stormwater management system.

17. On May 13, 2022, Sastry submitted to the District a modification application for the Permit.

18. To date, the Project remains in noncompliance with the Permit.

19. Sastry does not dispute any of the material facts in this Consent Order.

20. The District and Sastry have agreed to the foregoing findings of fact and will resolve all disputed issues regarding the violations set forth above, as described in this Consent Order.

CONCLUSIONS OF LAW

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

22. The actions and omissions described herein constitute violations of Section 373.430(1)(b), F.S., Chapter 62-330, F.A.C., General Condition 1 of the Permit, and Specific Condition 4 of the Permit.

23. Sastry is not exempt from complying with the statutes and rules pertaining to the District's permitting process.

CORRECTIVE ACTIONS

24. Sastry shall pay to the District penalties in the amount of Eighteen Thousand, Five Hundred Fifty One dollars and Twenty Five cents ($18,551.25) within ten (10) days of approval of this Consent Order by the District's Governing Board. If mailed, the address for payment is:

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

25. Sastry submitted to the District a complete application for an Individual Statewide ERP to address the deviations from the permitted plans. Sastry shall complete any construction within ninety (90) days of issuance of the ERP. Within thirty (30) days of completion of construction under the Permit, Sastry shall submit a Statement of Completion and certified as-built construction drawings demonstrating that the construction on the Property has been completed in conformance with the ERP and otherwise meeting District requirements. If, upon inspection of the Property after submission of the as-built drawings, the District discovers any deviations from the permitted design or other violations of the ERP or District rules, Sastry shall perform any necessary remedial work within thirty (30) days of issuance of written notification by the District and shall submit to the District a new Statement of Completion and revised certified as-built construction drawings, if requested by District staff.

26. Sastry may apply to the District for an extension of the time limits contained in this Consent Order. A request for an extension of time must be made in writing and must be submitted to District staff and to the Office of General Counsel, simultaneously, no later than five (5) days prior to the expiration of such time limit. Only the Office of General Counsel may approve a request for an extension of time. Any purported approval of an extension of time that does not have the prior authorization of the Office of General Counsel will not constitute compliance with this provision of the Consent Order.

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

28. For each day of delay beyond any due dates specified in this Consent Order, Sastry shall pay to the District an additional sum of Two Hundred Fifty dollars ($250.00) per day. This additional sum shall be paid by Sastry upon the District's mailing

to Sastry of a demand letter for payment. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

29. This Consent Order is not a license or a permit. Sastry shall not undertake any further construction activities or operate the system without the necessary District authorizations. Moreover, entry of this Consent Order shall not relieve Sastry of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

30. Sastry shall allow authorized District representatives to access to the Property at all reasonable times for the purpose of determining compliance with this Consent Order, Chapter 373, F.S., District rules and the terms of any permit.

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

32. For and in consideration of the complete and timely performance by Sastry of her obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violations described in this Consent Order. In the event that Sastry fails to completely and timely perform her obligations under this Consent Order, the District retains its right to pursue civil or administrative action for any violations described herein.

33. The District expressly reserves and retains the right to initiate appropriate legal action against Sastry to prevent or prohibit the future violation of any applicable statutes, rules, orders or permit conditions, except as specifically addressed in this Consent Order. Sastry acknowledges by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including

such as may be modified) may subject Sastry to administrative or civil suit in which penalties of up to Fifteen Thousand and 00/100 Dollars ($15,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

34. Any person, who is not a party to this Consent Order, whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address, any e-mail address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; (7) the specific rules or statutes requiring reversal or modification of the District's action; and (8) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office: 7601 U.S. Highway 301 North, Tampa, Florida 33637; Phone: (813) 985-7481; Fax: (813) 367-9776 within twenty-one (21) days of receipt of this notice. If this

Consent Order is mailed, receipt is deemed to be the fifth day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

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

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

Witness

Vatsala Sastry, M.D.

September 24, 2022
Date

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

By: _____
Joel A. Schleicher, Chair

Approved as to Legal Form and Content
Jennifer A. Soberal, Esq.
Office of General Counsel

Attest: _____
Print Name: _____

(Seal)

Filed this _____ day of

_____, 2022.

_____
Deputy Agency Clerk

CONSENT ORDER
VATSALA SASTRY, M.D.
PROJECT: IMPERIAL GRANITE
ERP NO. 44029286.000/CT NO. 378487
PASCO COUNTY, FLORIDA

CONSENT AGENDA

October 18, 2022

General Counsel's Report: Governing Board Concurrence – Emergency Order Nos. SWF 22-010 and 22-011 – Emergency Measures Due to Hurricane Ian and High-Water Conditions

Sections 373.119 and 373.439, Florida Statutes, authorize the Executive Director to take actions necessary to address an emergency that poses a threat to the public health, safety, welfare, or environment which may include, among other things, waiving the procedures and formalities otherwise required to conduct public business.

In response to extremely high rainfall and anticipated flooding in the North Winter Haven Chain of Lakes area, the District's Executive Director issued Emergency Order No. SWF 22-008 (EO 22-008) on September 3, 2022. The high-water conditions required immediate action to protect the safety of the public and surrounding property, structures, and stormwater management systems. Emergency Order 22-008 authorized limited measures such as lowering water levels in advance of additional rain and diverting water from lakes, if necessary, in order to safeguard life and property. On September 16, 2022, the Executive Director issued Emergency Order No. SWF 22-009 (EO 22-009) to extend the expiration date of EO 22-008 until October 8, 2022, due to the anticipation of additional rainfall and high-water conditions.

On September 23 and 24, 2022, Governor Ron DeSantis issued Executive Order Nos. 22-218 and 22-219 (Executive Orders) declaring a state of emergency throughout Florida, including all counties within the District's boundaries, based upon the serious threat to the public health, safety, and welfare posed by Hurricane Ian. The Executive Orders allow state agencies to suspend the provisions of any regulatory statute, rule, or order prescribing the procedures for the conduct of state business if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency. The Department of Environmental Protection issued Emergency Final Order No. 22-2602 on September 24, 2022, suspending certain permitting, procurement, and travel provisions contained in Chapters 373 and 403, Florida Statutes, and associated rules.

District staff have spent extensive time addressing permitting and regulatory matters resulting from Hurricane Ian. District emergency activities in response to the Hurricane have included, and will continue to include, re-assignment of staff for various emergency operation functions. District office operations have been adjusted to effectively address all Hurricane-related impacts while at the same time adequately addressing all existing and new permit or variance application review timelines for projects not related to the Hurricane. Additionally, the effects of Hurricane Ian may prevent or hinder a permit applicant, permittee, or property owner from strictly complying with the statutes, rules, or orders that the District administers and enforces . As a result, the Executive Director entered Emergency Order No. SWF 22-010 on September 23, 2022, suspending certain permitting, procurement, and travel provisions contained in Chapter 373, F.S., and Emergency Order No. SWF 22-011 on October 5, 2022, to extend the expiration date of EO 22-009 due to the effects of Hurricane Ian.

Emergency Orders 22-010 and 22-011 will remain in effect until November 22, 2022. At that time, District staff will reassess the emergency measures provided for in the Emergency Orders and determine whether an additional extension is warranted.

Staff Recommendation:
Concur with the Executive Director's findings in Emergency Order Nos. SWF 22-010 and 22-011.

Presenter:
Christopher A. Tumminia, General Counsel, Office of General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

EMERGENCY AUTHORIZATION FOR REPAIRS, REPLACEMENT, RESTORATION, AND CERTAIN OTHER MEASURES MADE NECESSARY BY TROPICAL STORM IAN

EMERGENCY FINAL ORDER
NO. SWF 22-010

Under the authority of Sections 120.569(2)(n), 252.36, 252.46, and 373.119(2), Florida Statutes (F.S.), and upon consideration of State of Florida Executive Order Nos. 22-218 and 22-219, and the following findings of fact, the Southwest Florida Water Management District (District) enters this Emergency Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens residing within the District caused by Tropical Storm Ian (Storm):

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources in the sixteen (16) counties designated within its geographic boundaries, including: Citrus, DeSoto, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Sarasota and Sumter counties, and portions of Charlotte, Highlands, Lake, Levy, Marion, and Polk counties. This area shall herein be referred to as the "Emergency Area." The District is responsible for the administration of Chapter 373, F.S., and the rules adopted thereunder as Chapters 18-

20, 18-21, 40D, and 62, Florida Administrative Code ("F.A.C."), which includes issuing permits and other authorizations in accordance with the procedures established in Chapters 120, 373, and 403, F.S.

2. By State of Florida Executive Order Nos. 22-218 and 22-219 (Executive Orders), the Governor declared that a state of emergency exists throughout the entire State of Florida based upon the serious threat to the public health, safety, and welfare posed by the Storm.

3. The Executive Orders recognize that special duties and responsibilities resting upon state, regional, and local agencies and other governmental bodies in responding to the emergency may require waiver or deviation from the statutes, rules, ordinances, and orders those agencies and bodies administer. Pursuant to the Executive Orders, each state agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the order or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the effects of the Storm.

4. Section 373.119(2), F.S., provides that whenever the District's executive director, with the concurrence and advice of the governing board, finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare of the citizens of the State of Florida, the executive director may, without prior notice, issue an order reciting the existence of such an emergency and require that such action be taken as the executive director deems necessary to meet the emergency.

5. The District finds that effects of the Storm has created an ongoing state of emergency threatening the public health, safety, welfare, and property throughout the Emergency Area. Immediate action by Florida's citizens and government may be necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and other systems damaged by the Storm.

6. The District finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

7. The District finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action in coping with the emergency, and that the actions authorized under this order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

8. Based on the findings recited above, it is hereby concluded that the emergency caused by the Storm poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the District.

9. The District's Executive Director is authorized to issue this Final Order pursuant to Section 373.119(2), and upon consideration of Sections 120.569(2)(n), 252.36, 252.46, and the Executive Orders.

10. Suspension of statutes and rules as noted within this Order is required so as not to prevent, hinder, or delay necessary action in coping with the emergency.

THEREFORE, it is hereby ORDERED that within the Emergency Area, the following provisions apply:

GENERAL PROVISIONS

11. **Authorized Representatives**

The Executive Director hereby appoints the following representatives and delegates to them the authority to issue authorizations, permits, and execute any emergency functions in accordance with this Order: The Assistant Executive Director, Director of Regulation, Director of Operations Lands & Resource Monitoring, Director of Resource Management, and the Regulation Bureau Chiefs.

12. **Limitations**

The District issues this Emergency Order solely to address the emergency created by the Storm within the Emergency Area, as described herein. This Emergency Order shall not be construed to authorize any activity within the jurisdiction of the District except in accordance with the express terms of this Emergency Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

13. **Expiration Date**

This Emergency Order shall take effect retroactively to September 23, 2022 and expire on November 22, 2022 unless otherwise extended or terminated by further order.

14. **Other Authorizations Required**

Nothing in this Emergency Order shall eliminate the necessity for obtaining any other federal, state, or local permits, or other authorizations that may be required.

15. **Extension of Time to Comply with Specified Deadlines**

For facilities and activities regulated by the District within the Emergency Area, the following specified deadlines shall be extended for 30 days upon request of an applicant or permittee if the deadlines occur between the effective date and the expiration of this Order:

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 161, 253, 258, 373, 376, or 403, F.S., and rules adopted thereunder;

b. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, or other authorization under Chapters 161, 253, 258, 373, 376, or 403, F.S., and rules adopted thereunder;

c. The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376 or 403, F.S, and rules adopted thereunder;

d. The expiration date for an existing permit, lease, consent of use, or other authorization under Chapters 161, 253, 258, 373, 376 or 403, F.S., and rules adopted thereunder; and

e. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, F.S., and rules adopted thereunder.

f. The extension of time to comply with specified deadlines set forth in this Section does not apply to the following:

i. The time deadlines for filing a petition for administrative hearing pursuant to Chapter 120, F.S.;

ii. The time deadlines for providing notice of the intent to exercise the tolling and extension granted under Section 252.363(1)(a), F.S.; or

iii. The time or expiration of any other deadline not specifically set forth in this Order.

16. **Deadlines for Agency Actions**

Any deadlines specified in statutes, rules, agreements, or District orders, under which the District is required by law to take action within a specified time period, and under which failure by the District to timely take such action could result in any type of default binding on the District (including the time to request additional information on permit applications), are hereby suspended and tolled for a period of 30 days, provided such deadline had not expired as of the effective date this Order

17. **Suspension of Fees**

a. All application fee requirements set forth in Chapter 373, F.S., and the rules adopted thereunder, shall be suspended for the duration of this Order, and shall recommence on the date immediately following the expiration of this Order set forth in Paragraph 13 herein, unless this Order is extended or terminated by further order.

b. All lease fee and easement fee requirements set forth in Chapter 373, F.S., and the rules adopted thereunder, shall be suspended for the duration of this Order, except that lease fee and easement fee requirements shall be suspended only in proportion to the

percentage loss of functionality of the total are under lease or easement. All lease fee and easement fee requirements shall recommence on the date immediately following the expiration of this Order set forth in Paragraph 13 herein, unless this Order is extended or terminated by further order. However, the duration of the suspension of lease and easement fees may be extended beyond the duration of this Order (including subsequent extensions thereof) or beyond the date specified in a field authorization issued pursuant to this Order, upon a written request by the lessee to extend the suspension of the lease or easement fees. Such request must be received by the District before the expiration of this Order (or extensions thereof) or before the date specified in the field authorization (whichever date it later).

18. **Procurement**

To ensure the District is able to meet emergency response functions and provide for continuity of operation, the Executive Director hereby suspends, to the extent necessary, the effect of any statute, rule, or order that provides for the District's ability to procure necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes, rules, and orders that affect budgeting, leasing, printing, purchasing, travel, the conditions of employment, and the compensation of employees.

CONSUMPTIVE USES OF WATER

19. **General Conditions**

All activities authorized under this Section shall be conducted in accordance with the following conditions:

a. All activities shall be performed in a manner that minimizes adverse water quality and water quantity impacts. This includes properly installed and maintained erosion and turbidity control devises to prevent erosions and shoaling and to control turbidity, nutrient loading, and sedimentation in off-site receiving waters.

b. Entities operating under this Order shall immediately correct any erosion, shoaling, or water quality problems that result from the activities authorized under this order.

c. This Order is temporary in nature and shall not relieve the any obligation to obtain necessary federal, state, local, or District permits or approvals.

d. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

e. This Order only serves as relief for the duration of the Order from the regulatory requirements of the District only and does not provide relief from the requirements of other federal, state, water management districts, and local agencies. This Order therefore does not negate the need to obtain any other required permits or authorizations, nor does it negate the need to comply with all the requirements of those agencies.

20. **Authorized Temporary Consumptive Uses**

a. The following temporary consumptive uses of water—including pumping or diverting water—are hereby authorized to address emergency conditions created by the Storm:

i. **On-Site Discharge – No Notice Required**

The internal movement of water from flooded areas within a project site to other areas within the same project site by the same owner. This authorization

does not permit pumping or discharging water to off-site property, canals, or water bodies not completely on-site other than through permitted facilities.

ii. **Off-Site Discharge by Governmental Entity – No Notice Required**

The movement of water from a flooded area by a state, regional, or local government agency, regardless of whether water is discharged on or off-site, provided that the movement of water is limited to measures necessary to address the emergency.

iii. **Off-Site Discharge by Private Landowner – Notice Required**

The movement of water from a flooded area by a private landowner to an off-site location, provided the following:

A. The private landowner must provide notice of the activity to the District prior to the movement of water;

B. An Authorized Representative, as set forth in paragraph 11 herein, authorizes the activity; and

C. The activity is conducted in accordance with the conditions of the District's authorization.

21. **Permit Condition Deferral**

An Authorized Representative, as set forth in paragraph 11 herein, may authorize a permittee to defer compliance with any of the terms and conditions of a water use permit for such time as is necessary to address the emergency. The deferment may be conditioned as appropriate to protect public health, safety, and welfare, both during the emergency and for a period of time once normal operations under the permit resume.

22. **Permit Modifications**

An Authorized Representative, as set forth in paragraph 11 herein, may authorize a modification of any of the terms and conditions of a water use permit as necessary to address the emergency. The modification may be conditioned as appropriate to protect public health, safety, and welfare, both during the emergency and for a period of time once normal operations under the permit resume.

23. **Field Authorizations**

All District personnel are hereby authorized to issue temporary field authorizations for consumptive uses. A temporary field authorization may only be issued following a site inspection, and all District personnel are required to transmit the temporary field authorization to an Authorized Representative for final approval. An Authorized Representative may approve, modify, condition, or withdraw a temporary field authorization. District personnel must create and maintain all approvals, and provide copy to the permittee.

ENVIRONMENTAL RESOURCE, DREDGE AND FILL, AND SURFACE WATER MANAGEMENT ACTIVITIES

24. **Terms and Conditions**

The terms and conditions of the Florida Department of Environmental Protection's Emergency Final Order No. 22-2602 shall apply to any activity located in uplands and waters of the state, including wetlands, undertaken in response to the Emergency. A copy of the Department's Emergency Final Order is available at https://floridadep.gov/ogc/ogc/content/2022-final-orders.

25. **Notice of Rights**

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of

appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the District at 7601 U.S. Highway 301 North, Tampa, Florida 33637-6759, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the District.

DONE AND ORDERED in Hernando County, Florida, on this 26th day of September 2022.

Approved as to legal form and content

Chris Tumminia, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Brian J. Armstrong, P.G., Executive Director

Filed this 26th day of September 2022.

Deputy Agency Clerk

[SEAL]

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE: EMERGENCY MEASURES DUE TO HIGH WATER CONDITIONS IN THE NORTH WINTER HAVEN CHAIN OF LAKES AREA
_____/

SECOND AMENDED AND RESTATED EMERGENCY FINAL ORDER NO. SWF 22-011

The Southwest Florida Water Management District (District) enters this Second Amended and Restated Emergency Final Order (Order), including Findings of Fact and Conclusions of Law, in response to high rainfall and anticipated flooding in the North Winter Haven Chain of Lakes area that threatens the safety of surrounding property, structures, stormwater management systems, works, and impoundments and also poses immediate danger the public health, safety, and welfare.

FINDINGS OF FACT

1. In August 2022, the areas surrounding Lake Henry, Lake Smart, Lake Connie, Lake Rochelle, Lake Haines, Lake Fannie, and Lake Hamilton (the "North Winter Haven Chain of Lakes Area" or the "Area") received a total of 16.54 inches of rainfall, well above the monthly average of 8 inches.

2. On September 2, 2022, the Area received an additional 1.3 inches of rainfall. The National Weather Service issued a flood warning on September 2, 2022 due to existing flooding and additional expected rainfall in portions of Polk County, including the North Winter Haven Chain of Lakes Area.

3. The District monitors water levels and manages water control structures P-5 (Lake Henry), P-6 (Lake Smart, Connie, Rochelle, Haines), P-7 (Lake Fannie), and P-8 (Lake Hamilton) in the Area. On September 3, 2022, lake levels in the Area rose

approximately 2 inches due to rainfall from the prior day, and water levels downstream from structure P-8 were recorded at the highest level since 2004.

4. On September 3, 2022, the Executive Director issued Emergency Order No. SWF 22-008 authorizing limited measures, including adjusting the operational schedule for water control structures in the Area, to reduce the risk of flooding to homes and roads in the Area. On September 16, 2022, the Executive Director issued Emergency Order No. SWF 22-009 to extend the duration of Emergency Order No. SWF 22-008 until October 8, 2022, unless modified or extended by the Executive Director.

5. On September 23 and 24, 2022, Governor DeSantis issued Executive Order Nos. 22-218 and 22-219 declaring a state of emergency throughout the State of Florida due to the anticipated effects of Hurricane Ian. The District's Executive Director issued Emergency Order No. SWF 22-010 on September 26, 2022, in response to the serious threat of additional rainfall, potential flooding, and hurricane-force winds posed by Hurricane Ian. Based on the most current information, water levels in the Area have been near or above flood-stage since Hurricane Ian made landfall.

6. The Executive Director finds that the rainfall and high-water levels described above, and the potential for additional rainfall and flooding, threaten the safety of surrounding property, structures, stormwater management systems, works, and impoundments in the Area. As a result, immediate action is necessary to protect the public health, safety, and welfare.

7. The Executive Director finds that it is appropriate for the District to continue monitoring water levels and operating water control structures in the Area in response to above-normal rainfall and storm events, and to immediately employ any remedial

measures necessary to safeguard life and property, including, but not limited to, lowering water levels by releasing water from any impoundment or reservoir, completely emptying any impoundment or reservoir, temporarily modifying structure operations, deviating from internal operational guidelines, diverting water to bypass lakes or water control structures, and moving significant volumes of flood water out of the Area.

CONCLUSIONS OF LAW

8. Based on the Findings of Fact described herein, it is hereby concluded that the emergency caused by rainfall and high-water levels poses an immediate danger to the public health, safety, and welfare requiring immediate action.

9. Pursuant to Sections 120.569(2)(n), 373.119(2), and 373.439(1)(b), Florida Statutes (F.S.), the Executive Director is authorized to issue this Order.

10. The actions required to protect the public health, safety, and welfare described in this Order are appropriate pursuant to section 373.439(2), F.S., and are required so as to not prevent, hinder, or delay any action necessary to meet the emergency.

11. The District's immunity from liability for any damages that might result from the activities authorized by this Order, as provided for by Section 373.443(4), F.S., shall not be diminished by the terms of this Order or any activities undertaken pursuant to this Order.

THEREFORE, it is hereby **ORDERED**:

12. Within the Area, the requirements and effects of statutes, rules, agreements, policies, procedures, or District orders which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order. The District

shall immediately employ any remedial means necessary to safeguard life and property, including, but not limited to, lowering water levels by releasing water from any impoundment or reservoir, completely emptying any impoundment or reservoir, temporarily modifying structure operations, deviating from internal operational guidelines, diverting water to bypass lakes or water control structures, and moving significant volumes of flood water out of the Area.

13. This Order shall take effect immediately upon execution by the Executive Director or his designee, and shall expire on November 22, 2022, unless modified or extended by further order.

DONE AND ORDERED in Hillsborough County, Florida, on this 5th day of October, 2022.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Brian J. Armstrong, P.G., Executive Director

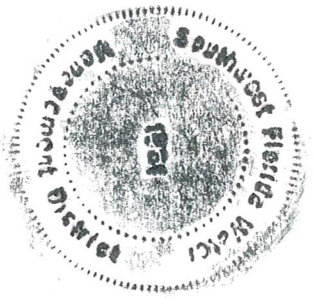
Approved as to legal form and content

_____
Chris Tumminia, General Counsel

Filed this 5th day of October 2022.

_____
Deputy Agency Clerk

[SEAL]



NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the District at 7601 U.S. Highway 301 North, Tampa, Florida 33637-6759, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the District.

CONSENT AGENDA

October 18, 2022

Executive Director's Report: Approve Fiscal Year 2023 Final Budget Hearing Minutes

Staff Recommendation:
Approve minutes as presented.

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

MINUTES

PUBLIC HEARING FOR THE Final FISCAL YEAR 2023 MILLAGE RATE AND ANNUAL SERVICE BUDGET

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA SEPTEMBER 20, 2022

The Governing Board of the Southwest Florida Water Management District met at 5:01 p.m. on September 20, 2022, at the Tampa Office. The following persons were in attendance:

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

*attended via electronic media

Staff Members
Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director
Brian Starford, Division Director
Michael Molligan, Division Director
Brandon Baldwin, Division Director
Melisa Lowe, Bureau Chief
Andrea Shamblin, Manager

Board Administrative Support
Virginia Singer, Board & Executive Services Manager
Lori Manuel, Administrative Coordinator

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. Call to Order, Roll Call, and Approval of Tentative Fiscal Year Annual Service Budget Public Hearing Minutes

Chair Joel Schleicher called the meeting to order. Board Member Jack Bispham led the invocation and the Pledge of Allegiance.

Chair Schleicher provided information to members of the public wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda. Chair Schleicher stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

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

Chair Schleicher requested a motion to approve the minutes from the September 6, 2022, Tentative Fiscal Year (FY) 2023 Millage Rate and Annual Service Budget Public Hearing.

A motion was made and seconded. The motion carried unanimously. (Audio – 00:03:22)

2. Opening Comments

Chair Schleicher stated the purpose of this final Truth in Millage (TRIM) public hearing was to provide an opportunity for the public to speak and ask questions prior to the Governing Board's adoption of a final millage rate and budget for FY2023.

3. Budget Overview

Chair Schleicher stated the FY2023 budget totaled $211.7 million compared to $198 million for the fiscal year 2022 adopted budget; and continues a significant level of capital investment in our region to ensure the District's core mission is achieved. Those investments will continue to protect our water resources, incentivize the economy, and create jobs. The budget included $122.5 million in ad valorem property tax revenue based on reducing the millage rate to the rolled-back rate of 0.2260 mill. This millage rate is 10.8 percent lower than the current fiscal year millage rate of 0.2535 mill. The rolled-back rate is the rate that would give the District the same amount of revenue as the current year plus taxes on any new construction. This will be the 11th consecutive year the Governing Board has voted to roll-back the millage rate to lessen the tax burden for Florida property owners.

4. Public Announcement of the Name of the Taxing Authority, Rolled-Back Rate, Percentage of Increase Above Rolled-Back Rate, and Millage Rate to be Levied for Fiscal Year 2023

Mr. Baldwin, Business and Information Technology Services Director, presented the required public announcement of the name of the taxing authority, the rolled-back rate, the percentage of increase above the rolled-back rate, and the millage rate to be levied for FY2023 and read into the record as required for the District. Mr. Baldwin explained the 11 consecutive years of roll-back equals a total of 42.5 percent reduction in millage rate.

TAXING AUTHORITY	ROLLED-BACK RATE	PERCENTAGE OF INCREASE OVER ROLLED-BACK RATE	Final MILLAGE RATE
Southwest Florida Water Management District	0.2260 mill	0.0%	0.2260 mill

5. Reconciliation of Tentative to Final Fiscal Year 2023 Budget

Mr. Baldwin stated there were no changes to the budget since the tentative budget was adopted at the first public hearing on September 6.

6. Public Comments

a. Letters/Resolutions Received

Chair Schleicher stated that responses to the letters received regarding the tentative millage rate and budget, and letters and resolutions received regarding the final millage rate and budget since the first public hearing, if any, have been compiled into Appendix "C" of the public hearing materials and are hereby incorporated by reference into the public record of this meeting. Copies of this Appendix are available upon request at the District's Brooksville Office, 2379 Broad Street, Brooksville, Florida.

b. Persons Wishing to Address the Board

No Request to Speak cards were received.

7. Adopt Final Fiscal Year 2023 Millage Rate

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 22-14
ADOPTION OF Final MILLAGE RATE FOR FISCAL YEAR 2023

This resolution is made a part of these minutes as if set forth in full, but for convenience, is filed in the permanent resolution files of the District.

A motion was made to adopt Resolution No.22-14, Adoption of Final Millage Rate for Fiscal Year 2023, of 0.2260 mill, which was seconded. The motion carried unanimously. (Audio – 08:36)

8. Adopt Fiscal Year 2023 Budget

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 22-15
ADOPTION OF TENTATIVE BUDGET FOR FISCAL YEAR 2023

This resolution is made a part of these minutes as if set forth in full but, for convenience, is filed in the permanent resolution files of the District.

A motion was made to adopt Resolution No. 22-15, Adoption of Budget for Fiscal Year 2023, in the amount of $211,683,181, which was seconded. The motion carried unanimously. (Audio – 00:09:39)

9. Introduce all Materials as Composite Exhibit
Chair Schleicher stated the record will reflect all materials presented today are part of the permanent record of the public hearing.

10. Adjournment
Chair Schleicher adjourned the meeting at 5:12 p.m.

CONSENT AGENDA

October 18, 2022

Executive Director's Report: Approve Governing Board Minutes - September 20, 2022

Staff Recommendation:
Approve minutes as presented.

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

GOVERNING BOARD MEETING
TUESDAY, SEPTEMBER 20, 2022 – 3:00 PM
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481

MINUTES

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

*attended via electronic media

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

Board Administrative Support
Virginia Singer, Board & Executive Services Manager
Lori Manuel, Administrative Coordinator

1. Convene Public Hearing

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., September 20, 2022, 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 Joel Schleicher 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 Schleicher 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 Schleicher 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 Schleicher 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 Jack Bispham 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 there were no additions or deletions to the agenda.

1.5 Public Input for Issues Not Listed on the Published Agenda
Mr. David Ballard Geddis spoke against the expansion of a Tampa Bay Water main.

CONSENT AGENDA
Finance/Outreach & Planning Committee

2.1 Board Encumbrance of the Capital Field Equipment Fund
Staff recommended the Board approve the encumbrance of $610,947 in FY22 fund balance within the Capital Field Equipment Fund to carry forward into FY23 for planned expenditures as approved through the budgetary process.

2.2 Florida Retirement System Workers' Compensation Reporting Audit
Staff recommended the Board approve the Florida Retirement System Workers' Compensation Reporting Audit.

Resource Management Committee

2.3 Five-Year Water Resource Development Work Program
Staff recommended the Board authorize staff to submit the proposed Five-Year Water Resource Development Work Program to the Florida Department of Environmental Protection for review.

Operations, Lands and Resource Monitoring Committee

2.4 Approval of Land Management Plan Updates for Chito Branch Reserve, Deep Creek Preserve, Edward Chance Reserve, Little Manatee River Southfork Tract, and Potts Preserve
Staff recommended the Board approve the plan updates for Chito Branch Reserve, Deep Creek Preserve, Edward Chance Reserve, Little Manatee River Southfork Tract, and Potts Preserve.

2.5 Renewal of Lease Agreement with Clear Channel Outdoor, LLC. for Operation and Maintenance of a Billboard on District Lands, SWF Parcel No. 15-228-134X
Staff recommended the Board approve the lease agreement with Clear Channel Outdoor, LLC for the operation and maintenance of a billboard on District lands, SWF Parcel 15-228-1341X.

Regulation Committee

2.6 Water Use Permit No. 20 020745.001, Stillwater Preserve Development, LLC/Streamsong WUP (Polk County)
Staff recommended the Board approve the proposed permit attached as an exhibit.

General Counsel's Report

2.7 Authorization to Issue Administrative Complaint and Order – Permit Violations – Chicken Dinner, LLC – ERP No. 43043526.000 – CT No. 417150 – Hillsborough County

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Permittee and any necessary parties to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against Permittee and any necessary party to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.
3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

2.8 Knowledge Management: Governing Board Policy Update – Legal Counsel Roles, Responsibilities, and Reporting Authority

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

2.9 Governing Board Concurrence – Emergency Order No. SWF 22-008– Emergency Measures Due to High-Water Conditions

Staff recommended the Board concur with the Executive Director's findings in Emergency Order No. SWF 20-008.

2.10 Approval of the District's Annual Regulatory Plan for 2022-2023

Staff recommended the Board approve the District's Annual Regulatory Plan for 2022-2023 and execute the certification required by Section 120.74(1)(d), F.S.

Executive Director's Report

2.11 Approve Governing Board Minutes - August 23, 2022

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 - 00:08:59)

Finance/Outreach & Planning Committee

Treasurer John Mitten called the committee to order. (Audio – 09:27:00)

3.1 Consent Item(s) Moved to Discussion - None

3.2 Fiscal Year 2024 Business Plan Update

Ms. Mary Margaret Hull, Lead Project Manager, presented an update on the Fiscal Year (FY) 2024 Business Plan. She explained the purpose of the Business Plan and how it integrates with the budget process and the District's Strategic Plan. Ms. Hull summarized the plan development that assisted in identifying the resource needs over a five-year period (FY24-FY28). She outlined the drivers that were gleaned from management interviews. This information included population growth, changing workforce, performance metrics, resource needs and resource trends. Ms. Hull stated that a Strength, Weakness, Opportunity, and Threat (SWOT) Analysis was performed to determine the overall strategic position of the organization within its current environment. She explained the next steps associated with the business plan. Staff responded to questions.

Board Member John Hall asked that staffing salaries as they relate to Governing Board metrics be added to the agenda for the Governing Board Workshop in November. Mr. Brian Armstrong, Executive Director, responded in the affirmative.

This was for information only. No action was required.

3.3 District's Areas of Responsibility Projections

Mr. Ryan Pearson, Staff Economist, presented information that provided a macro view of the District's mission and the Areas of Responsibility (AOR) which includes water supply, water quality, natural systems, and flood protection. He provided background and outlined the components involved in determining future impacts to the AORs. Mr. Pearson explained that subject matter experts were assembled, outlined the key drivers that were identified and the associated impacts to the AORs. Staff responded to questions.

Mr. Pearson outlined an overview of recently passed legislation and regulations and stated this may provide some indication of future impacts to water supply and water quality.

This was for information only. No action was required.

3.4 Office of Inspector General Fiscal Year 2022 Annual Report

Mr. Brian Werthmiller, Inspector General, provided the FY22 Annual report for the Office of Inspector General (OIG). He explained this report is required pursuant to Florida Statute and Governing Board policy. Mr. Werthmiller stated the report summarizes the completed work products and other activities associated with the Inspector General office. He highlighted audits, investigations and reviews that were completed for FY22. Mr. Werthmiller stated that 105 reviews were initiated and explained how reviews are received and the process associated.

Mr. Werthmiller reminded the Board that the District has an in-house risk assessment and audit program that provides a savings of approximately $29,000.

Mr. Werthmiller stated he has completed the FY22 performance measures that were set by the Board.

This was for information only. No action was required.

3.5 Budget Transfer Report

This was for information only. No action was required.

Resource Management Committee

Board Member Ashley Bell Barnett called the committee to order. (Audio – 01:02:15)

4.1 Consent Item(s) Moved to Discussion - None

Operations, Lands & Resource Monitoring Committee

Board Member Jack Bispham called the committee to order. (Audio – 01:02:35)

5.1 Consent Item(s) Moved to Discussion - None

5.2 Budget Transfer for the Tsala Apopka Outfall Canal Structure 353 Spillway Repair (B882)

Ms. Mary Spence, P.E., Structure Operations Manager, provided a presentation that included historical background, operational description, project timeline and recommended repairs.

Staff recommended the Board approve the transfer of $198,382.71 from the Hernando County Septic to Sewer project (WW10) to the Tsala Apopka Outfall Canal Structure 353 Spillway Repair project (B882)

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:08:15)

5.3 Summary of FY2022 Interagency Land Management Review
This was for information only. No action was required.

Regulation Committee
Board Member Ashley Bell Barnett called the committee to order. (Audio – 01:09:18)

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board
No Denials were presented.

6.3 Knowledge Management: Well Drilling Advisory Committee
Mr. David Arnold, P.G., Well Construction Manager, provided an overview of the Well Driller Advisory Committee (WDAC). He explained the history and focus of the committee, the associated Governing Board policy and the Continuing Education Credits offered. Mr. Arnold explained the benefits of changing the WDAC to an advisory group. He stated the Board will vote on this request to retire the WDAC Governing Board Policy at the October Board meeting and asked that the Board Members provide any comments by October 10.

This was for information only. No action was required.

General Counsel's Report
7.1 Consent Item(s) Moved to Discussion - None
Mr. Chris Tumminia, General Counsel, updated the Board regarding Administrative Rule Challenge Case No. 22-0849RX, involving the South Florida Water Management District (SFWMD). He reminded the Board this challenge was associated with the SFWMD's Environmental Resource Permitting Applicant's Handbook. The outcome of this challenge could have impacted all Water Management Districts. With the Board's approval, the District joined the litigation. Mr. Tumminia stated the Administrative Law Judge dismissed the case.

7.2 Outside Legal Services Update
This was for information only. No action was required.

Committee/Liaison Reports
8.1 Industrial Advisory Committee
A written summary of the August 9 meeting was provided.

8.2 Public Supply Advisory Committee
A written summary of the August 9 meeting was provided.

Executive Director's Report
9.1 Executive Director's Report
Mr. Brian Armstrong, Executive Director, provided a summary of his FY22 District accomplishments. A written summary was provided.

Mr. Brian Starford, Operations Lands and Resource Monitoring Director, provided a presentation regarding high water concerns within the District and actions being taken to address them. He stated that Polk County received above average rainfall for September, impacting the North Winter Haven Chain of Lakes. This prompted the District to issue an

Emergency Order. He also addressed the actions that were taken to alleviate high water concerns in Hillsborough and Pinellas Counties. Mr. Starford recognized the dedication and extraordinary efforts performed by staff associated with operating District structures during the rainy season.

Chair's Report

10.1 Chair's Report

Chair Schleicher stated that in accordance with Board Policy 710-2, each Board Member has received a performance evaluation packet, for the Executive Director and the Inspector General to independently complete. He stated that completed evaluations must be returned by October 4. If assistance is required, please contact Ms. Teresa Jepma, Human Resources Office Chief. Chair Schleicher stated that he will recommend a final score for the Executive Director and the Treasurer will recommend a final score for the Inspector General. The full Board will vote on both the recommendations.

The next Governing Board meeting is scheduled for Tuesday, October 18 at the Tampa Office.

10.2 Employee Milestones

Chair Schleicher recognized the following staff: Maria Chapman, Miguel Gonzalez Cruz, Julie Zydek and Georgia Hudson.

The meeting adjourned at 4:38 p.m.

Governing Board Meeting
October 18, 2022

3. FINANCE/OUTREACH & PLANNING COMMITTEE

FINANCE/OUTREACH AND PLANNING COMMITTEE

October 18, 2022

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

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

Presenters:
Michael Molligan, Division Director, Employee Outreach and General Services
Brandon Baldwin, Division Director, Business and IT Services

FINANCE/OUTREACH AND PLANNING COMMITTEE

October 18, 2022

Discussion: Action Item: Investment Strategy Quarterly Update

Purpose

Provide quarterly update of the investment portfolio.

Background

In accordance with Board Policy, Investments, a quarterly investment report shall include the following:

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

Staff Recommendation:

Accept and place on file the District's Quarterly Investment Reports for the quarter ended September 30, 2022. Exhibit provided under separate cover.

Presenter:

John F. Grady III, Managing Director, Public Trust Advisors, LLC

FINANCE/OUTREACH AND PLANNING COMMITTEE

October 18, 2022

Discussion: Information Item: Annual Review of the District's Investment Policy

Purpose

To provide the Board with recommended modifications to the District's Investment Policy and to solicit input prior to the November 15, 2022 Board meeting.

Background

The Board Policy requires a review of the District's Investment Policy within sixty (60) days following the end of each fiscal year and approval of any modifications made thereto. Fiscal year 2021-22 ended September 30, 2022 and a review is required. The policy is currently being reviewed by management and the District's investment advisory firm. Recommended changes will be provided under separate cover.

Benefits

By reviewing and updating the District's Investment Policy within sixty (60) days following the end of the fiscal year, the Governing Board and management will be in compliance with the Investment Policy.

Staff Recommendation:

This item is presented for the Board's information, and no action is requested. A copy of the current Investment Policy with the recommended changes redlined throughout the document will be provided under separate cover. A "clean draft copy" of the revised Investment Policy will be included as a consent item in the November 2022 Board packet and approval will be requested at that time.

Presenter:

Brandon Baldwin, Division Director, Business & IT Services

FINANCE/OUTREACH AND PLANNING COMMITTEE

October 18, 2022

Discussion: Action Item: Development of Preliminary Budget for Fiscal Year 2024

Purpose

Present the general budget assumptions for development of the District's Preliminary Budget for fiscal year (FY) 2024.

Background

Pursuant to Section 373.535, Florida Statutes, the water management districts (WMDs) are required to submit a preliminary budget for the next fiscal year to the Florida Legislature for review by January 15. The statutory language specifies the information to be included in the preliminary budget submission. The President of the Senate and the Speaker of the House of Representatives may submit comments regarding the preliminary budgets to the WMDs on or before March 1 of each year. Each WMD must respond to those comments in writing on or before March 15 of each year.

To initiate the Preliminary Budget development process, staff will provide the Governing Board an overview of factors affecting budget development and recommend acceptance of the general budget assumptions necessary to prepare the District's preliminary budget for FY2024. A draft of the Preliminary Budget will be submitted to the Department of Environmental Protection and the Executive Office of the Governor in early December for initial review and comment. On December 13, 2022, staff will provide the draft FY2024 Preliminary Budget to the Governing Board with a request to approve for submission to the Legislature by January 15, 2023.

Staff Recommendation:

Approve the general budget assumptions as outlined in the October 18, 2022 budget presentation for the development of the Preliminary Budget for FY2024.

Presenter:

Brandon Baldwin, Division Director, Business & IT Services

FINANCE/OUTREACH AND PLANNING COMMITTEE

October 18, 2022

Submit & File: Information Item: Office of Inspector General Quarterly Update – July 1, 2022 to September 30, 2022

Background and Purpose

In accordance with the Office of Inspector General Charter Governing Board Policy, the Inspector General is required, on a quarterly basis, to update the Committee regarding work and other matters.

Staff Recommendation:

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

Presenter:

Brian Werthmiller, Inspector General

Southwest Florida Water Management District

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

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1-800-492-7862 (FL only)

Sarasota Office
78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office
7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

October 18, 2022

MEMORANDUM

TO: Finance/Outreach & Planning Committee
Remaining Governing Board members

FROM: Brian Werthmiller, CPA, Inspector General

SUBJECT: Office of Inspector General Quarterly Update July 1, 2022 to September 30, 2022

The purpose of this memo is to satisfy the Office of Inspector General (OIG) Charter Governing Board Policy regarding updates with the Finance/Outreach and Planning Committee.

I am pleased to provide you the most recent quarterly update. During the quarter ending September 30, 2022:

- The OIG quarterly update for the quarter ending June 30, 2022 was submitted to the Governing Board on July 26, 2022.
- The OIG received requests from the District to review reports, policies, procedures, and other information. A review typically will provide a recommendation from the OIG for the requestor's consideration. Reviews can also be OIG initiated projects. During the quarter ending September 30, 2022, the OIG initiated 25 reviews.
- Five complaints were closed with no investigation considered necessary by the OIG.
- The OIG submitted the Flood Protection Performance Measures Audit on July 26, 2022. Based upon the results of the audit, selected flood protection performance measures reported in the 2021 CAR were found to be reliable and valid.
- Beginning in November 2021, the District has been subject to fraudulent transactions with the institution the District banks with. The last fraudulent transaction noted was June 3, 2022. To date, the District has been reimbursed for all fraudulent transactions that have cleared its account. Investigations were performed by the bank and also the local Sherriff's office. The District has added additional controls to mitigate its risk.
- On August 16, 2022, the District received returned mail from the United States Postal Service that had the District's return address. Inside of the envelopes contained non-District checks made out to various individuals with addresses from around the country. The District filed reports with the local Sheriff's office and the United States postal inspection service.
- The OIG submitted the Florida Retirement System Workers' Compensation Reporting Audit on September 20, 2022. Based upon the results of the audit, the District had taken corrective actions for the recommendation included in the Florida Department of Management Services' (DMS) audit report from December 2020.

- The OIG FY 2022 Annual Report was submitted to the Governing Board on September 20, 2022. This report provides relevant information regarding performance measures, a description of recommendations for corrective actions, a description of corrective actions from previous annual reports that have not been completed, a summary of audits, reviews, and investigations, and other accomplishments during the period. During the quarter, the OIG completed the follow-up on use of fleet equipment, conflicts of interest, increase in pay requests, and use of district vehicles.

Office of Inspector General Performance Measures		
Performance Measure	***Goal***	***Status Through 9/30/2022***
Complete the audit plan.	Submit to the Board by January 2022	Completed January 2022
Allocate appropriate time to efforts resulting in reporting to the Board.	75% of Chargeable Hours	81%
Complete the OIG Annual Report.	Submit to the Board by September 2022	Completed September 2022
Complete updates to the Finance/Outreach & Planning Committee including IG performance measures.	Submit to the Board the month following each quarter-end	100%
Complete the follow-up on four FY 2021 recommendations for use of fleet equipment, conflicts of interest, increase in pay requests, and use of district vehicles.	Complete follow-up by September 2022	Completed by September 2022
Complete the follow-up to the recommendation from the Florida Department of Management Services regarding the District's policies and procedures on reporting workers' compensation to the Florida Retirement System.	Complete follow-up by September 2022	Completed September 2022

FINANCE/OUTREACH AND PLANNING COMMITTEE

October 18, 2022

Submit & File: Information Item: Budget Transfer Report

Purpose

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

Background

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

Staff Recommendation:

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

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
September 2022

Item No.	--- TRANSFERRED FROM --- Bureau / Expenditure Category	--- TRANSFERRED TO --- Bureau / Expenditure Category	Reason For Transfer	Transfer Amount
Change from Original Budget Intent				
1	Data Collection Travel - Training	Data Collection Travel - Staff Duties	Transfer of funds originally budgeted for the training and associated travel costs of Mapping and Geographic Information System (GIS) staff. The funds are no longer required due to expenditures being less than anticipated. The funds are needed for travel costs associated with Mapping and GIS staff surveying lake and wetland monitoring locations within the CFWI area due to an increase in assignments in the southern portion of the District.	$ 4,000.00
2	Natural Systems & Restoration Grant - Financial Assistance	Water Resources Grant - Water Conservation	Transfer of funds originally budgeted for the FY2022 Phillippi Creek Stream Restoration Cooperative Funding Initiative project with Sarasota County. The project was withdrawn by the county. The funds are needed for the Water Incentives Supporting Efficiency (WISE) program to allow for funding of at least five additional qualified projects this fiscal year. These funds are in addition to the $100,000 budgeted due to increased success of the program.	40,000.00
3	Operations Maint/Repair of Buildings/Structures	Operations Consultant Services	Transfer of funds originally budgeted for repair and maintenance of the Lake Hancock pump stations. The funds are no longer required due to expenditures being less than anticipated. The funds are needed to conduct a geotechnical evaluation at the Flint Creek Structure to prevent foundational damage to the structure. These funds will be combined with the Structures Operations consultant services budget for a total cost of $90,000.	17,000.00
4	Finance Travel - Training	Finance Fees Assoc with Financial Activities	Transfer of funds originally budgeted for the training and associated travel costs of Finance staff. Expenditures were less than anticipated due to virtual attendance options and unexpected vacancies. The funds are needed for merchant fees absorbed by the District for transactions processed through the ePermitting system as a result of an increase in permitting activity this fiscal year.	9,000.00
			Total Change from Original Budget Intent	**$ 70,000.00**
Consistent with Original Budget Intent				
1	Various Bureaus Other Contractual Services Vegetation Management Services	Various Bureaus Other Contractual Services Vegetation Management Services	Funds are needed for the original purpose budgeted for land management agreements, invasive plant control, and ground cover restoration on conservation lands. These services are funded by ad valorem and state Land Acquisition Trust Fund (LATF) dollars. The funds are being transfered to align the funding source for these activities based upon the expenditures reimbursed by the LATF.	$ 404,483.60
			Total Consistent with Original Budget Intent	**$ 404,483.60**
			Total Amount Transferred	**$ 474,483.60**

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director, or designee, or the Finance Bureau Chief consistent with Budget Authority Transfer of Funds Board Policy, and are presented 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
October 18, 2022

4. RESOURCE MANAGEMENT COMMITTEE

RESOURCE MANAGEMENT COMMITTEE

October 18, 2022

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

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

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

RESOURCE MANAGEMENT COMMITTEE

October 18, 2022

Discussion: Information Item: Thirty-fifth Year Anniversary of the Surface Water Improvement and Management Program

Purpose

To provide the Board with an update on the accomplishments of the District's Surface Water Improvement and Management (SWIM) Program and to discuss ongoing and future efforts.

Background/History

In 1987, the Florida Legislature established the SWIM Act to protect, maintain, and restore Florida's surface water bodies. The Act required the five water management districts identify and select a list of priority water bodies of statewide significance within their boundaries, and develop programs to improve them. Currently, the District's 12 SWIM priority water bodies include: Tampa Bay, Sarasota Bay, Charlotte Harbor, Weeki Wachee River, Chassahowitzka River, Homosassa River, Rainbow River, Crystal River/Kings Bay, Lake Panasoffkee, Lake Tarpon, Lake Thonotosassa and the Winter Haven Chain of Lakes.

Over the last 35 years the SWIM Program has completed over 384 natural systems restoration and water quality improvement projects, resulting in more than 15,586acres of restored natural systems and provided water quality treatment of more than 226,808 acres of watershed. The SWIM Program has received 65 environmental excellence awards for outstanding projects that protect water resources and restore natural systems.

Partnerships and continued support by the Governing Board have been key to the success of the SWIM Program. Those partners include the Tampa Bay, Sarasota Bay and Coastal and Heartland estuary programs, various federal and state agencies, local governments and other organizations such as Tampa Bay Watch.

Staff will present an overview of the District's SWIM Program and focus on significant accomplishments during the past 35 years.

Staff Recommendation:

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

Presenter:

Vivianna Bendixson, SWIM Program Manager, Natural Systems & Restoration Bureau

RESOURCE MANAGEMENT COMMITTEE

October 18, 2022

Discussion: Action Item: FARMS – Bay Grove – T&T Environmental, LLC, Phase 1 (H805), DeSoto County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with T&T Environmental Phase 1, and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of $773,364 (66 percent of total project costs). The District funding is requested from the Governing Board FARMS Fund. Total project costs are estimated at $1,138,792.

Project Proposal

The District received a project proposal from T&T Environmental, LLC for their 318-acre property located five (5) miles south of Arcadia in southern DeSoto County, within the Southern Water Use Caution Area, and Shell, Prairie and Joshua Creek Priority Area. This project will involve the utilization of two (2) 1.25-acre reservoirs to collect tailwater and surface water from the property and surrounding watershed to offset Upper Floridan aquifer groundwater used for the irrigation of 138 acres of sod. The Water Use Permit (WUP) authorizes annual average groundwater withdrawals of 304,900 gallons per day (gpd) for the Phase 1 portion of the property. FARMS project components consist of two (2) surface water pumps that are incorporated into the linear overhead irrigation systems, and include system automation, filtration, and fertigation. Project components will also include a weather station, and soil moisture probes and culverts necessary to direct water to the linear reservoirs. The linear overhead irrigation systems will convert the site from seepage irrigation to microirrigation and reduce surface water runoff to adjacent watersheds.

In February 2015, the Governing Board approved a FARMS project with Premier Citrus, LLC on the northern portion of this property to construct a 2.3-acre tailwater irrigation reservoir to offset groundwater use for citrus irrigation. FARMS project components consisted of two (2) stationary surface water pump stations, filtration systems, and mainline pipe to connect the surface water pump stations to the existing irrigation system. The estimated offset for this project was 78,000 gpd, and its period of record offset is more than 157,059 gpd yield. The property has since been sold to the current owners.

Benefits/Costs

The proposed project involves water quantity and water quality best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to reduce groundwater use by about 43 percent, or 132,000 gpd for daily irrigation. Based on the estimated groundwater offset, and a proposed seven-year contract term, the cost per thousand gallons of water saved is $3.88. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies, and improved irrigation BMPs for sod operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have $4,402,978 remaining in its FARMS Program budget.

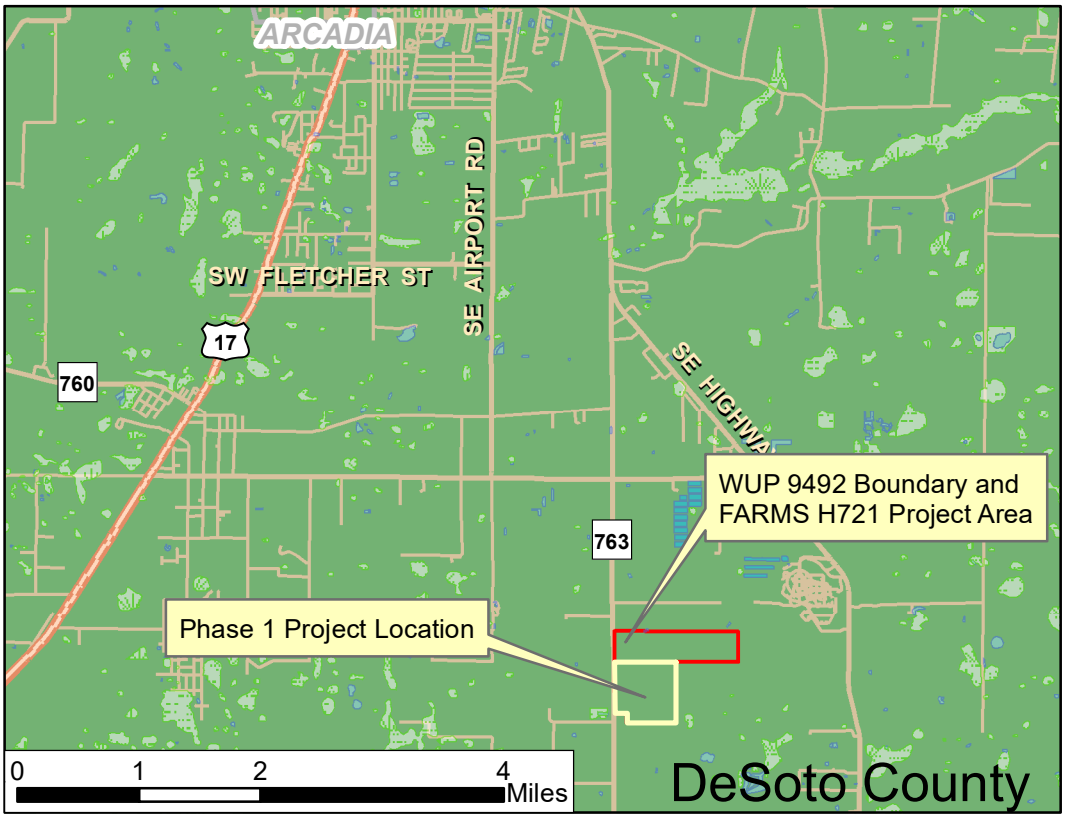
Staff Recommendation:

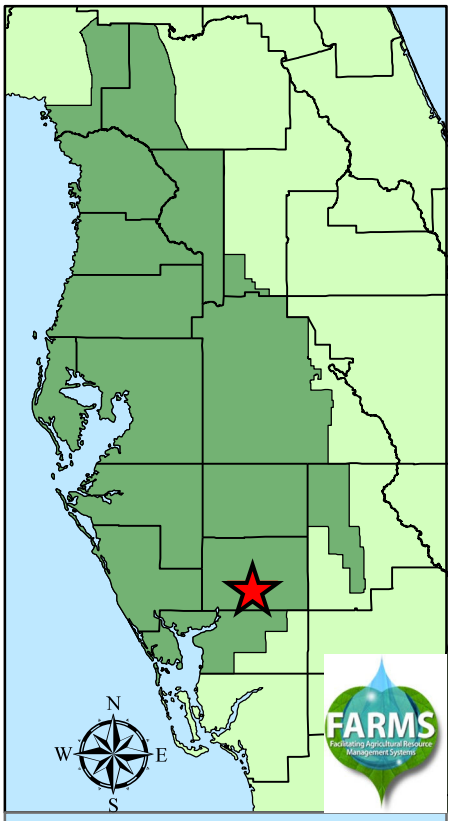
1. Approve the T&T Environmental Phase 1 project for a not-to-exceed project reimbursement of $773,364 provided by the Governing Board;
2. Authorize the transfer of $773,364 from fund 010 H017 Governing Board FARMS Fund to the H805 T&T Environmental Phase 1 project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

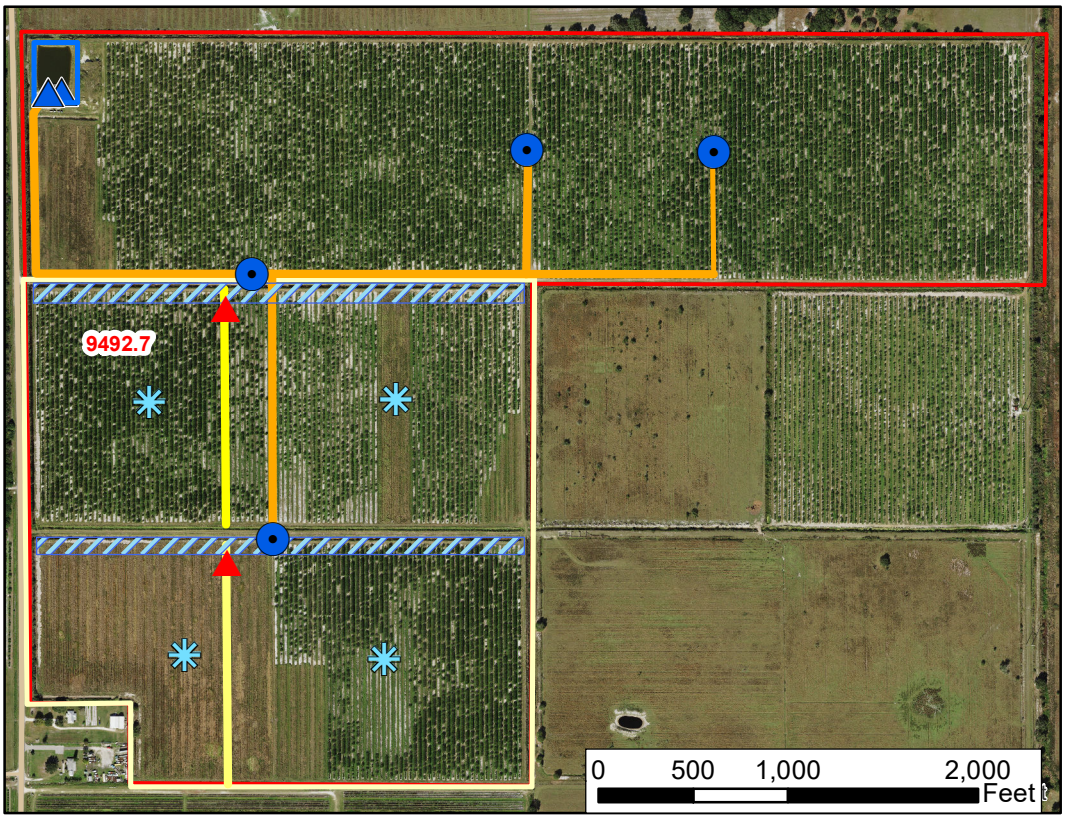
Presenter:

Carole Estes, P.G., FARMS Manager, Water Resources

Location Map
FARMS Project H805
Bay Grove - T&T Environmental Phase I







WUP 9492 Boundary
FARMS H721 Project Area

Phase 1 Project Area

Proposed Reservoir

Proposed Surface Water Pump Station, Automation, Fertigation System, and Linear Walker

Proposed Soil Moisture Sensors

Existing Reservoir

Existing Surface Water Pump Station

Existing Groundwater Well

Existing Mainline

LEGEND

Southwest Florida Water Management District

KAG 8/1/2022
2020 Aerial
2012 NAVTEQ

Governing Board Meeting
October 18, 2022

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

October 18, 2022

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

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

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

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

October 18, 2022

Discussion: Information Item: Hydrologic Conditions, Structure Operations, Hurricane Ian Update

- September is the last month of the four-month rainy season (June through September). Monthly rainfall was scattered, regionally variable and associated with summertime convective rain showers, while the abundant central and southern region rainfall included effects from Hurricane Ian during the last week of the month.
- **Rainfall:** Provisional (September 1-30) rainfall totals were in the upper end of the normal range in the northern counties, significantly above normal in the central counties, and were at record-setting amounts for a single month in the southern counties. The Districtwide 12-month cumulative rainfall total increased and ended the month at a surplus of approximately 3.31 inches above the historical total.
- **Streamflow:** Provisional (September 1-26) streamflow increased at all 12 monitoring stations, compared to last month. Seven stations reported normal flow conditions, while five report above-normal flow. Regional streamflow, based on three index rivers, is within the normal range in the northern and central counties, while above normal in the southern counties.
- **Groundwater:** Provisional (September 1-25) regional aquifer level percentiles increased in all three regions of the District, compared to last month. Aquifer levels are within the normal range in all three regions.
- **Lake Levels:** Provisional (September 1-26) regional lake levels increased in all four lake regions of the District. Regional lake levels are within the normal range in the Northern, Tampa Bay and Polk Uplands regions, while still below normal in the Lake Wales Ridge region.
- **Overall:** All regional hydrologic indicators increased and were generally within normal historical ranges, except as noted. NOAA predicts “equal chances or below-normal” rainfall for the District through December 2022, while the tropics are currently active and could bring additional rainfall to the District during the autumn dry season.

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

Presenters:
Tamera McBride, Manager, Hydrologic Data Manager
Michelle Weaver, Bureau Chief, General Services

Governing Board Meeting
October 18, 2022

6. REGULATION COMMITTEE

REGULATION COMMITTEE

October 18, 2022

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

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

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

REGULATION COMMITTEE

October 18, 2022

Discussion: Action Item: Denials Referred to the Governing Board

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

Staff Recommendation:

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

Presenter:

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

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7. GENERAL COUNSEL'S REPORT

GENERAL COUNSEL'S REPORT

October 18, 2022

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

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

Presenter:
Chris Tumminia, General Counsel

COMMITTEE/LIAISON REPORTS

October 18, 2022

Discussion: Information Item: Agricultural and Green Industry Advisory Committee

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

Presenter:
Kelly Rice, Board Member

EXECUTIVE DIRECTOR'S REPORT

October 18, 2022

Discussion: Information Item: Executive Director's Report

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

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

CHAIR'S REPORT

October 18, 2022

Discussion: Information Item: Chair's Report

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

Presenter:
Joel A. Schleicher, Chair

CHAIR'S REPORT

October 18, 2022

Discussion: Information Item: Employee Milestones

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

Presenter:
Joel A. Schleicher, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
10	10/01/2012	Glen Shelt	Laboratory Technician 3	Brooksville	Data Collection	2022	10/01/2022
20	10/07/2002	Denise Johnson	Database Administrator 2	Brooksville	Information Technology	2022	10/07/2022
35	10/19/1987	Ramzi Chehaib	Engineer, Chief Prof	Tampa	Environmental Res Permit	2022	10/19/2022
35	10/26/1987	Jim Lewis	Infrastructure Architect	Brooksville	Information Technology	2022	10/26/2022

CHAIR'S REPORT

October 18, 2022

Discussion: Action Item: 2022 Employee Evaluation and 2023 Performance Goals for the Executive Director and Inspector General

Board Policy No. 710-2 governs the performance evaluation process for the Executive Director and Inspector General. The Policy provides that:

- Each Board member shall independently provide input on the Executive Director's and Inspector General's performance in anticipation of Governing Board approval of the annual employee evaluation for each employee.
- The Executive Director shall provide input on the 2022 administrative performance of the Inspector General.
- With this input, the Governing Board Chair will draft the Executive Director's 2022 evaluation and the Governing Board Treasurer drafts the Inspector General's 2022 evaluation.
- The Executive Director and Inspector General shall provide the Board with their proposed goals for 2023, against which they will be reviewed in the next year.

Consistent with Board Policy No. 710-2, at this meeting:

1. The Board Chair will provide to the Governing Board his draft 2022 evaluation for the District's Executive Director, Brian J. Armstrong, and the Board Treasurer will provide to the Governing Board his draft 2022 evaluation for the District's Inspector General, Brian R. Werthmiller. The Governing Board will have an opportunity to review, discuss and make any changes that it may wish to make to these draft evaluations. The Governing Board will also be asked to approve these evaluations so that they can be finalized and delivered to the employees.
2. Executive Director Brian J. Armstrong will present his proposed 2023 performance goals for approval. Inspector General Brian R. Werthmiller's goals were included as part of the Inspector General Performance Measures item on today's consent agenda.

Staff Recommendation:
Adopt and approve the 2022 employee evaluations of Executive Director Brian J. Armstrong and Inspector General Brian R. Werthmiller that were completed by the Governing Board Chair and the Governing Board Treasurer, respectively.

Adopt and approve the 2023 Executive Director goals.

Presenters:
Joel Schleicher, Chair
John Mitten, Treasurer