

Governing Board Meeting

Agenda and Meeting Information

September 28, 2021

3:00 p.m.

Tampa Office

7601 Hwy 301 North • Tampa, Florida
(813) 985-7481 • 1-800-836-0797

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



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

An Equal
Opportunity
Employer

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or who would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact the Human Resources Office Chief, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), 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.

Final Agenda GOVERNING BOARD MEETING

SEPTEMBER 28, 2021
3:00 PM

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

All meetings are open to the public

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

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

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

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

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

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

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

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

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

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

MEETING NOTICE

1. CONVENE PUBLIC MEETING

- 1.1 Call to Order
- 1.2 Invocation and Pledge of Allegiance
- 1.3 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:** Board Encumbrance of the Capital Field Equipment Fund
- 2.2 **Finance/Outreach and Planning Committee:** Knowledge Management: Governing Board Procurement Policy
- 2.3 **Resource Management Committee:** FARMS – Bethel Farms, LLLP - Ryals Property (H796), Charlotte County
- 2.4 **Resource Management Committee:** FARMS – Boyz Properties, LLC (H794), Manatee County
- 2.5 **Resource Management Committee:** Five-Year Water Resource Development Work Program
- 2.6 **Operations, Lands and Resource Monitoring Committee:** Second Amendment to Jay B. Starkey Wilderness Park Management Agreement with Pasco County, SWF Parcel No. 16-010-017X-2
- 2.7 **Operations, Lands and Resource Monitoring Committee:** Approval of Management Plans for Starkey Wilderness Preserve, Lower Hillsborough Wilderness Preserve, Upper Hillsborough Preserve, Halpata Tastanaki Preserve, Lake Panasoffkee Preserve, and Cypress Creek Preserve
- 2.8 **Operations, Lands and Resource Monitoring Committee:** Ridge Road Extension/Serenova Tract SWF Parcel No. 15-705-109X; Transfer of Suncoast Parkway Interchange Area to Florida Department of Transportation
- 2.9 **General Counsel's Report:** Approval of Consent Order between SWFWMD and JDI Farms, Inc. - Mining Activities Conducted without Water Use Permit - Watermelon Pit, LLC and JDI Farms, Inc. - CT No. 404443 - Charlotte County
- 2.10 **General Counsel's Report:** Approval of Consent Order between SWFWMD and Hall Family Ranch, LLC and Alligator Alley Aggregate and Asphalt, Inc. - Permit Condition Violations - Water Use Permit No. 10218.009 - CT No. 406254 - Charlotte County
- 2.11 **General Counsel's Report:** Approval of Consent Order between SWFWMD and Southern Aggregates, LLC - Unauthorized Activities - CT No. 406210 - Sumter County
- 2.12 **General Counsel's Report:** Approval of the District's Annual Regulatory Plan for 2021-2022
- 2.13 **Executive Director's Report:** Approve Governing Board Minutes - August 24, 2021

3. FINANCE/OUTREACH AND PLANNING COMMITTEE

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

- 3.2 **Discussion:** Information Only: Fiscal Year 2023 Business Plan Update
- 3.3 **Discussion:** Action Item: Fiscal Year (FY) 2022 Budget Development
- 3.4 **Discussion:** Information Only: Office of Inspector General Fiscal Year 2021 Annual Report
- 3.5 **Submit & File:** Information Only: Budget Transfer Report
- 4. RESOURCE MANAGEMENT COMMITTEE**
 - 4.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion
 - 4.2 **Discussion:** Action Item: City of Venice Reclaimed Water Aquifer Storage and Recovery (ASR) – Third-Party Review (Q050)
 - 4.3 **Discussion:** Action Item: FARMS - Model Farms Economic Study, 2021 Updated Study
 - 4.4 **Discussion:** Information Only: Knowledge Management: FARMS Program Governing Board Policy Revision
 - 4.5 **Discussion:** Action Item: Springs - Crystal River Indian Waters Septic to Sewer Phase 2 Project (W430) - Scope and Cost Change
 - 4.6 **Submit & File:** Information Only: Proposed Minimum Flows for Little Manatee River Prior to Independent Scientific Peer Review
- 5. OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**
 - 5.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion
 - 5.2 **Discussion:** Action Item: Exchange of Property Interests, SWF Parcel No. 20-780-101C-1, Blackbird Ranch
 - 5.3 **Discussion:** Action Item: Offer for Surplus Lands – Lake Panasoffkee (LP-1), SWF Parcel No. 19-528-154S
 - 5.4 **Discussion:** Action Item: Offer from Florida Department of Transportation to purchase Right of Way, Lake Hancock - Marshall Hampton Reserve, SWF Parcel Nos. 20-503-261S, 20-503-262S and 20-503-263X
- 6. REGULATION COMMITTEE**
 - 6.1 **Discussion:** Information Only: 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 Only: Consent Item(s) Moved to Discussion
- 8. COMMITTEE/LIAISON REPORTS**
 - 8.1 **Discussion:** Information Only: Industrial Advisory Committee
 - 8.2 **Discussion:** Information Only: Public Supply Advisory Committee

9. EXECUTIVE DIRECTOR'S REPORT

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

10. CHAIR'S REPORT

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

10.2 **Discussion:** Information Only: Milestones

10.3 **Discussion:** Information Only: Executive Director's and Inspector General's Annual Accomplishments and Evaluations

ADJOURNMENT

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective September 16, 2021

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

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

RESOURCE MANAGEMENT COMMITTEE
Seth Weightman
Jack Bispham
Michelle Williamson
William Hogarth

REGULATION COMMITTEE
Joel Schleicher

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

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

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

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

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

8/24/2021

Governing Board Meeting

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

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

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

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

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

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

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

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

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

Cooperative Funding Initiative – all meetings begin at 10:00 a.m.
2022 – February 2 – Northern Region, Brooksville Office
2022 – February 3 – Southern Region, TBD
2022 – February 9 – Heartland Region, TBD
2022 – February 10 – Tampa Bay Region, Tampa Office
2022 – April 6 – Northern Region, Brooksville Office
2022 – April 7 – Southern Region, TBD
2022 – April 13 – Heartland Region, TBD
2022 – April 14 – Tampa Bay Region, Tampa Office

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604
Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637

Governing Board Meeting
September 28, 2021

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1.5 Public Input for Issues Not Listed on the Agenda 9

CONVENE PUBLIC MEETING

September 28, 2021

Call to Order

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

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

September 28, 2021

Invocation and Pledge of Allegiance

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

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

September 28, 2021

Employee Recognition

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

Staff Recommendation:

- James M. Desruisseaux
- David M. Testerman
- Granville H. Kinsman, Jr.

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

September 28, 2021

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

September 28, 2021

Public Input for Issues Not Listed on the Published Agenda

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

Presenter:

Kelly S. Rice, Chair

Governing Board Meeting

September 28 , 2021

2. CONSENT AGENDA

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

2.1	Finance/Outreach and Planning Committee: Board Encumbrance of the Capital Field Equipment Fund	10
2.2	Finance/Outreach and Planning Committee: Knowledge Management: Governing Board Procurement Policy	11
2.3	Resource Management Committee: FARMS – Bethel Farms, LLLP - Ryals Property (H796), Charlotte County.....	24
2.4	Resource Management Committee: FARMS – Boyz Properties, LLC (H794), Manatee County.....	26
2.5	Resource Management Committee: Five-Year Water Resource Development Work Program.....	28
2.6	Operations, Lands and Resource Monitoring Committee: Second Amendment to Jay B. Starkey Wilderness Park Management Agreement with Pasco County, SWF Parcel No. 16-010-017X-2	53
2.7	Operations, Lands and Resource Monitoring Committee: Approval of Management Plans for Starkey Wilderness Preserve, Lower Hillsborough Preserve, Upper Hillsborough Preserve, Halpata Tastanaki Preserve, Lake Panasoffkee Preserve, and Cypress Creek Preserve	61
2.8	Operations, Lands and Resource Monitoring Committee: Ridge Road Extension/Serenova Tract SWF Parcel No. 15-705-109X; Transfer of Suncoast Parkway Interchange Area to Florida Department of Transportation	66
2.9	General Counsel's Report: Approval of Consent Order between SWFWMD and JDI Farms, Inc.- Mining Activities Conducted without Water Use Permit - Watermelon Pit, LLC and JDI Farms, Inc. - CT No. 404443 - Charlotte County.....	75
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2.11	General Counsel's Report: Approval of Consent Order between SWFWMD and Southern Aggregates, LLC - Unauthorized Activities - CT No. 406210 - Sumter County	98
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2.13	Executive Director's Report: Approve Governing Board Minutes - August 24, 2021	112

CONSENT AGENDA

September 28, 2021

Finance/Outreach and Planning Committee: Board Encumbrance of the Capital Field Equipment Fund

Purpose

The purpose of this item is to request the encumbrance of remaining fiscal year (FY) 2021 funds within the Capital Field Equipment Fund (CFEF) to carry forward into FY2022.

Background/History

The CFEF was developed to establish a systematic funding plan to address the acquisition, replacement, enhancement or reconditioning of the District's capital field equipment within the upcoming five-year period. To qualify as a CFEF expenditure the equipment must be rolling stock, excluding vehicles less than 1.5 ton, have a total estimated cost of at least \$5,000 including delivery, and have an anticipated useful life of at least five years. The five-year plan is managed by the Fleet Section Manager, developed in collaboration with the other Bureaus that are users of capital field equipment, and approved by the Governing Board through the District's annual budget process.

Benefits/Costs

The benefit of the CFEF is to allow the District to efficiently and effectively management capital equipment expenditures while maintaining a consistent funding profile from year to year. In addition, the fund provides the flexibility to replace assets as close to the end of the useful life as possible, with some instances going beyond normal replacement times dependent upon individual unit condition. Timely replacement avoids high repair costs and repetitive downtime.

The encumbrance and carry forward of remaining FY2021 funds for future years planned expenditures was included in the General Services Bureau considerations when developing its FY2022 recommended budget. The remaining funds available to carry forward total \$439,219.

Staff Recommendation:

Staff recommends the Governing Board approve the encumbrance up to \$439,219, plus any additional savings achieved on purchases completed before September 30, 2021, in remaining FY2021 funds within the Capital Field Equipment Fund to carry forward into FY2022 for future years planned expenditures.

Presenters:

Michelle Weaver, General Services Bureau Chief

Rey Martinez, Fleet Services Manager

CONSENT AGENDA

September 28, 2021

Finance/Outreach and Planning Committee: Knowledge Management: Governing Board Procurement Policy

Purpose

As part of the District's Knowledge Management initiative, the District's Procurement policy is being updated.

Background History

The Procurement Policy, last revised in 2018; applies to the District's procurement of commodities/goods, services and all other acquisitions of value. Pursuant to Section 373.083(1), Florida Statutes (F.S.), the Governing Board is authorized to contract with public agencies, private corporations, or other persons. Delegation to the executive director of all or part of the Governing Board's authority is authorized under Sections 373.079(4)(a) and 373.083(5), F.S.

The current Procurement policy delegates to the executive director, or designee, procurement authority for amendments and construction project change orders that fall below the monetary thresholds indicated below, provided the amount is included in the District approved budget or as increased in accordance with the Budget Transfer Policy as long as there is no material change in scope as presented to the Board. The executive director may delegate this authority, in writing, to one or more designees.

- Amendment(s) to an existing contract for unanticipated increase(s) or overage(s) that cumulatively exceed \$50,000
- Construction project change orders that exceed 10% of the contract amount or \$50,000 or that cumulatively exceed \$100,000

Discussion

The language in the current Procurement Board policy (above) is not necessary as the recently updated Executive Director Signature Authority procedure governs the approval thresholds for amendments and change orders consistent with the Board's delegation of authority to the executive director. In addition, under the current policy language, waiting for Board approval, by a month or more, could significantly delay work being performed and impact stakeholders negatively.

Additional revisions include the following:

- Standards: Grammatical clarification that the District promotes fair and open competition to all contractors interested in doing business with the District.
- Special Procurements: When only one submittal is received in response to a formal competitive procurement, the District may negotiate with the responding firm for the best price, terms, and conditions.

- Exemptions: Single source procurements, in addition to sole source procurements, with appropriate justification that one source is the best or only available solution, may be exempt from the competitive process, if approved by the executive director or the executive director's designee.

Benefits

The revised policy ensures change orders and contract amendments can be executed in a timely manner to prevent work delays. Single and sole source procurements are now exempt which reduces administrative effort for highly technical purchases. Lastly, if a firm is the only respondent to a formal solicitation, the District may not only negotiate terms and conditions, but may also negotiate the price.

Staff Recommendation:

As part of the District's Knowledge Management business process, the suggested Procurement Policy revisions and benefits were presented to the Board at the August meeting. No additional changes or recommendations were made at that time; therefore, staff recommends the Board replace the Governing Board Procurement Policy approved in October of 2018 with the new Governing Board Procurement Policy.

Presenters:

John J. Campbell, Division Director, Management Services
Felicia Holmes, Procurement Services Office Chief

GOVERNING BOARD POLICY
Southwest Florida Water Management District

Title: PROCUREMENT

Document Owner: Felicia Holmes,
Procurement Services Office Chief

Approved By: Kelly S. Rice; Chair

Effective Date: 09/28/2021

Supersedes: 10/01/2018

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PURPOSE

The purpose of this Policy is to establish requirements for the procurement of commodities / goods, services, and all other acquisitions by the Southwest Florida Water Management District (District).

SCOPE

This Policy applies to the District's procurement of commodities / goods, services, and all other acquisitions of value.

AUTHORITY

Pursuant to Section 373.083(1), Florida Statutes (F.S.), the Governing Board is authorized to contract with public agencies, private corporations, or other persons.

Delegation to the Executive Director of all or part of the Governing Board's authority is authorized under Sections 373.079(4)(a) and 373.083(5), F.S.

DEFINITIONS

N/A

STANDARDS

The following standards are hereby adopted by the Governing Board:

GOVERNING BOARD POLICY

Title: Document Name

Effective Date: 09/28/2021

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- 1) The procurement practices of the District shall follow generally accepted public procurement practices, and to the extent practical, comply with the legislative intent of Section 287.001, F.S.
- 2) The District shall promote fair and open competition to contractors interested in doing business with the District. Such competition is conducive to assuring public confidence that contracts are awarded equitably, economically, and efficiently. However, the District also recognizes that, in some limited circumstances, the competitive process may not be practical or efficient.
- 3) The District recognizes that certain performance factors of a procurement may outweigh the cost factor. Therefore, the District reserves the right to award a contract to the contractor that is determined to be the most advantageous to the District, all factors considered.
- 4) Contract negotiations shall be conducted in a manner to ensure the District receives fair value for its money and contractors receive fair compensation.
- 5) The District will actively solicit and encourage a diversity of qualified contractors, including woman-owned and minority-owned businesses, to participate in the District's procurement process without discrimination.
- 6) The District desires to enter into contracts with language that is clear, concise, and comprehensive with terms and conditions that are fair and equitable to the contracting parties.
- 7) Appropriate records and standards shall be maintained to ensure public confidence in District procurement activities.
- 8) For procurements of replacement equipment or vehicles, the competitive requirements set forth in this Policy shall be deemed met when receiving bids/quotations for similar sized equipment or vehicles from different manufacturers.
- 9) District contracts will generally not exceed a contract term of five years including renewal options.
- 10) The District shall comply with all applicable laws, regulations and requirements for procurements or agreements involving federal, state, or other funds (including, but not limited to, 2 C.F.R. 200.318 through 200.326, and Appendix II to C.F.R. Part 200).
- 11) The District's procurement activities shall comply with all applicable laws including the statutes and regulations referenced in this Policy as they may be modified from time to time.

POLICY

- 1) The required competition for each procurement shall be based upon the procurement amount of the transaction as set forth below:

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Effective Date: 09/28/2021

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Procurement Amount*	Competition Requirement
under \$10,000	Minimum one documented quotation or best source catalog price
\$10,001 - \$25,000	Minimum two competitive written quotations
\$25,001 - \$100,000**	Minimum three competitive written quotations
over \$100,000	Formal competitive procurement requiring public advertisement and sealed responses

* The thresholds above apply to the entire contract amount including renewal periods for all purchases including leased or rented items.

** Formal competitive procurement is required for electrical services that meet the monetary threshold included in Section 255.20, F.S. and for professional services that meet the monetary threshold included in Section 287.055, F.S.

2) Special Procurements.

- a) If one response is received in response to a formal competitive procurement, the District may negotiate with the respondent for the best price, terms, and conditions.
- b) A list of qualified contractors may be established for a single purpose procurement when in the best interest of the District.
- c) Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, shall be procured as required by Section 287.055, F.S., the Consultants' Competitive Negotiation Act (CCNA).
- d) Group insurance shall be procured as required by Section 112.08, F.S.
- e) Auditor services shall be procured as required by Section 218.391, F.S.
- f) Construction and electrical services shall be procured as required by Section 255.20, F.S.
- g) District contracts to procure independent contractors to aid in legislative affairs in support of the District's mission before state or federal elected officials will require prior Governing Board approval regardless of the contract amount.

3) Exemptions - The following procurements are exempt from competition unless competition is requested by the Governing Board or District staff; however, competitive quotations should be obtained whenever practical:

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Effective Date: 09/28/2021

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Exempt Procurements
Subscriptions, vendor offered training programs, memberships, and travel costs (i.e., airfare, accommodations).
Artistic and media services.
Legal services including attorney, paralegal, expert witness, court reporter, appraisal, mediator, and arbitration services; hearing facilities and equipment rental and related support services.
Rental of rooms or facilities for events such as trainings, meetings, and workshops.
Health services.
Academic program reviews; research or study programs with educational institutions; services or commodities provided by governmental agencies.
Lectures by individuals.
Warranty or existing service agreement limits selection to one contractor.
Parts, repairs, maintenance and support of existing equipment, machinery, or vehicles.
On-going licenses, software usage fees, maintenance, and services (such as implementations, upgrades, and custom development) relating to existing software/hardware.
Services or products from a correction work program pursuant to Section 946.515, F.S. (PRIDE); or from the blind or other severely handicapped individuals pursuant to Section 413.036, F.S. (RESPECT).
Procurements related to an existing contract involved in a breach or early termination that is needed to mitigate damages or continue uninterrupted performance of the contract.
Procurements in the best interest of the District as approved by the Executive Director or designee such as price discounts, bulk purchases and used equipment.
Purchases from contracts competitively solicited by another entity as allowed under Florida law when determined to be cost effective and in the best interest of the District.
Existence of an emergency that creates an immediate danger to the public health, safety, welfare, or other substantial loss to the District, as determined by the Executive Director or designee.
Single or sole source procurement, upon justification by staff that one source is the best or only available solution with approval of the Executive Director or designee.
Upon the request of the Executive Director, the Governing Board grants an exception to the procurement requirements.

GOVERNING BOARD POLICY

Title: Document Name

Effective Date: 09/28/2021

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- 4) The Governing Board delegates procurement approval and contract execution authority to the Executive Director as provided below. The Executive Director may delegate, in writing, any or all of this approval to one or more designees.
 - a) Up to the approved District budget including budget transfers with no material change to the project scope as presented in the approved budget.
 - b) No limit for emergency procurements. Each emergency procurement approved by the Executive Director or designee exceeding \$100,000 shall be reported to the Governing Board at the next regularly scheduled meeting after the procurement.

DISTRIBUTION

This Policy will be stored in the designated Governing Board Policy Repository.

REFERENCES

N/A

REVIEW PERIOD

This Policy will be reviewed every two years by the Executive Director or designee and updated for Governing Board approval if needed to implement policy revisions. The Policy will be reviewed by the Governing Board every six years.

GOVERNING BOARD POLICY**Title: Document Name****Effective Date: 09/28/2021****Page 6 of 6****DOCUMENT DETAILS**

Document Name	Procurement
Formerly Known As	Procurement
Document Type	Policy
Author(s)	Felicia Holmes
Reviewing Stakeholder(s)	Executive Staff, Office of General Counsel, Inspector General and Procurement Services Office Chief
Document Owner Name	Felicia Holmes
Document Owner Title	Procurement Services Office Chief
Review Period (in days)	730 Days
Span of Control	Governing Board
Supersedes Date	10/01/2018
Effective Date	09/28/2021

APPROVAL

Kelly S. Rice
Chair

Date

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Procurement
Document Owner: Finance Bureau Chief

Approved By: Jeffrey M. Adams, Chair

Effective Date: 10/01/2018

Supersedes: 08/01/2004

PURPOSE

The purpose of this Policy is to establish requirements for the procurement of commodities / goods, services, and all other acquisitions by the Southwest Florida Water Management District (District).

SCOPE

This Policy applies to the District's procurement of commodities / goods, services and all other acquisitions of value.

AUTHORITY

Pursuant to Section 373.083(1), Florida Statutes (F.S.), the Governing Board is authorized to contract with public agencies, private corporations or other persons.

Delegation to the Executive Director of all or part of the Governing Board's authority is authorized under Sections 373.079(4)(a) and 373.083(5), F.S.

DEFINITIONS

N/A

STANDARDS

The following standards are hereby adopted by the Governing Board:

1. The procurement practices of the District shall follow generally accepted public procurement practices, and to the extent practical, comply with the legislative intent of Section 287.001, F.S.
2. Fair and open competition to contractors with an interest in doing business with the District. Such competition is conducive to assuring public confidence that contracts are awarded equitably, economically and efficiently. However, the District also recognizes that, in some limited circumstances, the competitive process may not be practical or efficient.
3. The District recognizes that certain performance factors of a procurement may outweigh the cost factor. Therefore, the District reserves the right to award a contract to the contractor that is determined to be the most advantageous to the District, all factors considered.
4. Contract negotiations shall be conducted in a manner to ensure the District receives fair value for its money and contractors receive fair compensation.

5. The District will actively solicit and encourage a diversity of qualified contractors, including woman-owned and minority-owned businesses, to participate in the District's procurement process without discrimination.
6. The District desires to enter into contracts with language that is clear, concise and comprehensive with terms and conditions that are fair and equitable to the contracting parties.
7. Appropriate records and standards shall be maintained to ensure public confidence in District procurement activities.
8. For procurements of replacement equipment or vehicles, the competitive requirements set forth in this Policy shall be deemed met when receiving bids/quotations for similar sized equipment or vehicles from different manufacturers.
9. District contracts will generally not exceed a contract term of five (5) years including renewal options.
10. The District shall comply with all applicable laws, regulations and requirements for procurements or agreements involving federal, state, or other funds (including, but not limited to, 2 C.F.R. 200.318 through 200.326, and Appendix II to C.F.R. Part 200).
11. The District's procurement activities shall comply with all applicable laws including the statutes and regulations referenced in this Policy as they may be modified from time to time.

POLICY

1. The required competition for each procurement shall be based upon the procurement amount of the transaction as set forth below:

Procurement Amount*	Competition Requirement
under \$10,000	Minimum one (1) documented quotation or best source catalog price
\$10,001 - \$25,000	Minimum two (2) competitive written quotations
\$25,001 - \$100,000	Minimum three (3) competitive written quotations
over \$100,000**	Formal competitive procurement requiring public advertisement and sealed responses

* The thresholds above apply to the entire contract amount including renewal periods for all purchases including leased or rented items.

** Formal competitive procurement is required for electrical services that meet the monetary threshold included in Section 255.20, F.S., and for professional services that meet the monetary threshold included in Section 287.055, F.S.

2. Special Procurements.

- a. If one response is received in response to a formal competitive procurement, the District may negotiate on the best terms and conditions.
- b. A list of qualified contractors may be established for a single purpose procurement when in the best interest of the District.
- c. Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, shall be procured as required by Section 287.055, F.S., the Consultants' Competitive Negotiation Act (CCNA).
- d. Group insurance shall be procured as required by Section 112.08, F.S.
- e. Auditor services shall be procured as required by Section 218.391, F.S.
- f. Construction and electrical services shall be procured as required by Section 255.20, F.S.
- g. District contracts to procure independent contractors to aid in legislative affairs in support of the District's mission before state or federal elected officials will require prior Governing Board approval regardless of the contract amount.

3. Exemptions - The following procurements are exempt from competition unless requested by the Governing Board or District staff; however, competitive quotations should be obtained whenever practical:

Exempt Procurements
Subscriptions, vendor offered training programs, memberships and travel costs (i.e., airfare, accommodations).
Artistic and media services.
Legal services including attorney, paralegal, expert witness, court reporter, appraisal, mediator and arbitration services; hearing facilities and equipment rental and related support services.
Rental of rooms or facilities for events such as trainings, meetings and workshops.
Health services.
Academic program reviews; research or study programs with educational institutions; services or commodities provided by governmental agencies.
Lectures by individuals.
Warranty or existing service agreement limits selection to one contractor.
Parts, repairs, maintenance and support of existing equipment, machinery or vehicles.

On-going licenses, software usage fees, maintenance, and services (such as implementations, upgrades and custom development) relating to existing software/hardware.
Services or products from a correction work program pursuant to Section 946.515, F.S. (PRIDE); or from the blind or other severely handicapped individuals pursuant to Section 413.036, F.S. (RESPECT).
Procurements related to an existing contract involved in a breach or early termination that is needed to mitigate damages or continue uninterrupted performance of the contract.
Procurements in the best interest of the District as approved by the Executive Director or designee such as price discounts, bulk purchases and used equipment.
Purchases from contracts competitively solicited by another entity as allowed under Florida law when determined to be cost effective and in the best interest of the District.
Existence of an emergency that creates an immediate danger to the public health, safety, welfare, or other substantial loss to the District, as determined by the Executive Director or designee.
Sole source procurement, upon justification by staff that only one source is available and with approval of the Executive Director or designee.
Upon the request of the Executive Director, the Governing Board grants an exception to the procurement requirements.

4. The Governing Board hereby delegates procurement approval authority to the Executive Director. All other procurements must be approved by the Governing Board. The Executive Director may delegate, in writing, any or all of this approval to one or more designee.

Procurement Type(s)	Approval Authority
Budget approved commodities / goods and services (including construction, professional services and leased or rented equipment)	Up to the approved annual District budget amount or as increased in accordance with the Budget Transfer Policy with no material change in scope as presented in the approved annual District budget.
Unbudgeted commodities / goods and services (including construction, professional services and leased or rented equipment)	If not included in the approved annual District budget and funds can be made available in accordance with the Budget Transfer Policy.

Amendments or Change Orders	<p>Up to the approved annual District budget amount or as increased in accordance with the Budget Transfer Policy with no material change in scope as presented in the approved annual District budget.</p> <p>Amendment(s) to an existing contract, not to exceed \$50,000 cumulatively, for an unanticipated increase(s) or overage(s) that is not specifically approved as a scheduled line item in the annual District budget.</p> <p>Individual construction project change orders up to 10% of contract amount or \$50,000, whichever is greater (cumulatively, change orders not to exceed \$100,000) and for which provisions have been included in the approved annual District budget per scheduled line item.</p>
Emergency Procurements	<p>No limit, each Emergency Procurement approved by the Executive Director or their designee exceeding \$100,000 shall be reported to the Governing Board at its next regularly scheduled meeting after the procurement.</p>

DISTRIBUTION

This Policy will be stored in the designated Governing Board Policy Repository.

REFERENCES

N/A

PERIODIC REVIEW

This Policy will be reviewed every two (2) years by the Executive Director or designee and updated for Governing Board approval if needed to implement policy revisions. The Policy will be reviewed by the Governing Board every six (6) years.

CONSENT AGENDA**September 28, 2021****Resource Management Committee: FARMS – Bethel Farms, LLLP - Ryals Property (H796),
Charlotte County***Purpose*

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Bethel Farms, LLLP, and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$279,520 (69 percent of total project costs). Of this amount, \$279,520 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$405,652.

Project Proposal

The District received a project proposal from Bethel Farms, LLLP, for their 150-acre sod farm leased from the neighboring 5,724-acre Ryals property. The project site is located 15 miles south of Arcadia in Charlotte County, within the Southern Water Use Caution Area (SWUCA) and Shell, Prairie, and Joshua Creek (SPJC) watersheds. This project will involve the use of a large canal system for collecting runoff from the surrounding watersheds to offset Upper Floridan aquifer groundwater used for supplemental irrigation of 150 acres of sod. The sod portion of the Water Use Permit (WUP) authorizes an annual average withdrawal of 398,700 gallons per day (gpd). FARMS project components will involve the improvement of a two-acre reservoir canal, one canal-fed surface water lateral pump station with GPS telemetry, automation, control structures, valves, and the piping necessary to connect to a linear overhead irrigation system. This linear overhead irrigation system will convert the site from seepage irrigation to microirrigation and reduce surface water runoff to adjacent watersheds.

Benefits/Costs

The proposed project involves water quantity and water quality best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated nineteen percent savings of permitted quantities for daily irrigation, or 75,000 gpd, yields a daily cost of \$3.22 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative irrigation supplies and improved irrigation techniques for sod operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$3,634,147 remaining in its FARMS Program budget.

Staff Recommendation:

1. Approve the Bethel Farms, LLLP - Ryals Property project for a not-to-exceed project reimbursement of \$279,520 with \$279,520 provided by the Governing Board;
2. Authorize the transfer of \$279,520 from fund 010 H017 Governing Board FARMS Fund to the H796 Bethel Farms, LLLP - Ryals Property project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

Presenter:

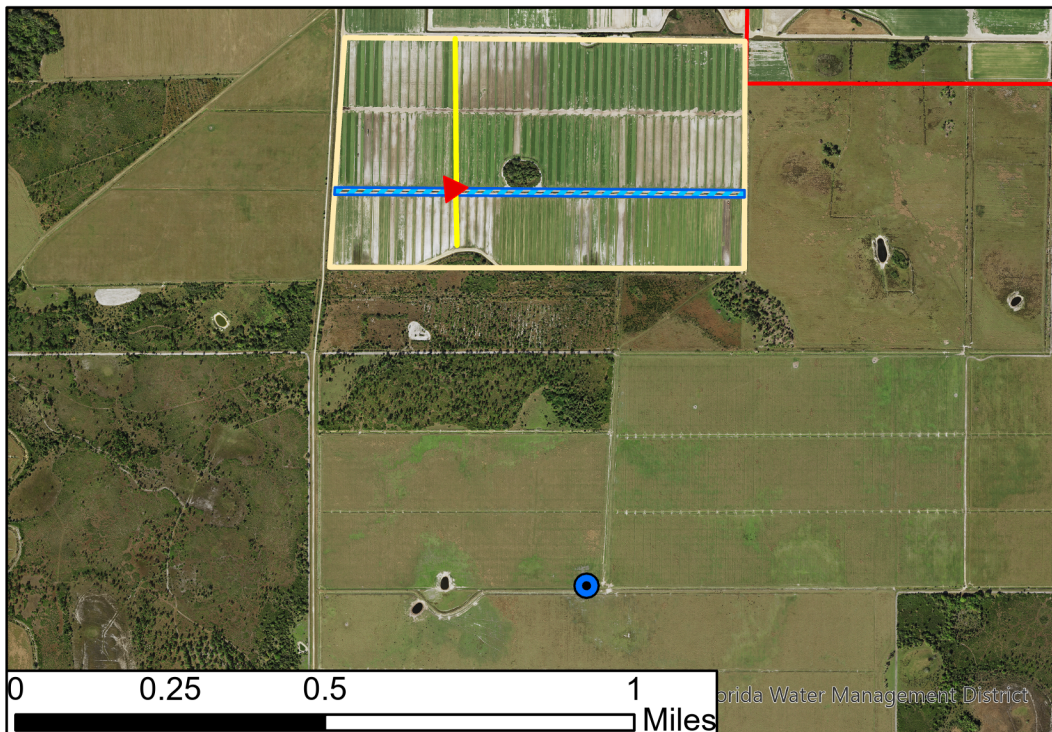
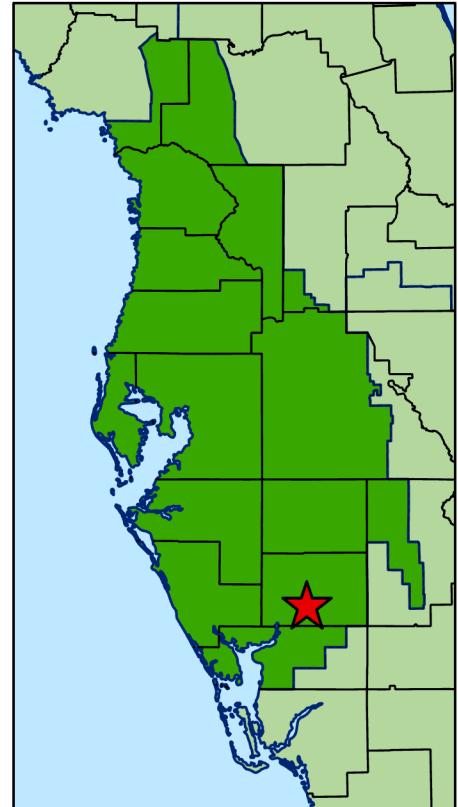
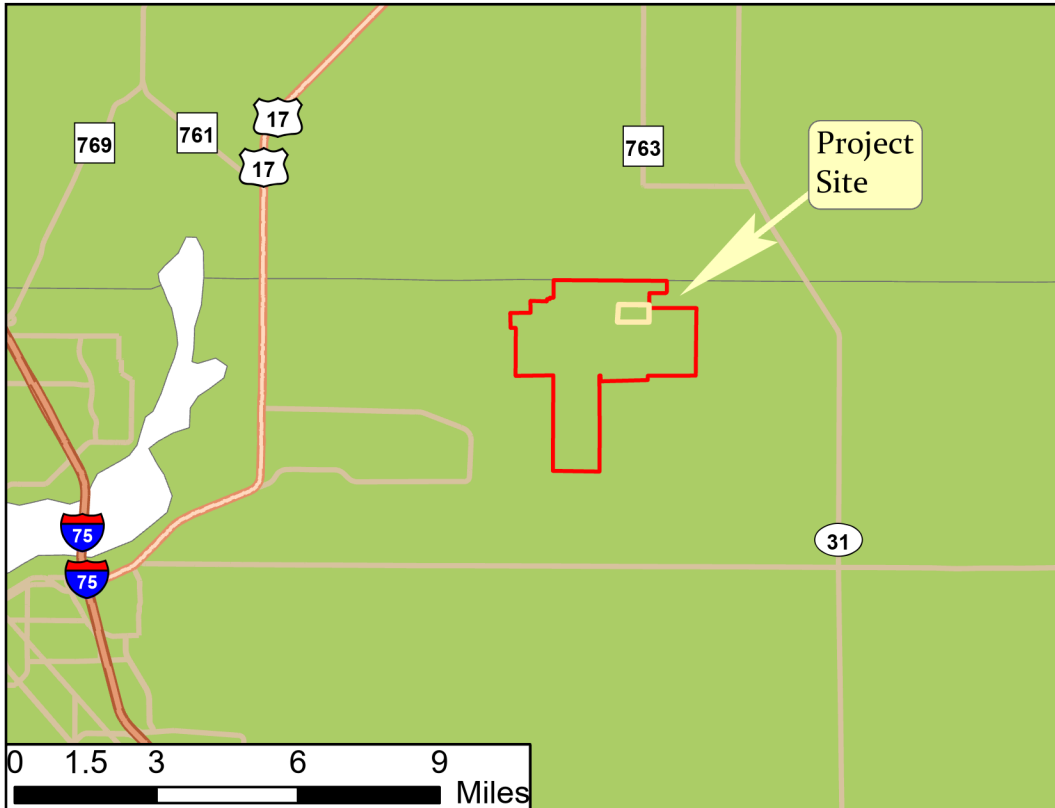
Randy Smith, PMP, Bureau Chief, Natural Systems and Restoration

Location Map

FARMS Project H796

Bethel Farms, LLLP

Ryals Property



Legend

- WUP 13349 Boundary
- Proposed Project Area
- Existing Canal
- Existing Groundwater Well
- Proposed Surface Water Pump Station and Linear Irrigation System

Charlotte County

Southwest Florida
Water Management District

CONSENT AGENDA

September 28, 2021

Resource Management Committee: FARMS – Boyz Properties, LLC (H794), Manatee County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Boyz Properties, LLC and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$631,000 (58 percent of total project costs). Of this amount, \$631,000 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$1,081,000.

Project Proposal

The District received a project proposal from Boyz Properties, LLC for their 439-acre corn and silage crop for their off site dairy operation. The project site is located 5 miles north of Myakka City, in eastern Manatee County, within the Southern Water Use Caution Area (SWUCA) and Upper Myakka River Watershed (UMRW). This project will involve the construction of a reservoir for collecting runoff from the surrounding watershed to offset Upper Floridan aquifer groundwater used for supplemental irrigation of 290 acres of dairy feed silage crops. The Water Use Permit (WUP) authorizes an annual average withdrawal of 282,000 gallons per day (gpd). FARMS project components will involve the construction of a five-acre surface water reservoir, one automated surface water pump station, filter, control structures, valves, and the piping necessary to connect to two center pivot irrigation systems. These center pivot irrigation systems will convert the site from seepage irrigation and reduce surface water runoff to the Flatford Swamp portion of the UMRW.

Benefits/Costs

The proposed project involves water quantity best management practices (BMPs) and will improve the natural systems in the UMRW, and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated 60 percent savings of permitted quantities for daily irrigation, or 170,000 gpd, yields a daily cost of \$3.21 per thousand gallons of groundwater reduced over the proposed six-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for implementation of alternative supplies and improved irrigation techniques for grain crop silage operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$3,634,147 remaining in its FARMS Program budget.

Staff Recommendation:

1. Approve the Boyz Properties, LLC project for a not-to-exceed project reimbursement of \$631,000 with \$631,000 provided by the Governing Board;
2. Authorize the transfer of \$631,000 from fund 010 H017 Governing Board FARMS Fund to the H794 Boyz Properties, LLC project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

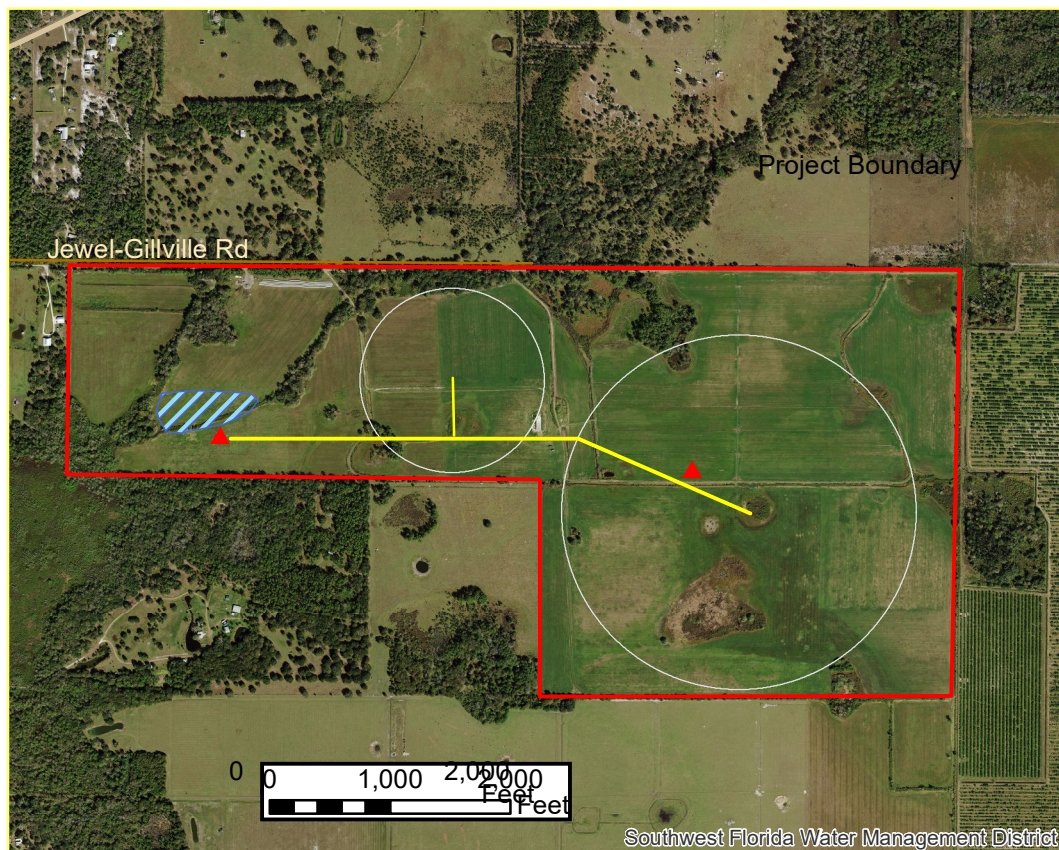
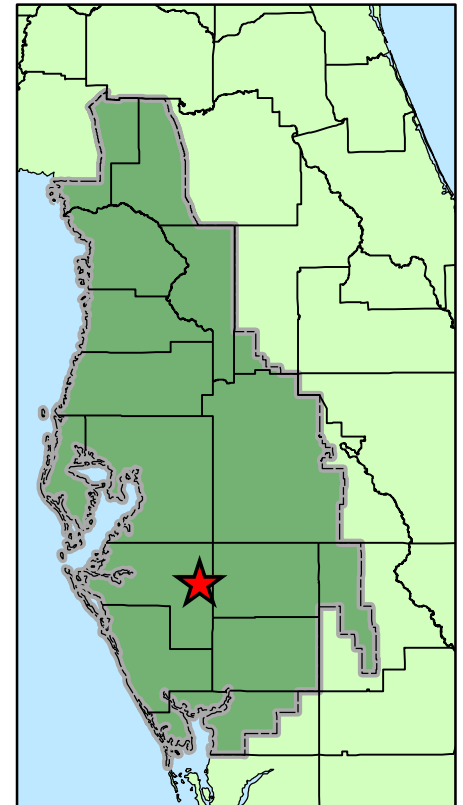
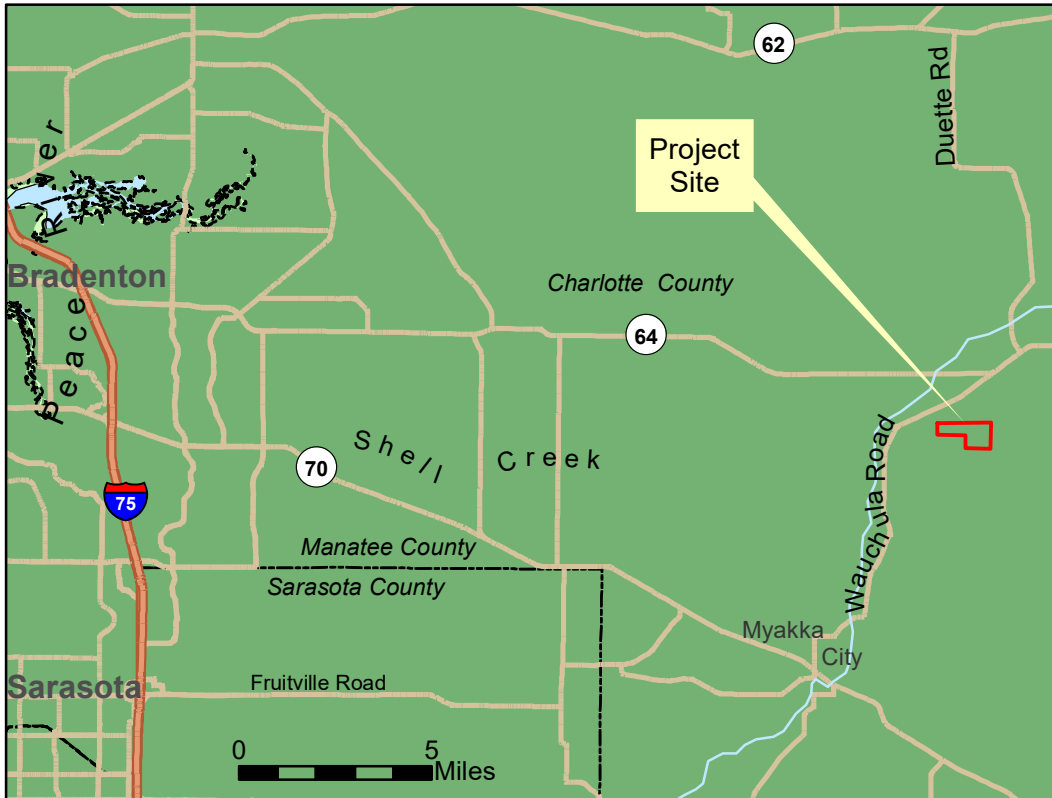
Presenter:

Randy Smith, PMP, Bureau Chief, Natural Systems and Restoration

Location Map

Boyz Properties, LLC

FARMS Project H794



Legend

- District Boundary
- Boundary WUP 12457
- Proposed Surface Water Reservoir
- Proposed Surface Water Pump Station & Mainline Pipe to Center Pivot (circles)

Manatee County



Southwest Florida
Water Management District

CONSENT AGENDA

September 28, 2021

Resource Management Committee: Five-Year Water Resource Development Work Program

Purpose

Authorize staff to submit the proposed Five-Year Water Resource Development Work Program (Work Program) to the Florida Department of Environmental Protection (DEP) as required by Florida Statutes (F.S).

Background/History

The District is required by Subsection 373.536(6), F.S., to annually prepare a Work Program that describes the District's implementation strategy for the water resource development component of the approved Regional Water Supply Plan (RWSP). The proposed Work Program (see Exhibit) must be submitted to DEP and specified state and local government officials within 30 days after the adoption of the District's final budget. The proposed Work Program will be due to DEP by October 28, 2021.

The fiscal year (FY) 2022 Work Program covers the period from FY2022 through FY2026 and describes the District's implementation strategy relating to water resource development and water supply development components over the next five years. These efforts include data collection and analyses activities along with water resource and water supply development projects that are undertaken and/or funded by the District. The inclusion of water resource and water supply projects funded in the upcoming fiscal year, but not specifically mentioned in the RWSP, allows DEP to approve the projects as consistent with the RWSP and eligible for state funding.

The DEP has provided a Work Program guidance template for the water management districts to improve statewide reporting consistency. The proposed Work Program utilizes this template. The DEP also provided a spreadsheet template for reporting additional project details, which will be submitted with information consistent with the FY2022 annual budget.

Within 30 days after the proposed Work Program submittal, DEP must review and submit its findings, questions, and comments to the District. The review must include a written evaluation of the program's consistency with promoting the goals of the RWSP and the adequacy of proposed expenditures. Within 45 days after receiving comments from DEP, the District must state in writing to DEP which of the recommended changes will be incorporated into the Work Program or specify the reasons for not incorporating the changes. DEP must then prepare a final evaluation report, including the District's responses, and submit this report to the Governor, President of the Senate, and Speaker of the House of Representatives. The District will publish the final Work Program within the District's Consolidated Annual Report.

Staff Recommendation:

Authorize staff to submit the proposed Five-Year Water Resource Development Work Program to the Florida Department of Environmental Protection for review.

Presenter:

Jay Hoecker, Manager, Water Supply Section

Introduction/Purpose

The Water Management Districts are required to prepare a Five-Year Water Resource Development Work Program (Work Program) as a part of their annual budget reporting process. The Work Program describes the District's implementation strategy relating to water resource development (WRD) and water supply development (including alternative water supply development) components over the next five years. The Work Program must be submitted annually to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over the Districts, the Secretary of the Department of Environmental Protection (DEP), and the governing board of each county. Pursuant to Subsection 373.536(6)(a)4, Florida Statutes (F.S.), the Work Program must:

- Address all the elements of the WRD component in the District's approved Regional Water Supply Plans (RWSPs), as well as the water supply projects proposed for District funding and assistance;
- Identify both anticipated available District funding and additional funding needs for the second through fifth years of the funding plan;
- Identify projects in the Work Program which will provide water;
- Explain how each water resource and water supply project will produce additional water available for consumptive uses;
- Estimate the quantity of water to be produced by each project;
- Provide an assessment of the contribution of the District's RWSPs in supporting the implementation of minimum flows and minimum water levels (MFLs) and water reservations; and
- Ensure sufficient water is available to timely meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event and to avoid the adverse effects of competition for water supplies.

This report represents the District's 21st Work Program and covers the period from fiscal year (FY) 2022 through FY2026. In the winter of 2020, the DEP provided a guidance document and template spreadsheets to improve the consistency among the Water Management Districts' Work Program submittals. This Work Program is consistent with the planning strategies of the District's 2020 Regional Water Supply Plan (RWSP) and the Central Florida Water Initiative 2020 Regional Water Supply Plan (CFWI RWSP).

The water resource and water supply development components of the District's Work Program are presented in three sections:

- WRD Data Collection and Analysis Activities that include routinely funded programmatic efforts by the District to monitor and support the health of natural systems, evaluate and establish MFLs, conduct watershed management planning, and improve water quality and stormwater storage and conveyance.
- WRD Projects that are undertaken by the District and/or partnering entities for the research of alternative water supplies, the Facilitating Agricultural Resource Management Systems (FARMS) projects to reduce groundwater withdrawals and improve natural systems, and environmental restoration efforts including MFL recovery projects.
- Water Supply Development Projects, which are usually led by other entities with District funding assistance, to develop and deliver new alternative potable water supplies, reclaimed water and reuse, aquifer storage and recovery (ASR) and aquifer recharge systems, and numerous conservation projects to help manage water needs.

Also included is an overview of funding mechanisms, a summary of the adequacy of District expenditures to ensure the availability of water for reasonable-beneficial uses and natural systems, and an appendix listing projects funded by the District to implement projects identified in the Basin Management Action Plans (BMAPs).

Water Resource Development

Water resource development is defined in Section 373.019(24), F.S., as “the formulation and implementation of regional water resource management strategies, including the collection and evaluation of surface water and groundwater data; structural and nonstructural programs to protect and manage water resources; the development of regional water resource implementation programs; the construction, operation, and maintenance of major public works facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and related technical assistance to local governments, government-owned and privately owned water utilities, and self-suppliers to the extent assistance to self-suppliers promotes the policies as set forth in s. 373.016.”

The intent of WRD activities and WRD projects is to enhance the amount of water available for reasonable-beneficial uses and for natural systems. The District is primarily responsible for implementing WRD activities and projects; however, additional funding and technical support may come from state, federal, and local entities.

WRD Data Collection and Analysis Activities

Data collection and analysis activities are a critical part of the water resource development component implemented by the District. The District has budgeted approximately \$43.8 million in FY2022 to implement and continue activities to collect scientific data necessary to manage water resources and evaluate new water supplies, support the evaluation and establishment of MFLs, conduct watershed management plans, improve groundwater quality, and implement best management practices (BMPs) for stormwater storage and conveyance. These activities are summarized in **Table 1**. Because budgets for the years beyond FY2022 have not yet been developed, future funding estimates for activities continuing through FY2026 are set equal to FY2022 funding.

Funding for these activities is primarily from the District's Governing Board; in some cases, additional funding that supports these efforts comes from water supply authorities, local governments, the Florida Fish and Wildlife Conservation Commission (FWC), and the United States Geological Survey (USGS). Each item was included in the District's Tentative Budget Submission Appendix C and can be referenced by the sub-activity code. Each activity is further described below.

Hydrologic Data Collection

The District has a comprehensive monitoring program for hydrologic conditions that includes the assembly of information on key indicators such as rainfall, surface water and groundwater levels, water quality, and stream flows. The program includes data collected by District staff and permittees as well as data collected as part of the District's cooperative funding program with the USGS. Data collected allows the District to gage changes in the health of water resources, monitor trends in conditions, identify and analyze existing or potential resource problems, and develop programs to correct existing problems and prevent future problems from occurring. The data collection activities support District flood control structure operations, water use and environmental resource permitting and compliance, MFLs evaluation and compliance, the Surface Water Improvement and Management (SWIM) program, the Southern Water Use Caution Area (SWUCA), the Northern Tampa Bay Water Use Caution Area (NTBWUCA), the Dover/Plant City Water Use Caution Area (DPCWUCA) recovery strategies, water supply planning in the District and CFWI regions, modeling of surface water and groundwater systems, and many resource evaluations and reports.

The categories of hydrologic data that are collected and monitored by District staff are discussed below. The District also evaluates the hydrologic data submitted by Water Use Permit (WUP) holders to ensure compliance with permit conditions and to assist with monitoring and documenting hydrologic conditions.

- a) **Surface Water Flows and Levels.** Funding supports data collection at the District's 794 surface water level gauging sites, and cooperative funding with the USGS for discharge and water-level data collection at 130 river, stream, and canal sites. The USGS data are available to District staff and the public through the District's Environmental Data Portal (EDP) and to District staff and the public through the USGS Florida Water Science Center National Water Information System (NWIS).

Table 1. FY2022 - FY2026 Water Resource Development Data Collection and Analysis Activities

WRD Data Collection and Analysis Activities	Budget Reference¹	FY2022 Costs (\$)	FY2023 Costs (\$)	FY2024 Costs (\$)	FY2025 Costs (\$)	FY2026 Costs (\$)	Total Costs (\$)	Funding Source²
1) Hydrologic Data Collection	1.2.1, p.63							District, Local Cooperators
a) Surface Water Flows & Levels		\$3,368,159	\$3,368,159	\$3,368,159	\$3,368,159	\$3,368,159	\$16,840,795	
b) Geologic (includes ROMP)		\$3,874,647	\$3,874,647	\$3,874,647	\$3,874,647	\$3,874,647	\$19,373,235	
c) Meteorologic Data		\$266,149	\$266,149	\$266,149	\$266,149	\$266,149	\$1,330,745	
d) Water Quality		\$860,807	\$860,807	\$860,807	\$860,807	\$860,807	\$4,304,035	
e) Groundwater Levels		\$955,096	\$955,096	\$955,096	\$955,096	\$955,096	\$4,775,480	
f) Biologic Data		\$900,652	\$900,652	\$900,652	\$900,652	\$900,652	\$4,503,260	
g) Data Support		\$3,931,311	\$3,931,311	\$3,931,311	\$3,931,311	\$3,931,311	\$19,656,555	
2) Minimum Flows and Levels Program	1.1.2, p.59							District
a) Technical Support		\$1,917,860	\$1,917,860	\$1,917,860	\$1,917,860	\$1,917,860	\$9,589,300	
b) MFL Establishment		\$871,910	\$871,910	\$871,910	\$871,910	\$871,910	\$4,359,550	
3) Watershed Management Planning	1.1.3, p.61	\$8,043,171	\$8,043,171	\$8,043,171	\$8,043,171	\$8,043,171	\$40,215,855	District, Local Cooperators, DEP
4) Quality of Water Improvement Program	2.2.3, p.86	\$750,935	\$750,935	\$750,935	\$750,935	\$750,935	\$3,754,675	District
5) Stormwater Improvement-Implementation of Storage and Conveyance BMPs	2.3.1, p.88	\$18,059,048	\$18,059,048	\$18,059,048	\$18,059,048	\$18,059,048	\$90,295,240	District, Local Cooperators
Totals		\$43,799,745	\$43,799,745	\$43,799,745	\$43,799,745	\$43,799,745	\$218,998,725	

Source: SWFWMD FY2022 Tentative Budget Submission.

¹ The Program Activity/Sub-Activity and page number in the Tentative Budget Submission is where the WRD Data Collection and Analysis Activities reside. The funding amount within this table are subsets of the referenced Program Activity/Sub-Activity.

² Acronyms: DEP - Florida Department of Environmental Protection, ROMP - District Regional Observation and Monitor-well Program, BMPs - Best Management Practices.

- b) Geohydrologic Data. The Geohydrologic Data Section (GEO) collects hydrogeologic data and oversees monitor well construction activities for the District. The GEO manages several groundwater monitor well networks that supports various projects throughout the District. The projects include the CFWI, Water Resource Assessment Projects, MFLs, sea level rise, and development of alternative water supplies. The monitoring well networks include the Regional Observation and Monitor-well Program (ROMP), Coastal Groundwater Quality Monitoring Network (CGWQMN), Inland Groundwater Quality Monitoring Network (IGWQMN), and the Upper Floridan Aquifer Nutrient Monitoring Network (UFANMN). The ROMP has been the District's primary source of hydrogeologic data since the program was established in 1974. Lithologic, hydraulic, and water quality data are collected during exploratory coring and testing and during the construction of monitor wells. Data from monitor well sites are used to evaluate seasonal and long-term changes in groundwater levels and quality, as well as the interaction and connectivity between groundwater and surface water bodies.
- c) Meteorologic Data. The meteorologic data monitoring program consists of measuring rainfall totals at 171 rain gauges, most of which provide near real-time data. The funding is for costs associated with measurement of rainfall including sensors, maintenance, repair, and replacement of equipment. Funding allows for the operation of one District evapotranspiration (ET) station for reference near Lake Hancock, and for District participation in a cooperative effort between the USGS and all five Florida water management districts to map statewide potential and reference ET using data measured from the Geostationary Operational Environmental Satellites (GOES). Funding also includes a collaborative effort between the five districts to provide high-resolution RADAR rainfall data for modeling purposes.
- d) Water Quality Data. The District's Water Quality Monitoring Program (WQMP) collects data from water quality monitoring networks for springs, streams, lakes, and coastal and inland rivers. The Coastal Groundwater Quality Monitoring and Inland Groundwater Monitoring networks, which involve sample collection and analysis from approximately 400 wells across the District, are used to monitor the saltwater intrusion and/or the upwelling of mineralized waters into potable aquifers.
- e) Groundwater Levels. The funding provides for the maintenance and support of 1,623 monitor wells in the data collection network, including 859 wells that are instrumented with data loggers that record water levels once per hour, and 764 that are measured manually by field technicians once or twice per month.
- f) Biologic Data. The District monitors ecological conditions as they relate to both potential water use impacts and changes in hydrologic conditions. Funding for biologic data collection includes support for routine monitoring of approximately 150 wetlands and a five-year assessment of almost 400 wetlands to document changes in wetland health and assess level of recovery in impacted wetlands. Funding also supports SWIM Program efforts for mapping of seagrasses every two years along the Suncoast (Tampa Bay south to Charlotte Harbor), and every four years along the Springs Coast (Anclote Key to Waccasassa Bay).
- g) Data Support. This item provides administrative and management support for the WQMP, hydrologic and geohydrologic staff support, support for the chemistry laboratory, and support for the District's LoggerNet data acquisition system.

Minimum Flows and Levels Program (MFLs)

Minimum flows and water levels are ecologically based, hydrologic standards that are used for permitting and planning decisions concerning how much water may be withdrawn from or near a water body without causing significant harm to water resources or ecology of the area. Section 373.042, F.S., requires the state water management districts or the DEP to establish MFLs for aquifers, surface watercourses, and other surface water bodies to identify the limit or level at which further withdrawals would be significantly harmful. Rivers, streams, estuaries, and springs require minimum flows; while minimum levels are developed for lakes, wetlands, and aquifers. MFLs are adopted into District rules, Chapter 40D-8, Florida Administrative Code (F.A.C.), and are used in the District's WUP and water supply planning programs.

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. Reservations are adopted into District rules, Chapter 40D-2, F.A.C., pursuant to Section 373.223, F.S., and are also used for water use permitting and water supply planning.

The District's processes for establishing MFLs and reservations include opportunities for interested stakeholders to review and comment on proposed MFLs or reservations and participate in public meetings. A publicly-noticed independent scientific peer review process is used for establishing MFLs for flowing systems, for establishing MFLs for other system types that are based on methods that have not previously been subjected to peer review, and for establishing reservations. Stakeholder input and peer review findings are considered by the Governing Board when deciding whether to adopt proposed MFLs and reservations. District monitoring programs provide data for evaluating compliance with the adopted MFLs and reservations, determining the need for MFLs recovery or prevention strategies and assessing the recovery of water bodies where significant harm has occurred.

As of August 2021, the District has preliminarily planned to monitor and assess the status of 202 adopted MFLs, including MFLs for 23 river segments, 10 springs or spring groups, 126 lakes, 34 wetlands, 7 Upper Floridan Aquifer (UFA) wells in the NTBWUCA, and the UFA in the Most Impacted Area (MIA) of the SWUCA and in the DPCWUCA. The District also plans to monitor and assess the status of 2 adopted reservations, including a reservation for water stored in Lake Hancock and released to Lower Saddle Creek for recovery of MFLs adopted for the Upper Peace River, and a reservation for water from Morris Bridge Sink for recovery of MFLs adopted for the Lower Hillsborough River. In addition, the District is scheduling the establishment or reevaluation of 52 MFLs through FY2024.

The District's annual MFLs Priority List and Schedule and Reservations List and Schedule is approved by the Governing Board in October, submitted to DEP for review in November, and subsequently published in the Consolidated Annual Report. The approved and proposed priority lists and schedules are also posted on the District's Minimum Flows and Levels Documents and Reports webpage at: <https://www.swfwmd.state.fl.us/projects/mfl/documents-and-reports>.

Watershed Management Planning

The District addresses flooding problems in existing areas by preparing and implementing Watershed Management Plans (WMPs) in cooperation with local governments. The WMPs define flood conditions, identify flood level of service deficiencies, and evaluate BMPs to address those deficiencies. The WMPs include consideration of the capacity of a watershed to protect, enhance, and restore water quality and natural systems while achieving flood protection. The plans identify effective watershed management strategies and culminate in defining floodplain delineations and constructing selected BMPs.

Local governments and the District combine their resources and exchange watershed data to implement the WMPs. Funding for local elements of the WMPs is provided through local governments' capital improvement plans and the District's Cooperative Funding Initiative. Additionally, flood hazard information generated by the WMPs is used by the Federal Emergency Management Agency (FEMA) to revise Flood Insurance Rate Maps. This helps to better define flood risk and is used extensively for land use planning by local governments and property owners. Since the WMPs may change based on growth and shifting priorities, the District also cooperates with local governments to update the WMPs when necessary, giving decision-makers opportunities throughout the program to determine when and where funds are needed.

Quality of Water Improvement Program (QWIP)

The QWIP was established in 1974 through Chapter 373, F.S., to restore groundwater conditions altered by well drilling activities for domestic supply, agriculture, and other uses. The program's primary goal is to preserve groundwater and surface water resources through proper well abandonment. Plugging abandoned artesian wells eliminates the waste of water at the surface and prevents mineralized groundwater from contaminating surface water bodies. Thousands of wells constructed prior to current well construction standards were often deficient in casing, which interconnected aquifer zones and enabled poor-quality mineralized water to migrate into zones containing potable-quality water.

Plugging wells involves filling the abandoned well with cement or bentonite. Isolation of the aquifers is reestablished, and the mixing of varying water qualities and free flow is stopped. Prior to plugging an abandoned well, geophysical logging is performed to determine the reimbursement amount, the proper plugging method, and to collect groundwater quality and geologic data for inclusion in the District's database. The emphasis of the QWIP is primarily in the SWUCA where the Upper Floridan aquifer is confined. Historically, the QWIP has proven to be a cost-effective method to prevent waste and contamination of potable ground and surface waters.

Stormwater Improvements - Implementation of Storage and Conveyance BMPs

The District's WMPs and SWIM programs implement stormwater and conveyance BMPs for preventative flood protection to improve surface water quality, particularly in urban areas, and enhance surface and groundwater resources. The BMPs involve construction of improvements identified and prioritized in the development of watershed management plans. Most of the activities are developed through cooperative funding with a local government entity, DEP, or other state funding. As stormwater is a primary contributor of water quality degradation in older urban areas, the District seeks opportunities to retrofit or improve these systems to reduce impacts to receiving waters. FY2022 funding includes new storage and conveyance projects including three in the Heartland region, one in the Northern region in the Rainbow River priority focus area, one in the Southern Region and four in the Tampa Bay area, as well as several continuing projects.

WRD Projects

The District has budgeted for 38 WRD projects that have particular goals and schedules. At the start of FY2022 (October 1, 2021), the District has allocated approximately \$7.9 million in the budget for 8 of these projects. If a project received funding in prior years and is still ongoing it remains in the Work Program until completion. District funding for a number of the projects is matched to varying degrees by local cooperators including municipalities, state agencies, private agricultural operations, and others. The total cost of these projects, including the cooperator shares, is approximately \$464 million. It's estimated that approximately 114.5 million gallons per day (mgd) of additional water supply will be produced or conserved. The projects are listed in **Table 2** and are consistent with Programmatic Code 2.2.1 in the District's FY2022 budget. The WRD projects are organized into three groups:

Alternative Water Supply Feasibility Research and Pilot Projects

These projects are research and/or pilot projects designed to further the development of the innovative alternative water sources described in the RWSP. The projects for investigation of the Lower Floridan aquifer are primarily District-led initiatives. The ASR and Aquifer Recharge projects may involve both technical and financial assistance from the District.

Facilitating Agricultural Resource Management Systems (FARMS)

The FARMS Program is an agricultural BMP cost-share reimbursement program. The program is a public/private partnership developed by the District and the Florida Department of Agriculture and Consumer Services (FDACS). The program provides incentives to the agricultural community within the District to implement agricultural BMPs that will provide resource benefits including the reduction of groundwater withdrawals from the Upper Floridan aquifer, improvement of ground and surface water quality impacted by groundwater withdrawals, and improvement of natural-system functions within wetlands and watersheds.

The FARMS Program operates under District Governing Board Policy to fund projects that provide these benefits while assisting in the implementation of the District's RWSP. This plan identifies strategic initiatives and regional priorities to meet the District's water management goals. These goals are based on improving and/or maintaining the water resource conditions of several regions within the District. Five primary goals for the FARMS Program are to:

1. Improve surface water quality which has been impacted by groundwater withdrawals with a priority given to projects in the Shell, Prairie, and Joshua Creek, or Horse Creek watersheds;
2. Conserve, restore or augment the water resources and natural systems in the Upper Myakka River

Watershed;

3. Reduce groundwater use in the SWUCA;
4. Reduce groundwater use for Frost/Freeze Protection within the DPCWUCA;
5. Reduce Upper Floridan aquifer groundwater use and nutrient loading impacts in the Northern District.

The FARMS projects implement FDACS-approved BMPs that offset groundwater use with surface water and/or increase the overall efficiency of irrigation water use. Many projects have the added benefit of reducing agricultural impacts to surface water features. Properly implemented BMPs protect and conserve water resources and may increase crop production.

Environmental Restoration and MFL Recovery Projects

These projects include MFL recovery projects for the upper Peace River, the lower Hillsborough River, and the Salt Water Intrusion Minimum Aquifer Level (SWIMAL) for the SWUCA Recovery Strategy. The SWIMAL Recovery project has the additional benefit of utilizing excess runoff that has adversely impacted the Flatford Swamp in the upper Myakka River watershed.

At the DEP's guidance, additional project details are available in spreadsheet format. The DEP will present Work Program project data from each of the water management districts on their website for public review, in accordance with Section 373.536(6)(b), F.S. The detailed spreadsheet includes project descriptions, schedules, cooperator and state funding levels, and the water bodies and planning regions supported. The District's proposed Work Program spreadsheet is available online at:

<https://www.swfwmd.state.fl.us/resources/plans-reports/water-resource-development-work-program>

Table 2. FY2022 - FY2026 District Funding and Total Project Cost for Water Resource Development Projects

WRD Projects (WUCA, Project Number) ¹		Total Prior District Funding	FY2022 District Cost	FY2023 District Cost	FY2024 District Cost	FY2025 District Cost	FY2026 District Cost	Total Cost District + Cooperator	Funding Source ^{1 2}	Quantity developed/ conserved ¹
1) Aquifer Storage and Recovery Feasibility Research and Pilot Testing (Programmatic Code 2.2.1.1)										
a)	South Hillsborough Aquifer Recharge Program (SHARP) (N287)	\$1,382,500	\$0	\$0	\$0	\$0	\$0	\$2,765,000	District, Hillsborough County	2 mgd
b)	Bradenton Aquifer Protection Recharge Well (N842)	\$2,400,000	\$0	\$125,000	\$0	\$0	\$0	\$5,050,000	District, City of Bradenton	5 mgd
c)	PRMRWSA Partially Treated Water ASR (N854)	\$495,500	\$0	\$1,384,750	\$1,384,750	\$0	\$0	\$7,755,000	District, PRMRWSA, DEP	3 mgd
d)	Southern Hillsborough Aquifer Recharge Expansion (SHARP) Phase 2 (N855)	\$4,850,000	\$0	\$0	\$0	\$0	\$0	\$9,700,000	District, Hillsborough County	4 mgd
e)	Braden River Utilities ASR Feasibility (N912)	\$2,736,250	\$0	\$261,250	\$0	\$0	\$0	\$5,995,000	District, Braden River Utilities	TBD
f)	Hydrogeologic Investigation of LFA in Polk County (P280)	\$12,000,000	\$0	\$0	\$0	\$0	\$0	\$12,000,000	District	TBD
g)	Optical Borehole Imaging Data Collection from LFA Wells (P925)	\$100,200	\$0	\$0	\$0	\$0	\$0	\$167,000	District, USGS	NA
h)	Sources/Ages of Groundwater in LFA Wells (P926)	\$368,300	\$0	\$0	\$0	\$0	\$0	\$736,600	District, USGS	NA
i)	City of Venice Reclaimed Water Aquifer Storage Recovery (Q050)	\$232,500	\$1,100,000	\$1,150,000	\$50,000	\$0	\$0	\$5,065,000	District, City of Venice	Storage
j)	Direct Aquifer Recharge -North Hillsborough Aquifer Recharge Program Phase 2 (Q064)	\$750,000	\$0	\$0	\$0	\$0	\$0	\$1,500,000	District, Hillsborough County	Study
k)	Direct Aquifer Recharge South Hillsborough Aquifer Recharge Program Phase 3 (Q088)	\$3,250,000	\$0	\$1,625,000	\$812,500	\$812,500	\$0	\$13,000,000	District, Hillsborough County	6 mgd

Table 2. FY2022 - FY2026 District Funding and Total Project Cost for Water Resource Development Projects (continued)

WRD Projects (WUCA, Project Number) ¹		Total Prior District Funding	FY2022 District Cost	FY2023 District Cost	FY2024 District Cost	FY2025 District Cost	FY2026 District Cost	Total Cost District + Cooperator	Funding Source ^{1,2}	Quantity developed/ conserved ¹
l)	Sarasota County - Bee Ridge Water Reclamation Facility Aquifer Recharge (Q159)	\$915,511	\$0	\$0	\$0	\$0	\$0	\$1,831,022	District, Sarasota County	5 mgd
2) Facilitating Agricultural Resource Management Systems (FARMS) ⁴ (Programmatic Code 2.2.1.2)										
a)	FARMS Projects (H017) ³	Annual Request	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$30,000,000	District	40 mgd
a.1)	FARMS - Luna Berry Farms	\$88,844	\$0	\$0	\$0	\$0	\$0	\$118,458	District, Luna Berry Farms, LLC	0.02
a.2)	FARMS - Jack Paul Prop. Inc. - Redwing Grove Phase 2	\$295,500	\$0	\$0	\$0	\$0	\$0	\$407,000	District, Jack Paul Properties, Inc.	0.11
a.3)	FARMS - Creekside Nursery, Inc	\$161,500	\$0	\$0	\$0	\$0	\$0	\$220,556	District, Creekside Nursery, Inc.	0.03
a.4)	FARMS - Dover Land LLC and Haynes Road LLC	\$656,250	\$0	\$0	\$0	\$0	\$0	\$875,000	District, Dover Land, LLC, Haynes Road, LLC	0.11
a.5)	FARMS - Trapnell Road Farm	\$87,854	\$0	\$0	\$0	\$0	\$0	\$117,139	District, William Kip Keene, Stephanie Suzanne Keene	0.02
a.6)	FARMS - Bermont Properties, LLC-Phase 2- Section 34	\$166,500	\$0	\$0	\$0	\$0	\$0	\$222,000	District, Bermont Properties, LLC	0.05
a.7)	FARMS - Bickett Holdings, LLC	\$663,000	\$0	\$0	\$0	\$0	\$0	\$915,000	District, Bickett Holdings, LLC	0.14
a.8)	FARMS - Symons Grove, LLC	\$495,668	\$0	\$0	\$0	\$0	\$0	\$803,668	District, Symons Grove, LLC	0.11
a.9)	FARMS - North Joshua Grove, LLC - Hog Island Grove	\$186,000	\$0	\$0	\$0	\$0	\$0	\$250,000	District, North Joshua Grove, LLC	0.16
a.10)	FARMS - Turner Family Partnership - Nocatee Grove	\$326,000	\$0	\$0	\$0	\$0	\$0	\$611,000	District, Turner Family Partnership	0.10

Table 2. FY2022 - FY2026 District Funding and Total Project Cost for Water Resource Development Projects (continued)

WRD Projects (WUCA, Project Number) ¹		Total Prior District Funding	FY2022 District Cost	FY2023 District Cost	FY2024 District Cost	FY2025 District Cost	FY2026 District Cost	Total Cost District + Cooperator	Funding Source ^{1,2}	Quantity developed/ conserved ¹
a.11)	FARMS - Turner Groves Citrus, LP - Phase 2	\$181,000	\$0	\$0	\$0	\$0	\$0	\$272,000	District, Turner Groves Citrus, LP	0.08
a.12)	FARMS - Wauchula Road Duette, LLC - Phase 2	\$62,713	\$0	\$0	\$0	\$0	\$0	\$125,426	District, Wauchula Road Duette, LLC	0.08
a.13)	FARMS - Rolling Meadow Ranch	\$221,273	\$0	\$0	\$0	\$0	\$0	\$295,030	District, Rolling Meadow Ranch, Inc.	0.05
a.14)	FARMS - M & R Groves, Inc	\$96,235	\$0	\$0	\$0	\$0	\$0	\$128,314	District, M&R Groves, Inc.	0.03
a.15)	FARMS - Bermont Properties, LLC - Section 22	\$180,000	\$0	\$0	\$0	\$0	\$0	\$240,000	District, Bermont Properties, LLC	0.50
b)	Mini-FARMS Program (H529) ³	Annual Request	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,250,000	District	2 mgd
c)	FARMS Well Back-Plugging Program (H015) ³	Annual Request	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$100,000	District	NA
d)	FARMS Meter Accuracy Support (P429) ³	Annual Request	\$0	\$12,500	\$12,500	\$12,500	\$12,500	\$50,000	District	NA
3) Minimum Flows and Minimum Water Levels Recovery ⁴ (Programmatic Code 2.2.1.3)										
a)	MFL Recovery Lake Hancock Design, Permit, Mitigation to Raise Lake (H008)	\$6,882,240	\$0	\$0	\$0	\$0	\$0	\$6,882,240	District	2.7 mgd
b)	MIA Recharge SWIMAL Recovery at Flatford Swamp (H089)	\$6,635,702	\$0	\$0	\$3,000,000	\$3,000,000	\$3,000,000	\$31,000,000	District	6.0 mgd
c)	Lower Hillsborough River Recovery Strategy (H400)	Annual Request	\$100,000	\$270,000	\$0	\$0	\$0	\$15,857,794	District, City of Tampa	18.925
d)	Pump Stations on Tampa Bypass Canal, Morris Bridge Sink (H404)	Annual Request	\$135,000	\$135,000	\$165,000	\$155,000	\$160,000	\$1,276,515	District	3.9 mgd
e)	Haines City Reclaimed Water MFL Recharge & Advanced Treatment Feasibility Study (N888)	\$268,282	\$0	\$0	\$0	\$0	\$0	\$357,710	District, Haines City	0.7

Table 2. FY2022 - FY2026 District Funding and Total Project Cost for Water Resource Development Projects (continued)

WRD Projects (WUCA, Project Number) ¹		Total Prior District Funding	FY2022 District Cost	FY2023 District Cost	FY2024 District Cost	FY2025 District Cost	FY2026 District Cost	Total Cost District + Cooperator	Funding Source^{1 2}	Quantity developed/ conserved ¹
f)	Tampa Hillsborough River MFL "PURE" (Q246)	\$0	\$60,280	\$0	\$5,510,973	\$35,528,747	\$0	\$300,000,000	District, City of Tampa	13.7
g)	Haines City Reclaimed Water MFL Recharge & Advanced Treatment Feasibility Study (Q303)	\$0	\$253,500	\$1,350,000	\$1,350,000	\$0	\$0	\$5,907,000	District, Haines City	TBD
Water Resource Development Project Totals		\$47,135,322	\$7,918,780	\$12,583,500	\$18,555,723	\$45,778,747	\$9,442,500	\$463,846,472		114.5 mgd

¹ Acronyms: TBD - to be determined, NA - not applicable, mgd - million gallons per day MIA - Most Impacted Area of the SWUCA, SWIMAL - Salt Water Intrusion Minimum Aquifer Level, USGS - United States Geological Survey, PRMRWSA – Peace River Manasota River Water Supply Authority, ASR – Aquifer Storage Recovery, LFA – Lower Floridan Aquifer.

² Future funding budget estimates for which specific time frames are not yet determined are distributed evenly over future years.

³ The FARMS lead program (H017) and the subprojects are collectively counted as 40 mgd.

Water Supply Development Assistance

Water supply development is defined as the planning, design, construction, operation, and maintenance of public or private facilities for water collection, production, treatment, transmission, or distribution for sale, resale, or end use (Section 373.019(26), F.S.). Regional water supply authorities, local governments, and public and privately-owned water utilities typically have the lead role in implementing water supply development projects (Section 373.705, F.S.). The District provides funding assistance to these entities for projects that are consistent with the District's Strategic Plan, Water Management Plans, Surface Water Improvement and Management Plans, and the District and CFWI RWSPs. Final decisions regarding the funding of projects are the exclusive responsibility of the District's Governing Board. The District's primary funding mechanism for water supply development assistance is the Cooperative Funding Initiative (CFI) Program, which is described in the Funding Sources section of this Work Program.

The District has 98 budgeted or ongoing water supply development projects in FY2022, including 3 water supply planning projects that support water supply development. As shown in **Table 3-h**, the District is funding approximately \$13 million in FY2022 for 21 projects that achieve water supply development assistance. The project budgets shown are consistent with the District's Programmatic Budget under activity codes 2.2.2 (water supply development) and 1.1.1 (water supply planning). The water supply projects are listed in **Table 3-a** to **3-g**, grouped by the following budget sub-categories and sorted by project code number:

- Surface Water Projects
- Regional Potable Water Interconnect Projects
- Reclaimed Water Projects
- Brackish Groundwater Development Projects
- ASR and Aquifer Recharge Projects (note: some have reclaimed water components)
- Conservation Projects
- Water Supply Planning Projects

Most water supply development projects are funded within one year, but large projects may have construction budgets over multiple years to coincide with each year's predicted expenses. Since the District budget is adopted on an annual basis, the future funding for ongoing projects is estimated based on projected costs and schedules. Additional future funding will be needed for new projects that aren't yet proposed through the CFI Program. The District anticipates new reclaimed water and conservation projects will require funding levels similar to or slight decrease to FY2022. The amount needed for new regional interconnects and water treatment facilities can vary greatly from year to year, peaking as large infrastructure projects move from design to construction phases. Significant new funding may be proposed in the FY2023-26 timeframe for expansions of the PRMRWSA Regional Loop System, next phases of the PRWC Southeast Wellfield, Tampa Bay Water's System Configuration 3 Projects, West Polk Lower Floridan Aquifer Wellfield, and projects for septic to sewer conversion.

The listed projects that have no FY2022 or future funding are ongoing with prior year funding. Projects are omitted from the Work Program when they are completed, and final reimbursement is provided.

Table 3-a. Surface Water Projects

Project Number	Water Supply Development Assistance - Surface Water Projects (Programmatic Budget 2.2.2.1)	Prior District Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Supply (mgd)
Q061	Tampa Bay Water Regional Surface Treatment Plant Expansion Feasibility Study	\$275,000	\$0	\$0	\$0	\$0	\$0	\$550,000	Study
Q063	Tampa Bay Water Desalination Facility Expansion Feasibility Study	\$1,500,000	\$0	\$0	\$0	\$0	\$0	\$3,000,000	Study
Q133	PRWC- Peace River Study ¹	\$480,550	\$0	\$0	\$0	\$0	\$0	\$961,100	Study
Q212	PRMRWSA - Reservoir No. 3 Feasibility and Siting	\$625,000	\$0	\$0	\$0	\$0	\$0	\$1,250,000	Study
Q272	PRMRWSA - Reservoir No. 3	\$0	\$3,625,000	\$0	\$3,610,000	\$4,770,000	\$17,352,750	\$231,400,000	NA
Total Surface Water Projects		\$2,880,550	\$3,625,000	\$0	\$3,610,000	\$4,770,000	\$17,352,750	\$237,161,10	0.000

Table 3-b. Regional Potable Water Interconnect Projects

Project Number	Water Supply Development Assistance - Regional Potable Water Interconnects & Other (Programmatic Budget 2.2.2.2 & 2.2.2.8)	Prior District Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Supply (mgd)
N416	PRMRWSA Regional Loop System Phase 1 DeSoto to Punta Gorda	\$6,000,000	\$0	\$0	\$0	\$0	\$0	\$12,000,000	NA
N823	PRMRWSA Regional Integrated Loop System Phase 3B	\$8,100,000	\$0	\$0	\$0	\$0	\$0	\$16,700,000	NA
N965	TBW Tampa Bypass Canal Gates Automation	\$516,000	\$0	\$0	\$0	\$0	\$0	\$1,032,000	NA
N998	TBW Regional Facility Site Pump Station Expansion	\$1,200,000	\$0	\$0	\$0	\$0	\$0	\$2,400,000	NA
Q146	Tampa Bay Water Southern Hillsborough County Booster Pump Station	\$500,000	\$500,000	\$2,550,000	\$0	\$0	\$0	\$12,686,049	NA
Q202	PRMRWSA - Southern Regional Loop Phase 2B and 2C Feasibility and Routing	\$150,000	\$50,000	\$0	\$0	\$0	\$0	\$400,000	Study
Q205	PRMRWSA Phase 3C Integrated Loop and Routing and Feasibility	\$200,000	\$100,000	\$0	\$0	\$0	\$0	\$600,000	Study
Q216	PRWC Regional Transmission Southeast Phase 1	\$2,475,000	\$0	\$2,938,200	\$13,546,237	\$32,177,089	\$76,013,000	\$156,976,000	NA
Q241	TBW - Southern Hillsborough County Transmission Expansion	\$0	\$4,459,207	\$3,500,000	\$2,500,000	\$2,500,000	\$28,000,000	\$290,108,000	NA
Q248	PRMRWA - Regional Acquisition of Project Prairie Pumping and Storage Facilities	\$0	\$637,500	\$0	\$0	\$0	\$0	\$1,275,000	NA
Total Regional Potable Water Interconnect Projects		\$19,141,000	\$5,746,707	\$8,988,200	\$16,046,237	\$34,677,089	\$104,013,000	\$494,177,04	0.0

Table 3-c. Reclaimed Water Projects

Project Number	Water Supply Development Assistance - Reclaimed Water Projects (Programmatic Budget 2.2.2.3)	Prior District Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Benefit (mgd)
N339	Winter Haven #3 Reclaimed Interconnect, Storage, and Pumping	\$2,750,000	\$0	\$0	\$0	\$0	\$0	\$9,466,000	0.300
N536	Auburndale Polytechnic Reclaimed Water Storage and Transmission	\$1,500,000	\$0	\$0	\$0	\$0	\$0	\$3,000,000	1.500
N556	Charlotte County - Regional Reclaimed Water Expansion Phase 3	\$4,715,000	\$0	\$0	\$0	\$0	\$0	\$9,430,000	2.230

Table 3-c. Reclaimed Water Projects (continued)

Project Number	Water Supply Development Assistance - Reclaimed Water Projects (Programmatic Budget 2.2.2.3)	Prior District Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Benefit (mgd)
N711	Braden River Utilities Reclaimed Water Transmission Line	\$2,300,000	\$0	\$0	\$0	\$0	\$0	\$4,600,000	1.000
N772	Polk County NERUSA Loughman/Ridgewood Reclaimed Water Transmission	\$1,252,500	\$0	\$0	\$0	\$0	\$0	\$2,505,000	0.345
N791	Pasco County Starkey Ranch Reclaimed Water Transmission Phase C	\$456,800	\$0	\$0	\$0	\$0	\$0	\$913,600	0.290
N796	City of Winter Haven Reuse Interconnect and Aquifer Recharge	\$150,000	\$0	\$0	\$0	\$0	\$0	\$300,000	Study
N868	Polk County Utilities NERUSA Ernie Caldwell Blvd Reclaimed Water Transmission	\$1,056,500	\$0	\$0	\$0	\$0	\$0	\$2,113,000	0.414
N898	Haines City Reclaimed Water Tank and Pump Stations Project	\$4,620,000	\$0	\$0	\$0	\$0	\$0	\$6,800,000	Storage
N918	Polk County Utilities NERUSA FDC Grove Road Reclaimed Water Transmission	\$848,000	\$0	\$0	\$0	\$0	\$0	\$1,696,000	0.142
Q021	Pasco Co Cypress Preserve RW Transmission Main - Grand Live Oak Blvd	\$206,500	\$0	\$0	\$0	\$0	\$0	\$413,000	TBD
Q022	Bowling Green RW Transmission Line	\$833,250	\$0	\$0	\$0	\$0	\$0	\$1,111,000	0.140
Q028	Tampa Augmentation Project Feasibility/Testing Phase II	\$1,145,500	\$0	\$0	\$0	\$0	\$0	\$2,291,000	TBD
Q057	Zephyrhills-Zephyr Lakes & Hospital Reuse	\$710,650	\$0	\$0	\$0	\$0	\$0	\$1,421,300	0.330
Q066	Polk County Utilities- NERUSA Lake Wilson Road Reuse	\$262,750	\$0	\$0	\$0	\$0	\$0	\$525,500	0.180
Q067	Polk County Utilities-NERUSA Southeast Reuse Loop	\$2,076,750	\$110,000	\$0	\$0	\$0	\$0	\$4,373,500	0.522
Q098	Pasco County Cypress Preserve Reuse Phase 3	\$239,000	\$0	\$0	\$0	\$0	\$0	\$478,000	0.230
Q105	Citrus County Sugarmill Woods Golf Course Reuse	\$1,834,000	\$0	\$0	\$0	\$0	\$0	\$3,918,000	0.500
Q113	City of Plant City McIntosh Park Indirect Potable Reuse Feasibility Study	\$300,000	\$0	\$0	\$0	\$0	\$0	\$600,000	Study
Q139	North Port Direct Potable Reuse Feasibility	\$125,000	\$0	\$0	\$0	\$0	\$0	\$250,000	Study
Q158	Pasco County River Landing Reclaimed Water Transmission	\$1,468,300	\$0	\$0	\$0	\$0	\$0	\$3,386,600	0.465
Q160	Sarasota County Honore Avenue Reclaimed Water Transmission	\$500,000	\$0	\$1,000,000	\$0	\$0	\$0	\$3,000,000	0.533
Q200	Winter Haven Direct Potable Reuse Feasibility Study	\$100,000	\$0	\$0	\$0	\$0	\$0	\$200,000	Study
Q209	Polk County Direct Potable Reuse Feasibility and Pilot Demo	\$795,000	\$0	\$0	\$0	\$0	\$0	\$1,590,000	Study
Q252	Forte Mead Reclaimed Water Feasibility Study	\$0	\$168,750	\$0	\$0	\$0	\$0	\$225,000	Study
Q268	Braden River Utilities Taylor Road Area Transmission	\$0	\$1,050,000	\$2,500,000	\$0	\$0	\$0	\$7,100,000	1.570
Q271	Winter Haven Preserve at Lake Ashton Transmission	\$0	\$500,000	\$910,000	\$0	\$0	\$0	\$2,820,000	0.590
Q274	Zephyrhills-Zephyr to Pasco Reclaimed Water Interconnect	\$0	\$880,000	\$0	\$0	\$0	\$0	\$1,760,000	NA
Total Reclaimed Water Projects		\$30,245,500	\$2,708,750	\$4,410,000	\$0	\$0	\$0	\$76,286,500	11.281

Project Number	Water Supply Development Assistance - Brackish Groundwater Development Projects (Programmatic Budget 2.2.2.4)	Prior District Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Supply (mgd)
N882	PRWC West Polk County Lower Floridan Deep Wells ²	\$3,970,367	\$0	\$0	\$0	\$0	\$0	\$8,940,734	Design
N905	PRWC Southeast Wellfield Lower Floridan ³	\$4,846,958	\$0	\$0	\$0	\$0	\$0	\$11,117,916	Design
Q090	Belleair Brackish Feasibility Study & Testing	\$881,675	\$0	\$0	\$0	\$0	\$0	\$1,763,350	Study
Q184	PRWC Southeast Wellfield Implementation	\$3,375,000	\$0	\$2,823,699	\$13,994,367	\$33,477,701	\$27,911,034	\$237,501,000	12.500
Q294	PRWC Southeast Test Well No. 3	\$2,062,500	\$0	\$0	\$0	\$0	\$0	\$4,125,000	Study
Total Brackish Groundwater Projects		\$15,136,500	\$0	\$2,823,699	\$13,994,367	\$33,477,701	\$27,911,034	\$263,448,000	12.500

Table 3-e. Aquifer Storage and Recovery (ASR) and Aquifer Recharge Projects

Project Number	Water Supply Development Assistance - Aquifer Recharge & Aquifer Storage and Recovery Projects (Programmatic Budget 2.2.2.5)	Prior District Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Benefit (mgd)
N435	City of Bradenton Surface Water Aquifer Storage Recovery ²	\$2,350,000	\$0	\$0	\$0	\$0	\$0	\$4,700,000	Storage
N665	City of Clearwater Groundwater Replenishment Project Phase 3	\$1,494,909	\$0	\$0	\$0	\$0		\$32,716,000	TBD
Q142	Pinellas County Chestnut Park Aquifer Storage, Recovery & Recharge	\$893,500	\$0	\$0	\$2,779,875	\$926,625	\$0	\$9,200,000	Storage
W520	Polk County-Upper Peace River Feasibility Study	\$0	\$60,000	\$0	\$0	\$0	\$0	\$120,000	Study
Total Aquifer Recharge/ASR Projects		\$4,738,409	\$60,000	\$0	\$2,779,875	\$926,625	\$0	\$46,736,000	0.000

Table 3-f. Conservation Projects

Project Number	Water Supply Development Assistance - Conservation Rebates, Retrofits, Etc. Projects (Programmatic Budget 2.2.2.7)	Prior District Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Benefit (mgd)
B015	Water Incentives Supporting Efficient (WISE) Program	Annual Request	\$100,000	\$150,000	\$150,000	\$150,000	\$150,000	Annual Request	0.027
N948	PRWC Indoor Water Conservation Incentives	\$78,000	\$0	\$0	\$0	\$0	\$0	\$156,000	0.092
N961	St. Petersburg Satellite Based Potable Water Leak Detection	\$60,000	\$0	\$0	\$0	\$0	\$0	\$120,000	0.110
N971	PRWC Outdoor Best Management Practices	\$96,250	\$0	\$0	\$0	\$0	\$0	\$192,500	0.113
N973	Winter Haven Consumption/Conservation Programs Data Management Software	\$60,000	\$0	\$0	\$0	\$0	\$0	\$120,000	0.016
N996	Lake Hamilton Distribution System Looping	\$124,610	\$0	\$0	\$0	\$0	\$0	\$492,637	0.020
N999	Marion County Toilet Rebate Program Phase 5	\$32,000	\$0	\$0	\$0	\$0	\$0	\$64,000	0.010
P920	Polk Regional Water Cooperative Outdoor BMPs	\$166,075	\$0	\$0	\$0	\$0	\$0	\$332,150	0.053
P921	Polk Regional Water Cooperative Indoor Conservation Incentives	\$121,275	\$0	\$0	\$0	\$0	\$0	\$242,550	0.087
P922	Polk Regional Water Cooperative Florida Water Star Builder Rebate Program	\$350,000	\$0	\$0	\$0	\$0	\$0	\$700,000	0.066
P928	Ray Bob Grove - Agriculture Irrigation System Improvement	\$0	\$0	\$0	\$0	\$0	\$0	\$171,888	0.026

Table 3-f. Conservation Projects (continued)

Project Number	Water Supply Development Assistance - Conservation Rebates, Retrofits, Etc. Projects (Programmatic Budget 2.2.2.7)	Prior District Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Benefit (mgd)
Q018	NSCUDD Rain Sensor Inspect/Replacement Program	\$20,000	\$0	\$0	\$0	\$0	\$0	\$40,000	0.010
Q040	WRWSA Regional Irrigation System Audit Program Phase 5	\$72,500	\$0	\$0	\$0	\$0	\$0	\$145,000	0.039
Q068	Tarpon Springs Toilet Rebate Phase 1	\$10,000	\$0	\$0	\$0	\$0	\$0	\$20,000	0.003
Q070	Citrus County Water Sense Irrigation Controller Phase 3	\$45,000	\$0	\$0	\$0	\$0	\$0	\$90,000	0.026
Q073	City of Palmetto Toilet Rebate	\$20,000	\$0	\$0	\$0	\$0	\$0	\$40,000	0.042
Q074	Temple Terrace GCC Advanced Irrigation System	\$255,000	\$0	\$0	\$0	\$0	\$0	\$510,000	0.048
Q078	Pasco County Toilet Rebate Phase 13	\$50,000	\$0	\$0	\$0	\$0	\$0	\$100,000	0.014
Q087	Tampa Bay Water Demand Management	\$549,775	\$0	\$0	\$0	\$0	\$0	\$1,099,550	0.280
Q089	St. Petersburg Sensible Sprinkling Project Phase 3	\$50,000	\$0	\$0	\$0	\$0	\$0	\$100,000	0.056
Q111	Manatee County Toilet Rebate Phase 13	\$75,500	\$0	\$0	\$0	\$0	\$0	\$151,000	0.026
Q126	Venice Toilet Rebate and Retrofit Phase 7	\$29,450	\$0	\$0	\$0	\$0	\$0	\$58,900	0.005
Q137	Citrus County - Water Sense Irrigation Controller Phase 4	\$30,000	\$0	\$0	\$0	\$0	\$0	\$60,000	0.017
Q138	WRWSA-Regional Irrigation System Audit Program Phase 6	\$60,600	\$0	\$0	\$0	\$0	\$0	\$121,200	0.032
Q140	Tarpon Springs - Toilet Rebate Phase 2	\$10,000	\$0	\$0	\$0	\$0	\$0	\$20,000	0.003
Q145	Longboat Key Club - Advanced Irrigation System	\$508,516	\$0	\$0	\$0	\$0	\$0	\$1,115,000	0.095
Q166	Bartow - Golf Course Advanced Irrigation System	\$250,000	\$0	\$0	\$0	\$0	\$0	\$500,000	0.051
Q168	Manatee County - Toilet Retrofit Phase 14	\$82,500	\$0	\$0	\$0	\$0	\$0	\$165,000	0.026
Q179	Venice - Toilet Rebate and Retrofit Phase 8	\$23,900	\$0	\$0	\$0	\$0	\$0	\$47,800	0.005
Q185	North Port - Water Distribution Hartsdale/Aldonin/Totem Area Looping	\$207,500	\$0	\$0	\$0	\$0	\$0	\$415,000	0.017
Q187	PRWC - Demand Management Implementation	\$42,178	\$0	\$0	\$0	\$0	\$0	\$168,710	0.023
Q193	Crystal River - Conservation Phase 1	\$9,090	\$0	\$0	\$0	\$0	\$0	\$18,180	0.005
Q211	Bay Laurel CCDD -2021 Irrigation Controller & ET Sensor	\$48,750	\$0	\$0	\$0	\$0	\$0	\$97,500	0.022
Q214	Palmetto Toilet Rebate Phase 2	\$13,250	\$0	\$0	\$0	\$0	\$0	\$26,500	0.011
Q215	TBW - Demand Management Program Phase 2	\$1,432,238	\$0	\$0	\$0	\$0	\$0	\$2,864,476	0.680
Q245	Pinellas County AMI Metering Analytics	\$0	\$139,414	\$0	\$0	\$0	\$0	\$278,828	0.111
Q254	Citrus County Water Conservation Program	\$0	\$46,600	\$0	\$0	\$0	\$0	\$93,200	0.017
Q255	Bay Laurel CCDD -Water Conservation Program	\$0	\$164,750	\$0	\$0	\$0	\$0	\$329,500	0.028
Q256	St. Petersburg - Sensible Sprinkling Program - Phase 10	\$0	\$50,000	\$0	\$0	\$0	\$0	\$100,000	0.055
Q259	Tarpon Springs - Water Conservation Program Phase III	\$0	\$15,000	\$0	\$0	\$0	\$0	\$30,000	0.004
Q265	North Port - Water Distribution Ridgewood/Lamplighter Area Looping	\$0	\$173,950	\$0	\$0	\$0	\$0	\$347,900	0.015

Table 3-f. Conservation Projects (continued)

Project Number	Water Supply Development Assistance - Conservation Rebates, Retrofits, Etc. Projects (Programmatic Budget 2.2.2.7)	Prior District Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Benefit (mgd)
Q266	Polk County - Florida Water Star Builder Reimbursement Program	\$0	\$20,000	\$0	\$0	\$0	\$0	\$40,000	0.005
Q267	PRWC- Demand Management Implementation	\$0	\$102,679	\$0	\$0	\$0	\$0	\$205,358	0.013
Total Conservation Rebates, Retrofits, Etc.		\$4,983,957	\$812,393	\$150,000	\$150,000	\$150,000	\$150,000	\$11,990,327	2.404

Table 3-g. Water Supply Planning Projects

Project Number	Water Supply Planning (Programmatic Budget 1.1.1)	Prior District Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Supply (mgd)
N928	PRWC Peace Creek Integrated Water Supply Plan ⁴	\$990,125	\$0	\$0	\$0	\$0	\$0	\$1,980,250	Study
Q023	PRWC Water Demand Management Plan	\$170,000	\$0	\$0	\$0	\$0	\$0	\$340,000	NA
Q257	Sarasota County System-Wide Wellfield Improvements	\$0	\$75,000	\$0	\$0	\$0	\$0	\$150,000	NA
Total Planning Projects		\$1,160,125	\$75,000	\$0	\$0	\$0	\$0	\$2,470,250	0.000

Table 3-h. Summary of Funding for Water Supply Development Projects

Water Supply Development Assistance Project Totals (Programmatic Budget 2.2.2 & 1.1.1)	Prior District Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Supply (mgd)
Surface Water Projects	\$2,880,550	\$3,625,000	\$0	\$3,610,000	\$4,770,000	\$17,352,750	\$237,161,100	0.000
Regional Potable Water Interconnect Projects	\$19,141,000	\$5,746,707	\$8,988,200	\$16,046,237	\$34,677,089	\$104,013,000	\$494,117,049	0.0
Reclaimed Water Projects	\$30,245,500	\$2,708,750	\$4,410,000	\$0	\$0	\$0	\$76,286,500	11.281
Brackish Groundwater Development Projects	\$15,136,500	\$0	\$2,823,699	\$13,994,367	\$33,477,701	\$27,911,034	\$263,448,000	12.500
Aquifer Recharge and ASR Projects	\$4,738,409	\$60,000	\$0	\$2,779,875	\$926,625	\$0	\$46,736,000	0.000
Conservation Rebates, Retrofits, Etc. Projects	\$4,983,957	\$812,393	\$150,000	\$150,000	\$150,000	\$150,000	\$11,990,327	2.404
Water Supply Planning Projects	\$1,160,125	\$75,000	\$0	\$0	\$0	\$0	\$2,470,250	0.000
Total Funding for Water Supply Development Projects	\$78,286,041	\$13,027,850	\$16,371,899	\$36,580,479	\$74,001,415	\$149,426,784	\$1,132,269,226	99.186

Acronyms: ASR - aquifer storage and recovery, BMPs - best management practices, ET - Evapotranspiration, mgd - million gallons per day, NERUSA/NWRUSA - Northeast/Northwest Regional Utility Service Areas of Polk County Utilities, PRMRWSA - Peace River Manasota Regional Water Supply Authority, PRWC - Polk Regional Water Cooperative, WRWSA - Withlacoochee Regional Water Supply Authority, FDC – Florida Development Corporation, NSCUDD – North Sumter County Utility Dependent District.

¹ Project Q133's current CFI agreement cost is shown in "Total Project Cost" but the cost of future options is to be determined.

² Project N882's current CFI agreement cost is shown in "Total Project Cost" but the total cost is estimated at approximately \$221 (M) with future phases. The initial phase of construction will develop an estimated 2.5 mgd of alternative water supplies with future phases expanding to 10 mgd.

³ Project N905's current CFI agreement cost is shown in "Total Project Cost". Future phases of the project are now budgeted under Q184 and Q216. The initial phase of construction will develop an estimated 5.0 mgd of alternative water supplies with future phases expanding to 12.5 mgd

⁴ Project N928's current CFI agreement cost is shown in "Total Project Cost" but the cost of future options is estimated at approximately \$119M.

Funding Sources

The District provides significant financial assistance for water resource development and water supply development projects through the District's Cooperative Funding Initiative (CFI), and District Initiatives. The financial assistance is provided primarily to governmental entities, but private entities may also participate in these programs. Portions of state funding are allocated to the District through the DEP and legislative appropriations for the Springs Initiative, the Florida Forever Program, the Water Protection and Sustainability Program, and the District's FARMS Program. These sources are described below.

District Funding

Cooperative Funding Initiative - The District's primary funding mechanism is the CFI, which includes funding for major regional water supply and water resource development projects and localized projects throughout the District's 16-county jurisdiction. The CFI is a matching grant program that enables the Governing Board, through its regional sub-committees, to jointly participate with local governments and other entities to incentivize proper development, use, and protection of the regional water resources of the District. Projects of mutual benefit are generally funded 50 percent by the District and 50 percent by the public or private cooperators. Communities or counties qualifying under the Rural Economic Development Initiative (Section 288.0656, F.S.) may be eligible for greater matching shares. Projects with construction costs exceeding \$5 million will undergo a third-party review at the 30 percent design stage to confirm costs, schedules, and ability to meet its resource benefits. Results of the third-party review are presented to the Governing Board before the project can proceed. Any state and federal funds received for the projects are applied directly against the project costs, with both parties benefitting equally. The District is committed to solving the region's water resource issues through cooperative programs, primarily the CFI which has been in place since 1988. These efforts have been highly successful resulting in a combined investment (District and its cooperators) of more than \$3.6 billion in incentive-based funding assistance for a variety of water projects addressing its four areas of responsibility: water supply, natural systems, flood protection, and water quality.

District Initiatives – Projects implemented through the District Initiatives program are of great importance or a regional priority and, in most cases, are fully funded by the District. Examples of these initiatives include Water Resource Development projects such as: (1) the Quality of Water Improvement Program (QWIP) to plug deteriorated, free-flowing wells that waste water and cause inter-aquifer contamination; (2) the Utilities Services Group to conserve water by assisting utilities in controlling their water loss; (3) data collection and analysis to support major District initiatives such as the MFLs program; (4) the FARMS program and other various agricultural research projects designed to increase the water-use efficiency of agricultural operations; (5) WRD investigations and MFLs Recovery projects which may not have local cooperators; and (6) the WISE (Water Incentives Supporting Efficiency) program launched in 2019 offers cost-share funding for a wide variety of water conservation projects (50 percent match with a maximum of \$20,000 per project) to non-agricultural entities.

State Funding

DEP Springs Initiative- A new legislative appropriation specific to providing for the protection and restoration of Florida's major springs systems has enabled the DEP to assist local governments in achieving restoration goals through its Springs Initiative program. The District has allocated Springs Initiative funding to implement projects to restore aquatic habitats and reduce groundwater withdrawals and nutrient loading within the first magnitude springsheds, and improve the water quality and quantity of spring discharges. Projects include stormwater retrofits, septic to sewer, package plant conversions, and implementation of other BMPs within springshed basins. Since FY2014, the District has appropriated over \$60.9 million from the DEP for springs restoration. These projects are listed in the Work Program Appendix A - Projects for Implementing BMAPs.

The Florida Forever Program - The Florida Forever Act, as originally passed by the Florida Legislature in 1999, established the 10-year \$3 billion statewide Florida Forever Program. The Program was extended by the Legislature during the 2008 legislative session, allowing the Program to continue for 10 more years at \$300 million annually. The appropriations were limited during the economic recession, and the District hasn't received any new Florida Forever funding since FY2011. Since 1999, the District has allocated \$95 million (\$81.6 million for land acquisition and \$13.4 million for water body restoration) of Florida Forever funding Districtwide in support of water resource development. A "water resource development project" eligible for funding under the Florida Forever program is defined in Section 259.105, F.S., as a project that increases the amount of water available to meet the needs of natural systems and the citizens of the state by enhancing or restoring aquifer recharge, facilitating the capture and storage of excess flows in surface waters, or promoting reuse. Implementation of eligible projects under the Program includes land acquisition, land and water body restoration, aquifer storage and recovery (ASR) facilities, surface water reservoirs, and other capital improvements. Numerous tracts have been acquired in the northern region including Potts and Flying Eagle preserves, Three Sisters Springs, and coastal preserves at Weeki Wachee and Chassahowitzka Rivers. A primary example of how the funds were used by the District for water resource development was the purchase of lands around Lake Hancock within the Peace River watershed, as the first step in restoring minimum flows to the Upper Peace River. In addition, the District Governing Board has expended \$35.7 million in ad valorem-based funding to complete the acquisition of lands associated with the Lake Hancock project which were acquired on a voluntary basis and through eminent domain proceedings. The state's Florida Forever Trust Fund (FFTF) holds prior-year funds for this District and other water management districts that are available for release subject to approval by the DEP. The funds are available for potential land acquisitions consistent with the guidance provided by the DEP. The District's FY2022 budget includes \$1,125,000 of prior-year funds held in the FFTF.

Facilitating Agricultural Resource Management Systems (FARMS) Program - The FARMS Program is an agricultural best management practice (BMP) cost-share reimbursement program that involves both water quantity and water quality. This public/private partnership program was developed by the District and the Florida Department of Agriculture and Consumer Services (FDACS) in 2003. The purpose of the FARMS Program is to implement production-scale agricultural BMP projects that will provide water resource benefits including water quality improvement, reduction of Upper Floridan withdrawals, conservation, and restoration or augmentation of the area's water resources and ecology. Since 2003 the District has co-funded \$44 million dollars towards \$77.7 million dollars in total project costs for 220 FARMS projects resulting in 30 million gallons per day (mgd) of water resource benefits. Operating under District Governing Board Policy, the FARMS Program utilizes additional state funding when available. Since inception of the program, the District has utilized \$7.3 million in state appropriations and \$1.2 million from the FDACS. No funding has been provided by state appropriations since FY2009.

NRCS Environmental Quality Incentive Program (EQIP) - The EQIP provides technical, educational, and financial assistance to eligible farmers and ranchers to address soil, water, and related natural resource concerns on their lands. The program assists farmers and ranchers in compliance with federal, state of Florida, and tribal environmental laws that encourage environmental enhancement. In addition to the EQIP, the FARMS Program has partnered with NRCS through the Agriculture Water Enhancement Program and the Florida West Coast Resource Conservation and Development Council to bring additional NRCS cost-share funding to the SWUCA. The District's FARMS Program works cooperatively with these programs on both financial and technical levels and has coordinated dual cost-share projects whenever possible. The maximum funding for using both FARMS and EQIP is 75 percent of the total project cost.

Water Protection and Sustainability Program - Large areas of Florida do not have sufficient traditional water resources to meet the future needs of the state's growing population and the needs of the environment, agriculture, and industry. The state's Water Protection and Sustainability Program Trust Fund (WPSPTF) was created in the 2005 legislative session through Senate Bill 444 to accelerate the development of alternative water sources and later recreated in Chapter 373, F.S., as part of the 2009 legislative session. Legislation focused on encouraging cooperation in the development of alternative water supplies and improving the linkage between local governments' land use plans and water management districts' regional water supply plans. The Program provides matching funds to the District for alternative water supply development assistance. From FY2006 through FY2009, the District was appropriated a total of \$53.75 million by the Legislature through the Program for water supply development projects. Annual WPSPTF appropriations resumed in FY2020 with \$250,000 and another \$450,000 in FY2021 allocated to the District.

Program funds are applied toward a maximum of 20 percent of eligible project construction costs. In addition, the Legislature established a goal for each water management district to annually contribute funding equal to 100 percent of the state funding for alternative water supply development assistance, which the District has exceeded annually. The legislation also requires that a minimum of 80 percent of the WPSPTF funding must be related to projects identified in a district water supply plan. The District's Regional Water Supply Plan (RWSP) is utilized in the identification of the majority of WPSPTF-eligible projects. Projects are evaluated for funding based on consideration of the 14 factors described in Subsections 373.707(8)(f) and (g), F.S., and additional District evaluation factors as appropriate.

DRAFT

Summary/Conclusions

The Work Program presented herein is adequate to ensure water is available to timely meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event and to avoid the adverse effects of competition for water supplies. Over the next five years, this Work Program outlines the District's commitment to ensure the availability of adequate water supplies for all reasonable-beneficial uses and to maintain the function of natural systems. It additionally illustrates the contributions of the District in support of MFLs and water reservations.

This Work Program outlines activities and projects that will make available 140.7 mgd of water upon completion, including reuse water and new potable supply. These benefits are associated with approximately \$64.7 million budgeted for FY2022. The proposed funding for the 5-year Work Program is approximately \$602.7 million through FY 2022-26. **Table 4** below summarizes the funding categorized in the Work Program as WRD data collection and analysis activities, WRD Projects, and Water Supply Development Projects.

Table 4. Work Program Summary

WRD Data Collection and Analysis Activities	Sum of Current Year District Funding (FY2022)	Sum of Five-Year District Funding (F2022-26)	Sum of Water Made Available (mgd)
Water Resource Development - Data Collection and Analysis Activities (Table 1)	\$43,799,745	\$218,998,725	NA
Water Resource Development - Projects (Table 2)	\$7,918,780	\$94,279,250	114.5
Water Supply Development - Projects (Table 3-h)	\$13,027,850	\$289,408,427	26.2
Totals	\$64,746,375	\$602,686,402	140.7

At the DEP's guidance, specific project details are provided in spreadsheet format. The DEP will present Work Program project data from each of the water management districts on their website for public review, in accordance with Section 373.536(6)(b), F.S. The detailed spreadsheet includes project schedules, cooperator and state funding levels, and the waterbodies and planning regions supported. The District's proposed Work Program projects spreadsheet is available online at:

<https://www.swfwmd.state.fl.us/resources/plans-reports/water-resource-development-work-program>

The WRD and water supply projects set forth a commitment to develop projects associated with the implementation MFLs, recovery/prevention strategies, and water reservations. The majority of projects are located within the SWUCA or NTBWUCA and support their recovery strategies by reducing impacts to the Upper Floridan aquifer. The remaining projects are located in the District's Northern Planning Region, where a proactive, preventative approach is taken to optimize available water resources.

The data collection and analysis activities are a critical part of the WRD component implemented by the District. These activities support the District's MFLs programs. At the beginning of FY2022, the District has established and continues to monitor 202 adopted MFLs and has scheduled the establishment or revaluation of 52 MFLs FY2024. The District's annual MFLs Priority List and Schedule and Reservations List and Schedule is published in the Consolidated Annual Report, and can also be found on the District's webpage at: <https://www.swfwmd.state.fl.us/projects/mfl/documents-and-reports>

Other data collection and analysis activities include conducting watershed management planning, the QWIP program to preserve water resources through proper well abandonment, and the Implementation of stormwater storage and conveyance BMPs.

Appendix A

District Projects for Implementing Basin Management Action Plans

Basin Management Action Plans (BMAPs) provide technical direction for restoring impaired waters by reducing pollutant loadings to meet the allowable loadings established in a Total Maximum Daily Load (TMDL). In 2016, the Florida Legislature amended Section 373.036, F.S., to require the identification of all specific projects that implement a BMAP or a recovery or prevention strategy in the Work Program. The Work Programs have historically identified water resource development projects that support MFL recovery and prevention but haven't included projects primarily intended to implement BMAPs. Consistent with section 373.036, F.S., and in a manner coordinated with DEP and the five water management Districts, this Appendix A of the Work Program provides a five-year funding outlook for projects specifically identified in an adopted BMAP.

The District budgeted for nine BMAP projects, each benefitting the water quality of first-magnitude springs in the District's northern planning region.

Kings Bay/Crystal River Basin Management Action Plan

- Crystal River Indian Water Septic to Sewer Phase II (W430)
- Citrus County Cambridge Greens Septic to Sewer (W432)
- Crystal River Southern Septic to Sewer Project (W434)
- Crystal River Hunter Springs Stormwater Modification (W433)

Chassahowitzka, Homosassa Springs Basin management Action Plan

- Citrus County Old Homosassa West Septic to Sewer Project (WH04)
- Citrus County Old Homosassa East Septic to Sewer project (Q134)

Weeki Wachee Springs Basin Management Action Plan

- Hernando County District A, Phase 1a Septic to Sewer Project (WW09)
- Hernando County Weeki Wachee Springshed Nitrogen Removal Stormwater Retrofits (WW05)

Rainbow Springs Basin Management Action Plan

- Marion County Rainbow Springs 5th Replat Stormwater Retrofit (WR10)

The projects are categorized under the District's Programmatic Budget activity code 2.3.1 - Surface Water Management. District funding shares are presented in **Table A-1**. Funding awarded from the DEP is reflected in the funding columns. Additional funding from the local cooperator shares, including state appropriations are reflected under the total project cost. Consistent with the District's CFI policy, projects with construction costs exceeding \$5 million will undergo a third-party review at the 30 percent design stage to confirm costs, schedules, and resource benefits. Project details are available in the Work Program BMAP spreadsheet available online at:

<https://www.swfwmd.state.fl.us/resources/plans-reports/water-resource-development-work-program>

Table A-1. Projects for Implementing BMAPs.

BMAPs Projects	Prior Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	Total Project Cost	Funding Sources
Crystal River Indian Water Septic to Sewer Phase II (W430)	\$3,375,000	\$0	\$0	\$0	\$0	\$0	\$4,500,000	District, DEP, City of Crystal River
Crystal River Southern Septic to Sewer Project (W434)	\$3,632,812.50	\$0	\$0	\$0	\$0	\$0	\$4,843,750	District, DEP, City of Crystal River
Crystal River Hunter Springs Stormwater Modification	\$100,000	\$0	\$0	\$0	\$0	\$0	\$200,000	District, City of Crystal River
Citrus County Cambridge Greens Septic to Sewer (W432)	\$4,700,500	\$0	\$0	\$0	\$0	\$0	\$6,500,000	District, DEP, Citrus County, State
Citrus County Old Homosassa West Septic to Sewer Project (WH04)	\$4,382,200	\$0	\$0	\$0	\$0	\$0	\$6,000,000	District, DEP, Citrus County, State
Citrus County Old Homosassa East Septic to Sewer Project (Q134)	\$11,250,000	\$0	\$0	\$0	\$0	\$0	\$15,000,000	District, DEP, Citrus County, State
Hernando County District A, Phase 1a Septic to Sewer Project (WW09)	\$4,250,000	\$0	\$0	\$0	\$0	\$0	\$5,000,000	District, DEP, County
Marion County Rainbow Springs 5 th Replat Stormwater Retrofit (WR10)	\$0	\$424,047	\$0	\$0	\$0	\$0	\$848,094	District, County
Hernando County Weeki Wachee Springshed Nitrogen Removal Stormwater Retrofits (WW05)	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$2,000,000	District, County
Totals	\$32,690,513	\$424,047	\$0	\$0	\$0	\$0	\$44,891,844	

CONSENT AGENDA**September 28, 2021****Operations, Lands and Resource Monitoring Committee: Second Amendment to Jay B. Starkey Wilderness Park Management Agreement with Pasco County, SWF Parcel No. 16-010-017X-2***Purpose*

Recommend the Governing Board approve the Second Amendment to the Management Agreement between the Southwest Florida Water Management District (District) and the Board of County Commissioners of Pasco County for the Jay B. Starkey Wilderness Park (Second Amendment). The Second Amendment extends Pasco County's (County) time to construct Trail Facilities and extends the County's control over the approximately two-acre Recreation Area for a period of two additional years. The Second Amendment is attached hereto as Exhibit 1.

Background/History

The District owns approximately 19,639 acres in Pasco County commonly referred to as the Starkey Wilderness Preserve. In 2015, the District and the County entered into a Management Agreement (Management Agreement) that renewed the partnership between the County and District for the Starkey Wilderness Park (Park) that allows the County to continue operation of the Park. The Park provides amenities that include over 40 miles of recreation trails, cabin and tent camp sites, day use areas for picnicking and nature appreciation, paved trail corridors, restrooms, multiple paved parking lots, barbecue areas, a children's playground, and an environmental education center. The multi-use paved trail within the Park connects to the Suncoast Parkway multi-use paved trail adjacent to the Suncoast Parkway.

The County determined that a rest area that provides water, sanitary services, and other amenities (Trail Facilities) was needed between State Road 52, the Park, and State Road 54. In 2018, the County applied for and was awarded a grant from the Florida Department of Environmental Protection, Recreation Trails Program (Program), that provides funds towards the construction of recreation amenities. The Program required the County to demonstrate control of, or an interest in, the approximately two-acre Trail Facilities area for a 25-year period after construction. Accordingly, on October 25, 2018, the District and the County entered into the First Amendment to the Management Agreement exclusively for the approximately two-acre area to allow the County to construct the Trail Facilities, extend the Management Agreement terms for an additional six years beyond the 25-year term, and document that the recreation use proposed in the grant would be superior to the other uses for the 25-year term after construction.

Due to issues related to the COVID-19 pandemic, the County has not received the Notice to Proceed from the Program and is prohibited from constructing the Trail Facilities until they receive the Notice. The Second Amendment will extend the County's time to construct Trail Facilities and extends the County control over the approximately two-acre Recreation Area for a period of two additional years.

Benefits/Costs

- The continued partnership between the District and the County will provide enhanced recreation opportunities that benefit the public.
- There is no cost to the District for the Trail Facilities as the County assumes all costs related to the construction, operation, and maintenance.

Deliverable

The County's specific obligations are detailed in the Second Amendment.

Staff Recommendation:

- Approve the Second Amendment to the Jay B. Starkey Wilderness Park Management Agreement with Pasco County, SWF Parcel No. 16-010-017X-2.
- Authorize the Governing Board Chair to execute the Second Amendment on behalf of the District.

Presenter:

Ellen Morrison, Land Resources Bureau Chief

**SECOND AMENDMENT TO THE MANAGEMENT AGREEMENT
BETWEEN THE SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT AND THE BOARD OF COUNTY
COMMISSIONERS OF PASCO COUNTY, FLORIDA FOR THE
MANAGEMENT AND USE OF THE J. B. STARKEY
WILDERNESS PARK**

THIS SECOND AMENDMENT TO MANAGEMENT AGREEMENT is made and entered into by and between the Southwest Florida Water Management District, a public corporation, having a mailing address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the “District”, and the Board of County Commissioners of Pasco County, Florida, a political subdivision of the State of Florida, having an address of 37918 Meridian Avenue, Dade City Florida, 33525, hereinafter referred to as the “County”.

WHEREAS, the District is the owner in fee simple of certain lands located within Pasco County, Florida, known as the J.B. Starkey Wilderness Park (Park) as shown in Exhibit “A,” attached hereto; and

WHEREAS, the District and the County entered into a Management Agreement dated June 23, 2015, that allows the County to operate and maintain the Park; hereinafter referred to as the “Agreement”; and

WHEREAS, pursuant to an agreement with the Florida Turnpike Enterprise the County manages the Suncoast Multiuse Trail that meanders along the western boundary of the Suncoast Parkway and connects to the Park; and

WHEREAS, the District entered into an agreement with the Florida Department of Environmental Protection, Florida Greenways and Trail Program dated June 30, 2005, to designate the Park as part of the statewide system of greenways and trails pursuant to Section 260.016, Florida Statutes; and

WHEREAS, the District and the County entered into the Suncoast Scenic Parkway Corridor Management Entity Agreement dated January 4, 2006, to create the Suncoast Scenic Parkway Corridor Management Entity to coordinate and promote strategies and objectives consistent with the Suncoast Scenic vision for the region; and

WHEREAS, the District and the County amended the Agreement on October 25, 2018, hereinafter referred to as the “First Amendment” to authorize the County to construct restrooms and a rest area, hereinafter referred to as the “Trail Facilities” at the location more specifically described in Exhibit “B,” hereinafter referred to as the “Recreation Area”, for use by the public and consistent with the purposes of the Park and the Suncoast Scenic vision; and

WHEREAS, the County entered into a grant agreement with the Florida Department of Environmental Protection's Recreation Trails Program to construct the Trail Facilities on the Recreation Area and is awaiting a Notice to Proceed to construct the Trail Facilities; and

WHEREAS, the First Amendment required the County to construct the Trail Facilities on the Recreation Area within three (3) years of the effective date of the First Amendment; and

WHEREAS, the District and the County wish to amend the First Amendment to extend the timeline for construction of the Trail Facilities on the Recreation Area.

NOW, THEREFORE, in consideration of the mutual promises and conditions contained herein together with other good and valuable consideration, the District and the County agree as follows:

1. This Second Amendment to the Management Agreement will be effective upon the date of signature by the last of the parties to sign.
2. **Paragraph 5.** of the First Amendment is amended to extend the timeline for an additional two (2) years from the effective date of this Second Amendment to the Management Agreement. If the County does not construct the Trail Facilities within the two (2) years as established herein this Second Amendment will automatically terminate, and the Recreation Area will be subject to the terms and conditions of the Agreement.
3. **Paragraph 2. Term and Renewal**, of the Agreement is amended only as it applies to the Recreation Area such that the terms of this Second Amendment to the Management Agreement will be through December 31, 2048. The provisions of this Second Amendment will survive the termination or expiration of the Management Agreement and remain in effect as provided herein.
4. Except as to the terms specifically amended herein, the terms and conditions of the Agreement and First Amendment remain in full force and effect.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this Second Amendment to the Management Agreement on the day and year set forth next to their signatures below.

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

(SEAL)

Attest:

By: _____
Nikki Alvarez-Sowles, Esq.
Clerk & Comptroller

By: _____
Ronald E. Oakley, Chair

Date: _____

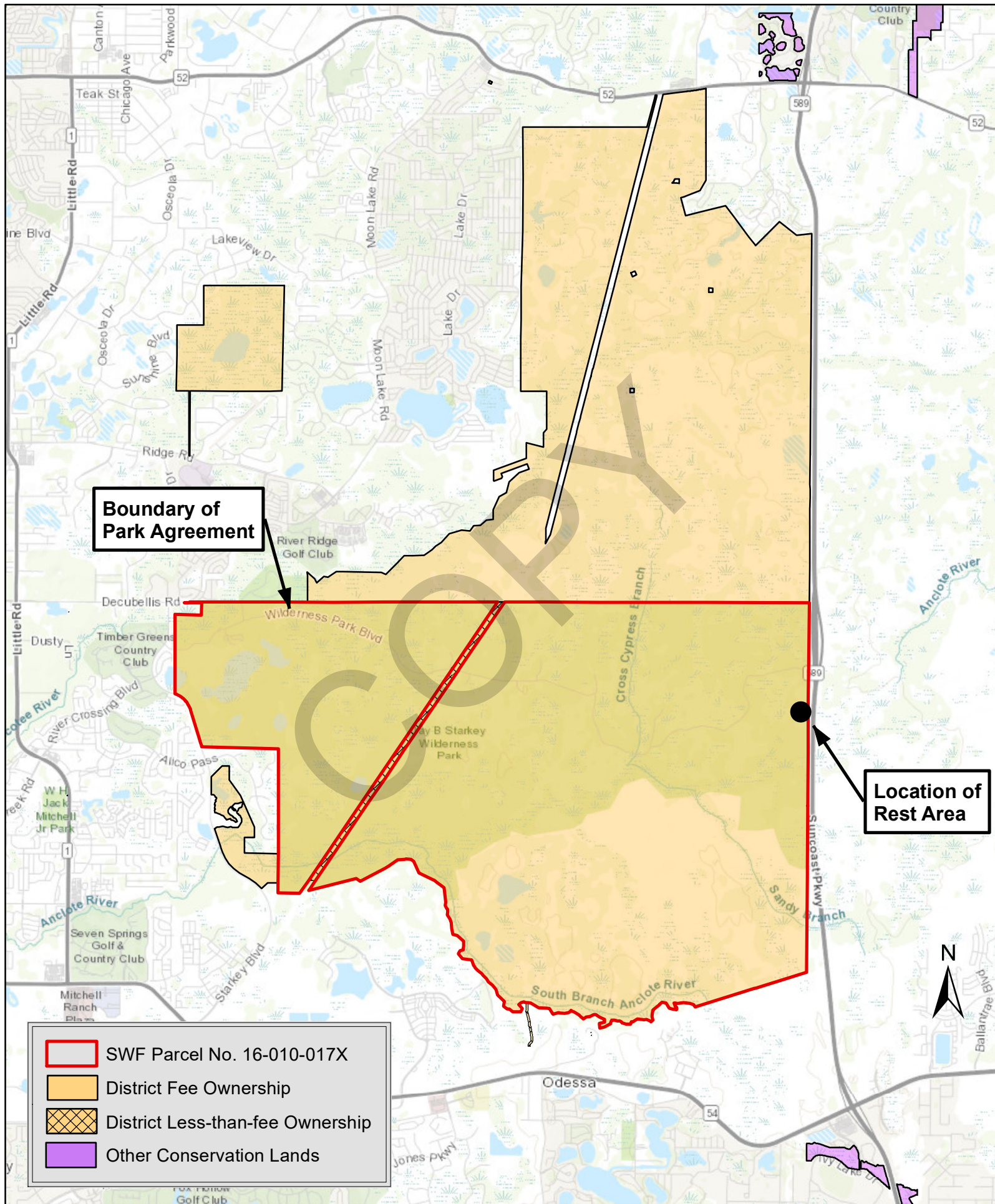
**SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**, a public
Corporation

By: _____
Kelly S. Rice, Chair

Date: _____

Exhibit "A"

J. B. Starkey Wilderness Park



Date: 10/4/2018

0 0.5 1 2
Miles

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, ©

Exhibit "B"

LEGAL DESCRIPTION

TRAIL PARCEL

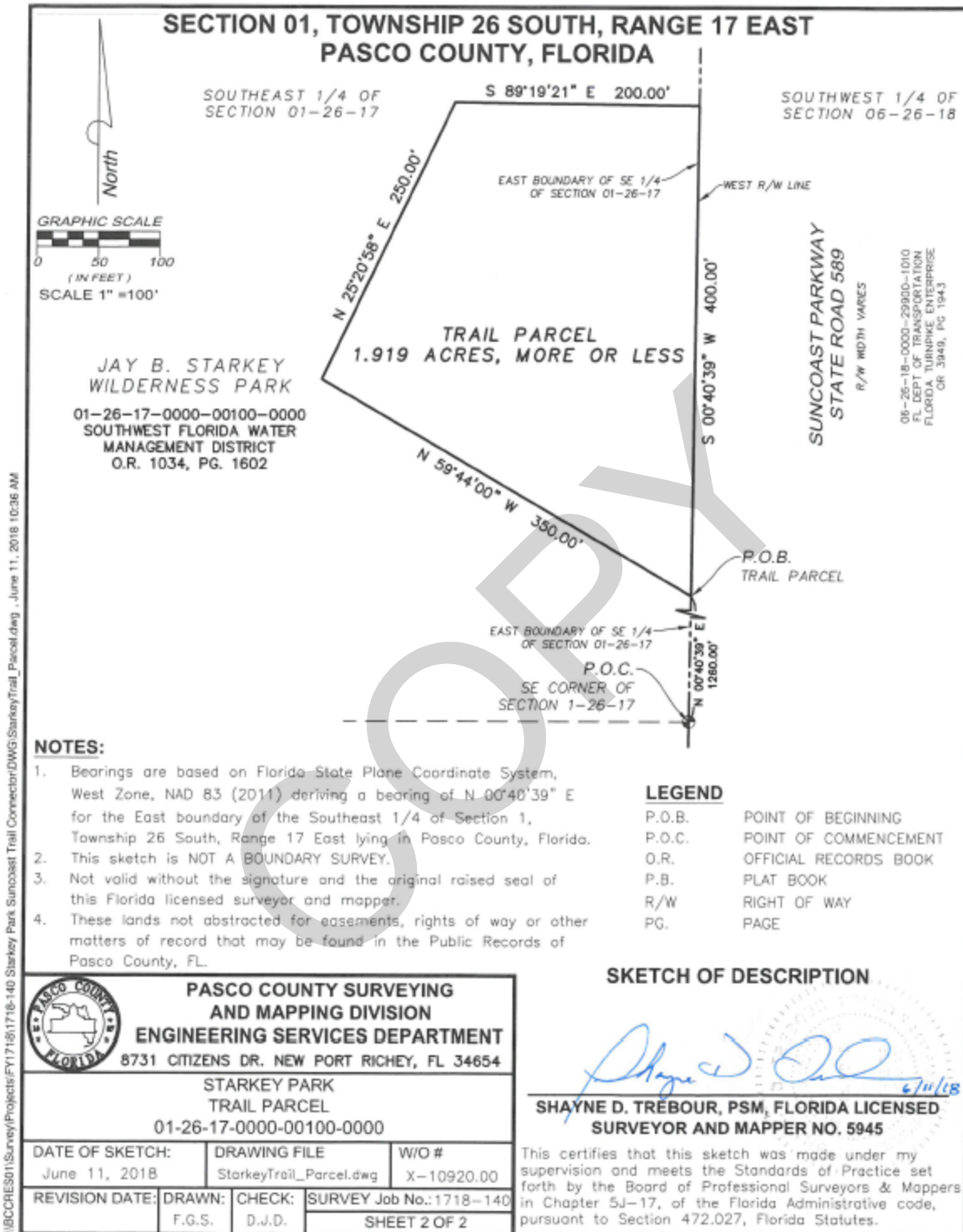
STARKEY PARK

A portion of property lying in the Southeast 1/4 of Section 1, Township 26 South, Range 17 East, Pasco County, Florida, as described in Official Record Book 1034, Page 1602, of the Public Records of Pasco County, Florida and being further described as follows:

Commence at the Southeast corner of said Section 1; thence along the East boundary of the Southeast 1/4 of said Section 1, North 00°40'39" East, a distance of 1260.00 feet for a **POINT OF BEGINNING**; thence North 59°44'00" West, a distance of 350.00 feet; thence North 25°20'58" East, a distance of 250.00 feet; thence South 89°19'21" East, a distance of 200.00 feet to the East boundary of the Southeast 1/4 of said Section 1; thence along said East boundary, South 00°40'39" West, a distance of 400.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains 1.919 Acres more or less.

Exhibit "B", Continued



CONSENT AGENDA

September 28, 2021

Operations, Lands and Resource Monitoring Committee: Approval of Management Plans for Starkey Wilderness Preserve, Lower Hillsborough Wilderness Preserve, Upper Hillsborough Preserve, Halpata Tastanaki Preserve, Lake Panasoffkee Preserve, and Cypress Creek Preserve

Purpose

The purpose of this item is to request Governing Board approval of the land management plan updates (Plan Updates) for the following District-owned conservation lands: Cypress Creek Preserve, Halpata Tastanaki Preserve, Lake Panasoffkee Preserve, Lower Hillsborough Wilderness Preserve, Starkey Wilderness Preserve, and Upper Hillsborough Preserve. The Plan Updates were provided to the Governing Board prior to the regular August Governing Board meeting, and an overview presentation on the Plan Updates was given by the Land Resources Bureau Chief at the August Governing Board meeting.

Background/History

The District has a Governing Board Policy (Policy) titled Land Use and Management that directs that lands acquired for, or designated for, conservation purposes have management plans that link the uses and management strategies to the protection of key water resources and natural systems attributes for which they were acquired, when it is practical and necessary. Additionally, the District has an Executive Director Procedure titled Land Use and Management Planning (Procedure) that supports the Policy and also directs that lands acquired for, or designated for, conservation purposes have a comprehensive management strategy set forth when it is practical and necessary.

As part of the process to complete the Plan Updates, staff solicited and received public comments as to the Plan Updates via public workshops held on July 13, July 15, July 20, and July 22, 2021 as well as through an online interface on the District's website where the public could submit comments electronically. Those public comments have been compiled and are attached hereto as Exhibit 1 and are mostly directed to additional recreation opportunities being requested or suggested.

Staff Recommendation:

Approve the Plan Updates for Cypress Creek Preserve, Halpata Tastanaki Preserve, Lake Panasoffkee Preserve, Lower Hillsborough Wilderness Preserve, Starkey Wilderness Preserve, and Upper Hillsborough Preserve.

Presenter:

Ellen Morrison, Land Resources Bureau Chief

Public Comment Overview
2021 Land Management Plan Updates
Land Resources Bureau

Virtual Public Meetings:

Virtual public input workshops were held to gather input from the public and stakeholders in the development of the Draft Land Management Plans. These meetings were conducted via TEAMS at 6 PM on the dates below and were advertised on the District's website and social media. These meetings contained an introduction to District Conservation Lands by the Land Resources Bureau Chief and a presentation by Land Management staff providing an overview of each project.

July 13, 2021- Halpata Tastanaki Preserve and Lake Panasoffkee Preserve

July 15, 2021- Upper Hillsborough Preserve and Cypress Creek Preserve

July 20, 2021- Starkey Wilderness Preserve

July 22, 2021- Lower Hillsborough Wilderness Preserve

Online Written Comments:

An online comment card was available on the District's website from July 7 to July 30, 2021, for all 6 properties. There were a total of 5 written comments provided which are summarized below.

Starkey Wilderness Preserve:

- Ronald Zajac, July 20, 2021- Currently, the combined 19K acre tract has recreation trails distributed fairly well across the Serenova and Starkey Park areas. However, there are none in the Anclothe Tract. Given the amount of new residents living along the edge with access, people are venturing into the area. Designated trails are safer for users, they minimize random trails and natural habitat destruction, and users provide another set of eyes and ears for Park Staff.
- Susan Buck, July 23, 2021- Would love to see trails expanding to Serenova and S. Anclothe tract. There's so much nature out there and having access thru biking trails and hiking trails would be awesome!
- Diane Prekup, July 23, 2021- An active part of the Starkey Mountain Bike Trails (my husband, Mark Hardies, is Trail Boss) we greatly appreciate and enjoy the use of the land designated for our trails. With permission of the Park Manager, we have built/maintain a kid skills area (The Gnome Zone), hold kids skills days (pre-COVID), monthly night ride, Bike Maintenance & MTB Skills Clinics, monthly volunteer Trail workdays. Our wish is to expand the trails to open up more miles to ride safely.
- Mark Hardies, July 24, 2021- As trail boss for the off-road multiuse trails in Starkey Park I have seen the importance of having official trails that are properly maintained. In areas without them we tend to get several unofficial trails trampling vegetation and causing excessive erosion. In my opinion it is important that we establish official trails in the South

Anclote tract as soon as possible. There is already in influx of people exploring that area from the Starkey Ranch side of things.

Cypress Creek Preserve:

- Joel Jackson; August 13, 2021

My Background

I have been the only volunteer at the preserve for about 7 years. Before I retired, I wrote the guidelines for Hillsborough County's "Environmental Lands Acquisition and Protections Program" (ELAPP) which to date has acquired over 63,000 acres of conservation land. I am grateful for the opportunity to provide comments to the "2021 MPR Draft".

As a volunteer at the preserve, I routinely picked up trash, reported problems, replaced signs, removed non-native native vegetation (including Brazilian peppers,) repaired and painted the sign-in sheet holders, collected the sign-in sheets, and sent them to SWFWMD, keep the trail map dispenser box repaired and filled, and more often recently, collected dog poop bags. I generally used my trail bike to cover a larger area than I could on foot. My volunteer visits total over 1,000 hours. During this time, I have maintained a log of hundreds of photographs.

During this time, I have participated in several other land management plan reviews. I also contributed comments the proposed update of Cypress Creek Preserve's 2005 Manage Plan Review in 2014, but it is my understanding that update was never completed.

My comments on the 2021 MPR Draft

I noticed that as I read the 2005, 2014 and now the 2021 MPRs that there was an abundance of excellent and well documented objectives but here seems to be disconnect when it came to actual implementation. For example, the importance of prescribed burns was repeatedly mentioned in these drafts, but I have not witnessed any burns in the vicinity of the Parkway Blvd. recreational area since 2009.

Page 9: Management Challenges - *I do not agree that WOI should force a stop to activities such as prescribed burns. I have seen the positive results of burns at this preserve prior to 2009 but have seen none since. I have witnessed hardwood succession which is rapidly altering the land ecology and putting the pinewoods in serious jeopardy of wildfires. I have expressed my concern about this several time over the years and was repeatedly told by SWFWMD staff that they agreed and that there would be burns "soon" but soon never came.*

The Management Plan is correct that the is adjacent development pressures. I agree that for the foreseeable future, the District should keep the preserve naturally primitive. Unfortunately, the District has had a very poor record on repairing and maintaining the preserve's existing recreation facilities (roads, trails, signs, parking, etc.) Keeping the preserve primitive is not the same as neglecting it.

Page 25: Exotic and Invasive Species Management

I was disappointed to notice that Caesar Weed was listed at the lowest control priority. In the meantime, I have personally cut or pulled as much as I could.

Page 28: “Recreation”

The section appears to completely overlook the reality that recreation facilities are provided but poorly maintained or managed as per the following examples:

Roadways

The main road from gate on Parkway Blvd to the two campgrounds was shelled about five years ago. The type of shell used is soft and crushes into a fine powder. When wet, this powder takes on the consistency of tooth paste and does not allow water percolation. The roadway's surface is also poorly graded leading to rainwater ponding the road. When exposed to traffic, the standing water softens and displaces the road base creating potholes. The potholes are so big and deep that RV camper drivers routinely cut and lay shrub limbs over the holes so that they can be seen and avoided. A large pile of leftover shell remains at the site and has become a play area for children. Pea gravel would have been a far better paving material. It is far less likely to become dusty, mushy when wet and is much more durable.

Visitor Parking

With increased visitation, the parking area at the Parkway Blvd. gate is much too small. Many visitors are forced to park across Parkway Blvd. where the speed limit is 45 MPH. This makes it dangerous to cross this road especially for young children. Several years ago, the parking area was paved using larger than normal lime rocks. The large size of the rocks makes them ideal for throwing and have been used damaged some of the signs.

Trail Marker Signs (hiking, biking, etc.)

Many are missing or laying the grass. I suggested several times that I would replace them, but I never was provided replacements.

Unpaved Trails

The unpaved trails serve both District trucks as well as recreational users. Except for routine mowing, these trails are poorly maintained. Heavy truck traffic in wet weather has seriously rutted some of the wetter trail sections (I counted at least 13 such areas.) These ruts fill with rainwater, become muddy making it difficult or impossible for hikers or bike riders to use. Repeated requests for help to correct this problem were never acknowledged.

Visitor Generated Trash

With more visitation, litter has greatly increased. Visitors have complained to me that there are no trash containers (except for the camping areas.) I have tried to explain that the preserve is a “you take out what you bring in” area but they often reply that they did not know that. The sign at the main gate mentions this but it appears the wording is too small or that most people never read it.

Problems at the North Pedestrian walk-through Gate

This gate is located about ½ mile north of the Parkway Blvd. gate. The gate is accessed by an unpaved dirt road that lacks any form of vehicular control. Trash is regularly being dumped and cars are doing “donuts” on the dirt road. I have reported the trash there many times. The District removes the trash only to have more shows up soon after. Beer cans and the remains of campfires are also common there.

Wild Hog Damage

This is a continuing problem. I routinely report this with a GPS generated map, but it appears that little can be done about the problem.

Dog Droppings

This is becoming a serious problem. Unbagged dropping on the road and trails can be difficult to see and make a mess of shoes and bike tires (as I have personally experienced all too often.) Plastic bags are frequently used and then left along the trails. Since the bags are not degradable the bags remain for weeks. It may be worth the District installing a doggy bag dispenser along with a waste container or at least a more visible sign directing dog walkers to take their bags home.

Page 34 & 35: Land Maintenance and Operations Roads and Boundaries

This section appears to address only the well field section of the preserve. It concludes with "There are currently no improved recreation facilities located on the Preserve." This statement is confusing if not incorrect. The lower preserve recreation section located east of Parkway Blvd. does have recreation facilities.

Page 35-38: Goals and Objectives

While much of the "2021 MPR draft" is largely documentary, these goals and objectives on these pages are at the heart of a good "management plan." I strongly support this section and encourage its adoption in the final plan.

Additional Comments on Volunteers:

I have seen firsthand the need for more volunteers at the preserve. It seems that I have been the only volunteer at the preserve. I consider this a missed opportunity for the District's management of the preserve. I know for a fact that there are several groups or organizations that could provide volunteers. I do not see any effort on behalf of the District to recruit and train volunteers. For example, there is no mention of this on preserve's bulletin board. I often get the impression that the concept of using volunteers is a very low priority if not completely overlooked.

I have long thought that regular meetings between volunteers and district staff could be very productive. I understand that there are "land managers" assigned to preserves but despite attempts, I have never met one. It makes one feel discounted and unappreciated. I want to add that I have enjoyed working with Adam Will, Chad Hughes and look forward to working with Felicia Nudo.

During the time have been volunteering at this preserve, I have also volunteered at other conservation areas. Some agencies provide name tags, instructions on how to deal or who to call with problems and even what to wear. At one, volunteers are provided liability coverage while engaged in volunteer activities.

No written comments were provided for the following properties:

- Halpata Tasthanaki Preserve
- Lake Panasoffkee Preserve
- Upper Hillsborough Preserve
- Lower Hillsborough Preserve

CONSENT AGENDA

September 28, 2021

Operations, Lands and Resource Monitoring Committee: Ridge Road Extension/Serenova Tract SWF Parcel No. 15-705-109X; Transfer of Suncoast Parkway Interchange Area to Florida Department of Transportation

Purpose

Request Governing Board approval to convey to the Florida Department of Transportation (FDOT) a portion of land previously retained by the District as an easement when the right-of-way for construction of Ridge Road through the Serenova Tract was conveyed to Pasco County (County) to allow the FDOT to construct an interchange (Interchange Property). The Interchange Property will be conveyed to FDOT through the execution of a quit claim deed in the form attached hereto as Exhibit 1. A general location map is included as Exhibit 2.

Background/History

The FDOT, County, and District were involved in negotiations about mitigation for the impacts associated with the Suncoast Parkway construction. In 1996, the FDOT purchased the Serenova Tract as mitigation for the Suncoast Parkway. Prior to FDOT's acquisition of the Serenova Tract, the County had acquired a reversionary right for an arterial or limited access highway through the property. In 1997, the FDOT conveyed the property, still containing the County's reversionary right, to the District at no cost with the conditions that the District would maintain the land for preservation and mitigation purposes. In response to the acquisition of the Serenova Tract, agreements between the FDOT, County, and District were executed that addressed, among other things, the extension of Ridge Road. Additionally, a conservation easement was granted to the Board of Trustees for the Serenova Tract further ensuring the property will be protected. The conservation easement does not limit or affect the agreements between the parties which identify the extension of Ridge Road through the Serenova Tract.

The agreement between the District and the County, executed in 1997 entitled Agreement between the Southwest Florida Water Management District and Pasco County relating to Ridge Road (1997 Agreement) includes the following terms relevant to this Governing Board item:

- The County, at its sole cost, will obtain all necessary regulatory permits for design and construction of a four-lane collector roadway and provide periodic status updates to the District;
- The District shall convey the necessary right-of-way required for the Ridge Road extension including the interchange and roadway drainage systems; and
- Upon notification by the County to the District that the extension of Ridge Road has been approved by the Board of County Commissioners, the conveyance shall be completed within 90 days of said notification.

On April 28, 2020, the District conveyed the necessary right-of-way referenced above to the County but reserved several easements to allow the District continued access across and through the right-of-way. As construction nears completion, the County began the process of conveying the right-of-way to the FDOT as required by the parties' various agreements. During this process, it was determined that one of the easement reservations encroaches on the Interchange Property, and the County has requested that the District quit claim the Interchange Property directly to FDOT to allow them to complete construction of the interchange.

Benefits/Costs

There is no cost associated with this conveyance, and relinquishment of the Interchange Property will not compromise the District's access to the Serenova Tract, as the District retained several other easements within close proximity to the Interchange Property.

Staff Recommendation:

- Approve the conveyance of the Interchange Property to FDOT;
- Authorize the Governing Board Chair and Secretary to execute the quit claim deed attached hereto as Exhibit 1; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter:

Ellen Morrison, Land Resources Bureau Chief

Exhibit 1

Prepared By:
Pasco County Real Property & Planning
7220 Osteen Road
New Port Richey, FL 34653

Property Appraiser's Parcel
ID No. (portion of)
25-25-17-0000-49900-1040

QUIT CLAIM DEED

This Indenture, made this _____ day of _____, 2021, by Southwest Florida Water Management District, a public corporation, whose address is 2379 Broad Street, Brooksville, FL 34604-6899, hereinafter "Grantor," to Pasco County, a political subdivision of the state of Florida, whose address is 37918 Meridian Avenue, Dade City, Florida 33525, hereinafter, "Grantee."

WITNESSETH:

That Grantor, for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand which Grantor has in and to the following described lot, piece or parcel land, situate, lying and being in the County of Pasco, State of Florida, To Wit:

See Exhibit "A," attached hereto and made a part hereof.

To have and to hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever for the Grantor, either in law or equity, to the only proper use, benefit and behoof of Grantee forever.

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

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

By: _____
Kelly S. Rice, Chair

(Corporate Seal)

ATTEST:

By: _____
_____, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization, this _____ day of _____, 2021, by Kelly S. Rice, Chair and _____, as Secretary of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the Southwest Florida Water Management District, who are personally known to me.

(Notary Seal)

Notary Public

Print: _____

Commission No: _____

My Commission Expires: _____

Approved as to Form

Chris Tumminia, General Counsel

LEGAL DESCRIPTION**PARCEL: 104 FTE L.A. R/W****ESTATE: FEE SIMPLE****PURPOSE: LIMITED ACCESS RIGHT OF WAY****DESCRIPTION:**

A part of Section 25, Township 25 South, Range 17 East, Pasco County, Florida, being more particularly described as follows:

Commence at a 4-inch by 4-inch concrete monument stamped "P.R.M. LB 2648" marking the northeast corner of Section 25, Township 25 South, Range 17 East, Pasco County, Florida, also being a point on the existing west limited access right of way line of State Road 589 (Suncoast Parkway) according to Florida Department of Transportation Right of Way Map Section 97140-2302 as shown on the Right of Way Map for Ridge Road Extension Phase I, Pasco County Project No. C 6686.20; thence run South 00°22'37" West along the East line of the Northeast quarter of said Section 25 and along said existing west limited access right of way line a distance of 64.70 feet for a Point of Beginning; thence continue South 00°22'37" West along said west line and said limited access right of way line a distance of 2576.65 feet to the southeast corner of the northeast quarter of Section 25; thence South 00°21'43" West along the east line of the Southeast quarter of said Section 25 and continue along said existing west limited access right of way line a distance of 2249.63 feet; thence departing said east line and said existing west limited access right of way line run North 01°39'14" West a distance of 1669.43 feet to the beginning of a curve concave Easterly having a radius of 5486.00 feet and a chord bearing of North 08°07'23" West; thence from a tangent bearing of North 11°31'14" West, run Northerly along the arc of said curve through a central angle of 06°47'41" a distance of 650.60 feet to the point of tangency; thence North 04°43'32" West a distance of 200.94 feet; thence North 41°03'42" West a distance of 328.70 feet to the beginning of a curve concave Southerly having a radius of 5591.58 feet and a chord bearing of North 82°41'50" West; thence from a tangent bearing of North 77°15'13" West, run Westerly along the arc of said curve through a central angle of 10°53'16" a distance of 1062.55 feet to a point of compound curvature of a curve concave Southerly having a radius of 8456.37 feet and a chord bearing of South 88°51'50" West; thence run Westerly along the arc of said curve through a central angle of 05°59'24" a distance of 884.07 feet to the end of said curve; thence departing said curve run South 04°07'52" East radial to the aforesaid curve a distance of 7.00 feet to the beginning of a curve concentric with the aforesaid curve having a radius of 8449.37 feet and a chord bearing of South 84°52'08" West; thence run Westerly along the arc of said curve through a central angle of 02°00'00" a distance of 294.94 feet; thence departing said curve run North 06°07'52" West radial to said curve a distance of 270.00 feet to a point on a curve concentric with the aforesaid curve having a radius of 8719.37 and a chord bearing of North 87°51'50" East; thence from a tangent bearing of North 83°52'08" East run easterly along the arc of said curve through a central angle of 07°59'24" a distance of 1215.92 feet to a point of compound curvature of a curve concave Southerly having a radius of 5854.58 feet and a chord bearing of South 86°56'16" East; thence run Easterly along the arc of said curve through a central angle of 02°24'24" a distance of 245.91 feet to the end of said curve; thence North 68°29'38" East a distance of 1167.58 feet to the beginning of a curve concave Westerly having a radius of 5620.00 feet and a chord bearing of North 05°55'32" East; thence from a tangent bearing of North 07°30'25" East run northerly along the arc of said curve through a central angle of 03°09'45" a distance of 310.21 feet to the point of tangency; thence North 04°20'40" East a distance of 140.05 feet; thence North 00°31'47" East a distance of 195.41 feet; thence North 04°20'41" East a distance of 240.34 feet; thence North 08°09'32" East a distance of 373.61 feet to the Point of Beginning.

Containing 31.252 acres, more or less.

Together with all rights of ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

THIS IS NOT A BOUNDARY SURVEY**N|V|5**

201 S. BUMBY AVE.
ORLANDO, FL 32803
(407) 896-3317
WWW.NV5.COM

JOHN J. CAMPBELL, JR., P.S.M.,
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
No. 5522

NV5, INC.
201 S. BUMBY AVENUE, ORLANDO, FL 32803
LB No. 8246

PREPARED FOR: PASCO COUNTY

DATE: 11/20/2020	DRAWN BY: R.LEATH
CHECKED: J.CAMPBELL	JOB No.: 19-26513-960242
SCALE: N/A	SHEET 1 OF 4

SKETCH OF DESCRIPTION
PARCEL: 104 FTE L.A. R/W

71

0 200 400
Scale: 1" = 400'

CURVE DATA
Q CONSTRUCTION
PI STA 232+35.64
 $\Delta=14^{\circ}14'43"$ (RT)
D=00°40'00"
T=1073.93'
L=2136.78'
R=8594.37'
PC STA 221+61.71
PT STA 242+98.49

CURVE DATA
Q CONSTRUCTION
PI STA 255+15.91
 $\Delta=23^{\circ}59'28"$ (RT)
D=01°00'00"
T=1217.40'
L=2399.12'
R=5729.58'
PC STA 242+98.51
PT STA 266+97.63

P.O.C. 24
NE CORNER OF
SECTION 25-25-17
FND. 4" X 4" C.M.
"P.R.M. LB 2648"
25 30
P.O.B. 500°22'37"W 64.70'

N08°09'32"E
373.61'

N04°20'41"E
240.34'

N00°31'47"E
195.41'

N04°20'40"E
140.05'

CURVE C-16
 $\Delta=03^{\circ}09'45"$
L=310.21'
R=5620.00'
C=310.18'
CB=N05°55'32"E

CURVE C-15
 $\Delta=02^{\circ}24'24"$
L=245.91'
R=5854.58'
C=245.89'
CB=S86°56'16"E

CURVE C-14
 $\Delta=07^{\circ}59'24"$
L=1215.92'
R=8719.37'
C=1214.94'
CB=N87°51'50"E

CURVE C-19
 $\Delta=05^{\circ}59'24"$
L=884.07'
R=8456.37'
C=883.66'
CB=S88°51'50"W

CURVE C-13
 $\Delta=02^{\circ}00'00"$
L=294.94'
R=8449.37'
C=294.92'
CB=S84°52'08"W

CURVE C-18
 $\Delta=10^{\circ}53'16"$
L=1062.55'
R=5591.58'
C=1060.95'
CB=N82°41'50"W

CURVE C-17
 $\Delta=06^{\circ}47'41"$
L=650.60'
R=5486.00'
C=650.22'
CB=N08°07'23"W

SE COR. OF NE 1/4
SECTION 25-25-17
FND. 4" X 4" C.M.
"P.R.M. LB 2648"

SEE SHEET
3 OF 4

SEC 25, TWP 25 S, RGE 17 E
THIS IS NOT A BOUNDARY SURVEY

PREPARED FOR: PASCO COUNTY

DATE: 11/20/2020

DRAWN BY: R. LEATH

CHECKED: J. CAMPBELL

JOB No.: 19-26513-960242

SCALE: 1" = 400'

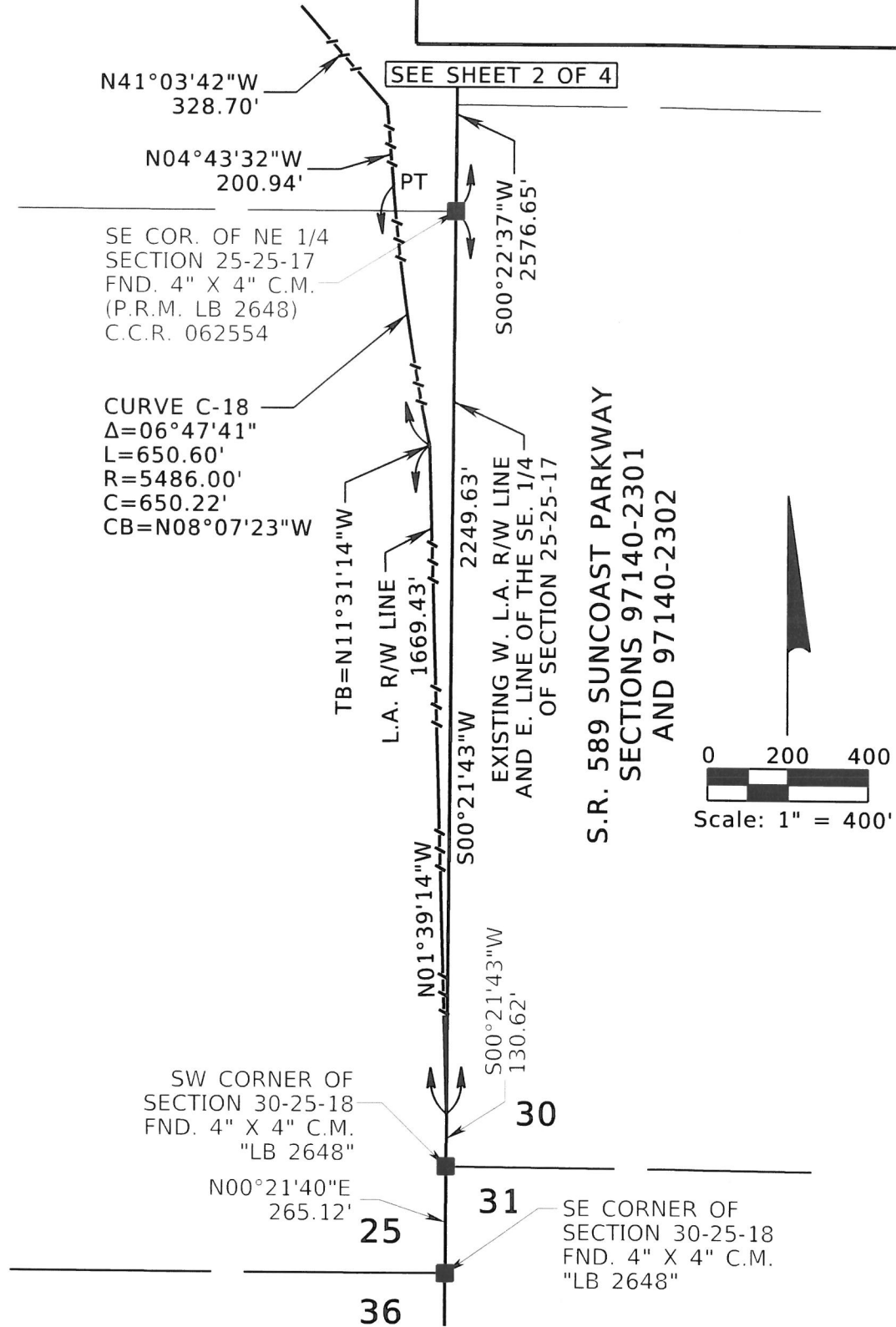
SHEET 2 OF 4

NV5

201 S. BUMBAY AVE.
ORLANDO, FL 32803
(407) 896-3317
WWW.NV5.COM

SKETCH OF DESCRIPTION
PARCEL: 104 FTE L.A. R/W

72



SEC 25, TWP 25 S, RGE 17 E
THIS IS NOT A BOUNDARY SURVEY

N|V|5

201 S. BUMBY AVE.
ORLANDO, FL 32803
(407) 896-3317
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PREPARED FOR: PASCO COUNTY

DATE: 11/20/2020

DRAWN BY: R.LEATH

CHECKED: J.CAMPBELL

JOB No.: 19-26513-960242

SCALE: 1" = 400'

SHEET 3 OF 4

GENERAL NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS AS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 25 SOUTH, RANGE 17 EAST, PASCO COUNTY, FLORIDA, AS BEING $S00^{\circ}22'37''W$, AS SHOWN ON RIGHT OF WAY MAPS FOR RIDGE ROAD EXTENSION PHASE I, PASCO COUNTY PROJECT No. C 6686.20.
3. THIS SKETCH OF DESCRIPTION MAKES NO CLAIMS REGARDING OWNERSHIP OR RIGHTS OF POSSESSION.
4. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, COVENANTS AND/OR RESTRICTIONS NOT SHOWN HEREON, BUT FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
5. ALL RECORDING DATA SHOWN HEREON REFERS TO THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
6. SEE SHEET 1 FOR LEGAL DESCRIPTION; SEE SHEETS 2 & 3 FOR PARCEL SKETCH.

LEGEND:

C	= CHORD DISTANCE	PG.(PGS.)	= PAGE OR PAGES
CB	= CHORD BEARING	PI	= POINT OF INTERSECTION
C.C.R.	= CERTIFIED CORNER RECORD	P.O.B.	= POINT OF BEGINNING
C.M.	= CONCRETE MONUMENT	P.O.C.	= POINT OF COMMENCEMENT
CONST.	= CONSTRUCTION	P.S.M.	= PROFESSIONAL SURVEYOR AND MAPPER
COR	= CORNER	PT	= POINT OF TANGENCY
CL	= CENTERLINE	R	= RADIUS
CR	= COUNTY ROAD	RGE	= RANGE
Δ	= DELTA (CENTRAL ANGLE)	R/W	= RIGHT OF WAY
D	= DEGREE OF CURVE	(RT)	= RIGHT
I.R.&C.	= IRON ROD AND CAP	SEC	= SECTION
L	= LENGTH	SR	= STATE ROAD
L.A. R/W	= LIMITED ACCESS RIGHT OF WAY	STA	= STATION
No.	= NUMBER	TB	= TANGENT BEARING
O.R.B.	= OFFICIAL RECORD BOOK	TWP	= TOWNSHIP
P.B.	= PLAT BOOK	W/	= WITH
PC	= POINT OF CURVATURE		
PCC	= POINT OF COMPOUND CURVATURE		



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THIS IS NOT A BOUNDARY SURVEY

PREPARED FOR: PASCO COUNTY

DATE: 11/20/2020	DRAWN BY: R.LEATH
CHECKED: J.CAMPBELL	JOB No.: 19-26513-960242
SCALE: N/A	SHEET 4 OF 4

[illegible]

CURVE TABLE					
CURVE NUMBER	RADIUS	LENGTH	CURVE DISTANCE	CURVE BEARING	DELTA
C1	5486.00	482.99	482.84	N 79°42'47" E	90°02'40" E
C2	5591.77	1082.10	1082.00	N 87°47'48" E	90°02'40" E
C3	5466.51	313.08	313.05	N 89°42'47" E	90°02'40" E
C4	4856.51	116.78	116.78	S 88°04'58" E	90°02'40" E
C5	5591.77	1082.10	1082.00	N 87°47'48" E	90°02'40" E
C6	4856.51	62.17	62.17	S 88°04'58" E	90°03'50" E
C7	5591.77	178.31	178.31	N 87°47'48" E	90°03'50" E
C8	5094.72	159.87	159.87	N 105°04'51" E	90°03'50" E
C9	5591.77	92.14	92.20	S 10°48'42" E	90°03'50" E
C10	5591.77	1082.10	1082.00	N 87°47'48" E	90°03'50" E
C11	3110.00	288.78	288.68	N 0°05'00" E	90°03'50" E
C12	5591.77	1082.10	1082.00	N 87°47'48" E	90°03'50" E
C13	8713.37	251.16	251.61	N 86°04'35" E	90°03'50" E
C14	8713.37	543.67	544.59	S 89°05'50" E	90°03'48" E
C15	5591.77	1082.10	1082.00	N 87°47'48" E	90°03'50" E
C16	5486.00	184.95	184.95	S 88°04'58" E	90°03'50" E
C17	5591.77	1082.10	1082.00	N 87°47'48" E	90°03'50" E
C18	5486.00	184.95	184.95	S 88°04'58" E	90°03'50" E
C19	5591.77	1082.10	1082.00	N 87°47'48" E	90°03'50" E
C20	5486.00	0.72	0.72	N 89°04'28" E	90°03'50" E
C21	5591.77	1082.10	1082.00	N 87°47'48" E	90°03'50" E
C22	4856.37	884.27	883.67	S 88°01'51" E	90°05'28" E
C23	8713.37	251.16	251.61	N 86°04'35" E	90°03'50" E
C24	5591.77	1082.10	1082.00	N 87°47'48" E	90°03'50" E
C25	5591.77	1082.10	1082.00	N 87°47'48" E	90°03'50" E
C26	3951.73	534.00	534.00	S 77°03'22" E	90°04'22" E
C27	5591.77	1082.10	1082.00	N 87°47'48" E	90°03'50" E

CURVEICLOI-8
P.I. STA. 1273+39.62
 $\Delta = 22^\circ 20' 31''$ (LT)
D = 1" 00' 00"
T = 1,131.47'
L = 2,234.19'
R = 5,729.58'
C.B. = S 75° 19' 15" E
P.C. STA. 1262+08.15
P.C.C. STA. 1284+42.34

NOTE: SEE SHEET ONE FOR
GENERAL NOTES AND LEGEND.
DETAIL SHEET
THIS MAP IS NOT A SURVEY

RIGHT OF WAY MAP

PASCO COUNTY, FLORIDA
RIGHT OF WAY MAPPING

[illegible]

PASCO COUNTY ENGINEERING DEPARTMENT

RIDGE ROAD, PHASE II

PASCO COUNTY

MA'S PREPARED BY BERRYMAN & HENICAR, INC. ORLANDO, FLORIDA	FIELD BOOK NO.'S 542 THROUGH 551 SCALE: 1" = 200'
PROJECT No. 6686-20	SHEET 5 OF 12

CONSENT AGENDA**September 28, 2021****General Counsel's Report: Approval of Consent Order between SWFWMD and JDI Farms, Inc. - Mining Activities Conducted without Water Use Permit - Watermelon Pit, LLC and JDI Farms, Inc. - CT No. 404443 - Charlotte County**

On January 9, 2018, the District issued Water Use Permit (WUP) Number 8322.004 (Permit) to Watermelon Pit, LLC (Watermelon Pit), and JDI Farms, Inc. (JDI Farms) authorizing water withdrawals to service a mining operation located in Charlotte County and in the Southern Water Use Caution Area (SWUCA). The Permit authorizes “wet mining” (i.e., no dewatering) of shell and fill material to a depth of 15 feet below land surface within a 12.65-acre area adjacent to an existing borrow pit. Additionally, the Permit requires the Permittees to maintain a hydrologic barrier system at all times, submit annual mining plan updates to the District, and prohibits any offsite discharge.

Prompted by a delinquent annual mining plan update, District staff conducted a site inspection on April 6, 2018, and observed unauthorized dewatering activities, offsite discharge, an unstable hydrologic barrier system, excavation occurring deeper than 15 feet below land surface, and unauthorized on-site sorting and grading of the excavated material that required an Environmental Resource Permit (ERP). Between April and July 2018, District staff advised the Permittees of the violations and directing the Permittees to obtain an ERP from the Florida Department of Environmental Protection (FDEP) to sort and grade excavated material on-site. On January 24, 2019, the Permittees submitted WUP Modification Application 8322.005 (First Application) to the District based upon a revised mining plan approved by the FDEP under ERP number MMR_367285-001 (FDEP ERP).

On May 15, 2019, and September 26, 2019, District staff conducted site inspections and observed significant deviations from the mining plan approved under the FDEP ERP as well as violations of the Permit, including ongoing dewatering activities and offsite discharge. Between September 2019 and January 2021, the District granted the Permittees three extensions of time to address the ongoing violations and submit a complete First Application. On January 12, 2020, the owner and manager of Watermelon Pit passed away, and her daughter, Jessica Lehr, became the new owner. District staff met with Ms. Lehr during a site inspection on January 27, 2020, and advised her of the ongoing violations. Ms. Lehr indicated a willingness at that time to cooperate with the District and bring the site into compliance. Shortly thereafter, the District issued a Notice of Violation and Request for Corrective Action Plan to the Permittees.

On March 6, 2020, Watermelon Pit submitted a proposed Corrective Action Plan to the District which included a request to withdraw the First Application and submit a new application after a modification of the FDEP ERP was obtained. On May 15, 2020, after obtaining a modification of the FDEP ERP, the Permittees submitted WUP Modification Application 8322.006 (Second Application) to the District. While the Second Application was under review, District staff conducted a site inspection on and observed violations of both the modified FDEP ERP and the Permit, as well as unauthorized dewatering activities and offsite discharge, among other violations.

On November 10, 2020, the District issued a Second Notice of Violation and Proposed Consent Order to the Permittees to resolve the ongoing violations, but did not receive a response. On December 11, 2020, the District denied the Second Application for failing to meet the conditions for permit issuance. The

Permittees stopped communicating with the District and on February 23, 2021, the Governing Board authorized District staff to issue an Administrative Complaint and Order (Complaint) against the Permittees for the violations. The Complaint was issued on April 1, 2021.

Watermelon Pit submitted two petitions for an administrative hearing to the District, but both were denied as legally insufficient. On May 21, 2021, the Complaint became final agency action against Watermelon Pit. JDI Farms submitted a petition for an administrative hearing on June 10, 2021, challenging whether Watermelon Pit was solely responsible for the violations occurring at the site. The request for hearing was granted by the District, and the case was referred to the Division of Administrative Hearings on June 24, 2021, for a formal administrative hearing. After extensive settlement negotiations, JDI Farms has agreed to forgo an administrative hearing and enter into a Consent Order with the District. The Consent Order requires payment of penalties and enforcement costs and further provides that no dewatering activities may occur without a WUP from the District. JDI Farms submitted WUP Modification Application 8322.007 to the District on April 9, 2021; that application is currently pending in house. Payment of the penalties and issuance of the WUP will resolve all outstanding compliance issues at the site.

Staff Recommendation:

See Exhibit

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

Presenter:

Megan Albrecht, Staff Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 21 -

IN RE: WATERMELON PIT, LLC & J.D.I. FARMS, INC.
WUP NO. 8322.004
CT NO. 404443
CHARLOTTE 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 J.D.I. Farms, Inc. (J.D.I. Farms), collectively referred to as "the Parties," to settle certain matters at issue between the Parties. The Parties hereby voluntarily agree to the following findings of fact, conclusions of law, and corrective actions.

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries, and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapter 40D-2, Florida Administrative Code (F.A.C.).

2. The District is responsible for the administration of consumptive water use permitting within its jurisdiction pursuant to its authority granted under Chapter 373, F.S., and consistent with delegated authority from the Florida Department of Environmental Protection (FDEP).

3. To obtain a Water Use Permit (WUP) from the District, an applicant must demonstrate the conditions for permit issuance set forth in Rule 40D-2.301, F.A.C. Specifically, an applicant must provide "reasonable assurance" to the District that the proposed water use: (a) is a reasonable-beneficial use; (b) will not interfere in any

presently existing legal use of water; and (c) is consistent with the public interest. Rule 40D-2.301(1)(a)-(c), F.A.C.

4. A WUP application submitted to the District for a mining operation with associated dewatering activities may require the applicant to present groundwater modeling, construction plans, mining plans, environmental assessments, monitoring requirements, or other items, which must provide reasonable assurance that the proposed mining and/or dewatering activities will meet the conditions for permit issuance.

5. In accordance with Rule 40D-2.381, F.A.C., when issuing a WUP, the District must include standard and special permit conditions. These conditions are designed to ensure the permit meets the conditions for permit issuance for the duration of the permit, and are typically, but not exclusively, based upon documentation or other items submitted by the applicant. Generally, if a permittee abides by all conditions, the permit will continue to meet the conditions for permit issuance; however, if a permittee fails to abide by the conditions, the District may no longer have reasonable assurance that the water use is a reasonable-beneficial use, will not interfere with in any presently existing legal use of water, and is consistent with the public interest.

6. On October 21, 2009, the District issued WUP No. 8322.003 to Watermelon Pit, LLC, authorizing water withdrawals in the amount of 8,900 gallons per day ("gpd") on an annual average basis to service a 40-acre mining operation located in Charlotte County, Florida, and within the Southern Water Use Caution Area. The WUP was obtained in conjunction with Environmental Resource Permit (ERP) Number MMR_287578-001, issued by the FDEP, which authorizes "dry mining" (i.e., dewatering)

of shell and fill dirt within a 37-acre borrow pit on the site (referred to as “Watermelon Pit”).

7. On January 9, 2018, the District issued WUP No. 8322.004 (Permit) to J.D.I. Farms and Watermelon Pit, LLC (Permittees) authorizing an increase in water withdrawals to 51,600 gpd on an annual average basis to allow for a 60-acre westward expansion of the original mining site. Specifically, the Permit authorized “wet mining” (i.e., no dewatering) of shell and fill dirt within a 12.65-acre area (referred to as “Phase 1”) to a depth not to exceed 15 feet below land surface. Pursuant to Rule 62-330.051(2), F.A.C., and Section 373.406(10) and (13), F.S., an ERP was not required for Phase 1 of the mining expansion because excavation was limited to 15 feet below land surface and was intended to serve as an irrigation pond for agricultural purposes.

8. The Permit contains both standard and special conditions. Specifically, the Permit includes the following conditions:

Special Condition 3. The Permittee shall control mining and/or dewatering operations according the plan submitted on June 30, 2018 with updates and modifications submitted on October 2, 2017. As indicated in the submittal of October 2, 2017, there shall be no dewatering in Phase 1, the mining area added in this revision. The area associated with the previous revision may be dewatered while excavation is ongoing in that area. No water may be pumped offsite. The Permittee shall submit an annual mining plan update by February 1 of each year...If the Permittee deviates from the mining plan for the upcoming calendar year during the calendar year, the Permittee shall provide a revised plan for that deviation for approval to the Water Use Permit Bureau Chief. No deviation is allowed without District approval.

Standard Condition 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 or inaccurate...the Governing Board shall modify this permit or shall revoke this permit following notice and hearing...The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

9. The Permittees failed to submit to the District an annual mining plan by February 1, 2018, as required by Special Condition 3 of the Permit.

10. On April 6, 2018, District staff conducted a compliance site inspection at the site and observed multiple permit violations, including: borrow pits deeper than 15 feet, exceeding the ERP agricultural exemption thresholds under Rule 62-330.051(2), F.A.C., and Section 373.406(10) and (13), F.S.; a significant amount of erosion throughout the mine resulting in an unstable recharge ditch system (i.e., hydraulic barrier system); onsite sorting and grading of the excavated material (indicative of commercial mining); and highly turbid water being discharged offsite.

11. On January 14, 2019, the FDEP issued ERP Number MMR_367285-001 to CJC Farms, Inc., for the "CJC Farms Reservoir Sand Mine" project (FDEP ERP) authorizing dry mining of fill sand and shell in three distinct phases, moving from east to west, within the new 60-acre project area. Specifically, each phase limits all mining and dewatering activities to one particular "cell" at a time, and upon conclusion of all mining and dewatering during that phase, the cell becomes a reservoir to mitigate drawdown of the water table while excavation occurs in the next phase. Additionally, a recharge ditch system is to be constructed and maintained at all times, staff gauges are to be surveyed and installed within the recharge ditch system to ensure proper water levels, piezometers are to be surveyed and constructed to monitor any changes to the water table, there is to be no offsite discharge, and mining in the original Watermelon Pit was to cease.

12. On January 24, 2019, the Permittees submitted WUP Modification Application 8322.005 to the District seeking authorization to increase water withdrawals to support the expanding commercial mining operation.

13. On May 15, 2019, District staff conducted another compliance inspection at the site and observed the following: excavation and dewatering occurring simultaneously in both Phase 1 and Phase 2 in violation of the mining plans; portions of the recharge ditch system missing or otherwise never constructed; unauthorized offsite discharge; Piezometer 1 constructed in the wrong location; Piezometer 2 missing or otherwise never constructed; and Piezometer 3 damaged.

14. On January 16, 2020, the District issued a letter to the Permittees notifying them that the District intended to deny WUP Modification Application 8322.005 because the applied-for activity did not meet all necessary conditions for permit issuance – that is, the mining plans submitted by the Permittees did not accurately reflect the mining and dewatering activities that were occurring at the site at that time. The Permittees subsequently withdrew the application on March 6, 2020.

15. On January 7, 2020, and January 27, 2020, District staff conducted compliance inspections and observed significant deviations from the mining plans approved under the FDEP ERP as well as violations of the Permit issued by the District, including: unauthorized offsite discharge; un-surveyed, missing, and damaged piezometers (as indicated above); an unstable recharge ditch system; un-surveyed staff gauges; unauthorized dewatering in the original borrow pit; and blockage of a flow-through ditch on the southern boundary of the site.

16. On January 31, 2020, the District issued a Notice of Violation and Request for Corrective Action Plan to the Permittees, advising of violations of Special Condition 3 and Standard Condition 15 of the Permit and requested Permittees to submit a detailed proposed Corrective Action Plan (CAP) to the District within thirty (30) days.

17. On March 6, 2020, the Permittees submitted a proposed CAP to the District. Pursuant to that CAP, the Permittees agreed to correct most of the outstanding violations and submit an ERP modification application to the FDEP to account for deviations from the original mining plans. Additionally, the Permittees agreed to submit a new WUP modification application to the District within forty-five (45) days.

18. On May 15, 2020, the Permittees submitted WUP Modification Application 8322.006 to the District seeking authorization to dewater approximately 35 acres (including the previously authorized 12.65 acres) for dirt and shell mining to a depth of 30 feet below land surface and account for deviations from the original mining plans approved under the Permit and the FDEP ERP.

19. On May 18, 2020, the Permittees submitted a written request to extend the deadline to provide a complete response to the District's Request for Additional Information (RAI) issued May 29, 2020. The District subsequently approved the request and set a new deadline of October 26, 2020.

20. On August 26, 2020, District staff conducted an inspection at the site and observed that the conveyance pipe (between Watermelon Pit and Phase 1) within the recharge ditch system is missing, that there appears to have been multiple breaches in the recharge ditch system along the southern boundary, and the natural flow-through ditch between Watermelon Pit and Phase 1 remains blocked on the southern boundary.

21. On October 23, 2020, the Permittees submitted another written request to extend the deadline to provide a complete response to the District's RAI. The District denied the request on October 30, 2020.

22. The Permittees have failed to comply with Special Condition 3 of the Permit in that they deviated significantly from the mining plans submitted on June 30, 2008, and October 2, 2017, without prior approval from the District. The Permittees engaged in extensive and simultaneous dewatering activities in Phase 1 and Phase 2, allowed offsite discharge to occur at various times, failed to properly survey, install, and maintain staff gauges and piezometers at all times, and failed to timely submit annual mining plan updates to the District.

23. The Permittees are in violation of Standard Condition 15 of the Permit which provides that the Permittees shall not deviate from the mining plans approved under the Permit without prior approval by the District.

24. In addition to the aforementioned historical violations, as of the date of this Consent Order, the Permittees continue to be in non-compliance with the Permit.

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

26. Nothing in this Consent Order shall be construed to limit the ability to apply for an ERP or WUP in the future. When a complete application complies with the appropriate rule criteria, approval shall not be unreasonably withheld.

CONCLUSIONS OF LAW

27. The District has jurisdiction over this matter pursuant to Chapter 373, F.S., and 40D-2, F.A.C.

28. Pursuant to Section 373.129, F.S., the District may seek a civil penalty of up to \$10,000.00 (before July 1, 2020) and \$15,000.00 (on or after July 1, 2020) for each violation outlined above for each date of violation, and is further authorized to recover its investigative costs, court costs, and reasonable attorneys' fees.

29. The actions and omissions in paragraphs 6 through 24 above constitute violations of the Permit for failure to comply with the Permit's standard and special conditions.

CORRECTIVE ACTIONS

30. In settlement of the violations described in this Consent Order, the Parties agree to the following corrective actions:

- a. Within two (2) days of approval of this Consent Order by the District's Governing Board, J.D.I. Farms shall cease all dewatering activities on the Property until a new WUP modification application is approved by the District.
- b. Within thirty (30) days of approval of an ERP modification from the FDEP, J.D.I. Farms shall submit to the District a new WUP modification application to the District if one has not already been submitted. J.D.I. Farms shall comply with any requests for additional information or clarification by the District within the time frame specified in the requests.

31. Within thirty (30) days of approval of this Consent Order by the District's Governing Board, J.D.I. Farms shall pay the District, by certified check or money order, penalties in the amount of \$40,000.00. If mailed, the address for payment is:

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

32. As soon as practicable after approval of this Consent Order by the District's Governing Board, J.D.I. Farms will voluntarily dismiss with prejudice its Amended Petition for Administrative Hearing in Case No. 21-2033 with the Division of Administrative Hearings.

33. J.D.I. Farms may apply in writing to the District for an extension of the time limits contained in this Consent Order no later than five (5) days prior to the expiration of such time limit. The District may grant an extension of time in writing for good cause shown.

34. Entry of this Consent Order shall not relieve J.D.I. Farms of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

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

36. J.D.I. Farms hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order.

37. The District hereby expressly reserves and retains the right to initiate appropriate legal action against J.D.I. Farms to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Consent Order.

38. For, and in consideration of, the complete and timely performance by J.D.I. Farms of the obligations set forth in 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 J.D.I. Farms fail to completely and timely perform its obligations under this

Consent Order, the District retains the right to pursue civil or administrative action for any violations described herein.

39. J.D.I. Farms agree to fully and completely comply with all terms and conditions of any permit issued by the District, including any modifications or renewals thereof. J.D.I. Farms 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 any modifications or renewals thereof, may necessitate administrative action or civil suit in which civil penalties of up to Fifteen Thousand Dollars (\$15,000.00) per day, per offense, may be imposed.

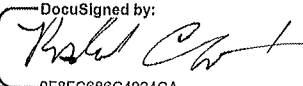
40. The effectiveness of this Consent Order is subject to review and approval by the District's Governing Board. In the event the District's Governing Board does not approve this Consent Order, this Consent Order shall be null, void, and of no legal effect.

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

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

the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (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 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-9778, 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.

43. This Consent Order may be executed in counterparts, each of which shall constitute an original, but all which, when taken together, shall constitute one and the same Consent Order.

DocuSigned by:
By: 
J.D.I. Farms, Inc., Permittee

Date: 8/27/2021

Approved by the Governing Board of the Southwest Florida Water Management District
this _____ day of _____ 2021.

Approved as to Legal Form and Content

By: _____
Kelly S. Rice, Chair

Attest: _____
Rebecca Smith, Secretary

Filed this _____ day of _____
_____ 2021.

(Seal)

Deputy Agency Clerk

WATERMELON PIT, LLC & J.D.I. FARMS, INC.
WUP NO. 008322.004
CT NO. 404443
CHARLOTTE COUNTY, FLORIDA

CONSENT AGENDA**September 28, 2021**

General Counsel's Report: Approval of Consent Order between SWFWMD and Hall Family Ranch, LLC and Alligator Alley Aggregate and Asphalt, Inc. - Permit Condition Violations - Water Use Permit No. 10218.009 - CT No. 406254 - Charlotte County

This matter involves Water Use Permit No. 10218.009 ("Permit") authorizing dewatering on a mining project in Charlotte County known as the Hall Bermont Mine ("Hall Bermont"). During a site visit, District staff identified several permit condition violations, including the failure to adhere to the Permit's monitoring conditions and failure to construct hydraulic recharge ditches as required to ensure protection of wetlands and water tables in the area around the mining operation. On November 19, 2020, the Governing Board approved Consent Order No. SWF 20-048 ("First Consent Order") wherein the Permittee, Philip VonKahle, agreed to complete certain corrective actions to bring the mining operation into compliance with the Permit and to pay penalties for the violations. The Permittee paid the initial penalties assessed in the First Consent Order and completed some of the corrective actions as required. On November 6, 2020, an application was submitted to renew the Permit. The application indicated that Hall Family Ranch, LLC, and Alligator Alley Aggregate and Asphalt, Inc., are the new owner and leaseholder of Hall Bermont, respectively.

On January 19, 2021, District staff conducted a site visit and issued a Notice of Violation identifying new violations of the Permit observed at the mine, including exceeding the permitted limits for mining and dewatering acreage and depth. On March 26, 2021, the District sent a pre-suit demand letter notifying all parties of a breach of the First Consent Order by failing to completely comply with the required corrective construction and monitoring requirements. In the pre-suit demand letter, District staff demanded additional penalties and corrective actions to remedy the most recent violations of the Permit and to resolve the breach of the First Consent Order. Hall Family Ranch, LLC, and Alligator Alley Aggregate and Asphalt, Inc., have completed some of the additional corrective actions, are in the process of completing the outstanding actions pursuant to the pre-suit demand, and have agreed to payment of additional penalties. District staff seek approval of a second Consent Order memorializing the remaining corrective actions and payment of penalties.

Staff Recommendation:

See Exhibit

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

Presenter:

Elizabeth Fernandez, Senior Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE: Hall Bermont Pit
WUP NO. 10218.007; .008; .009
CT NO. 406254 & 408507
CHARLOTTE 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 Hall Family Ranch, LLC and Alligator Alley Aggregate and Asphalt, Inc. (Permittees), collectively referred to as "the Parties," to settle certain matters at issue between the Parties. The Parties hereby voluntarily agree to the following findings of fact, conclusions of law, and corrective actions.

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries, and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapter 40D-2, Florida Administrative Code (F.A.C.).

2. The District is responsible for the administration of the water use, or consumptive use, permitting program in its jurisdiction pursuant to its authority granted under Chapter 373 and consistent with delegated authority from the Florida Department of Environmental Protection.

3. When applying to the District for a Water Use Permit ("WUP"), an applicant is required to demonstrate the conditions of issuance in 40D-2.301, Florida Administrative Code. This

includes demonstration that the proposed water use is a reasonable-beneficial use and will not interfere with any existing legal use of water.

4. The applications submitted to the District for a WUP servicing a mine site with associated dewatering activities may require water modeling, construction plans, mining plans, environmental assessments, monitoring requirements, or other documentation which must demonstrate by reasonable assurance that the proposed mining/dewatering activities would not cause harm to the water resources of the area.

5. In accordance with 40D-2.381, F.A.C., when issuing a WUP the District must include standard and special conditions to ensure that the permit continues to meet the conditions for issuance throughout the duration of the issued Water Use Permit. These standard and special conditions are typically, but not exclusively, based upon the documentation submitted by the permittee in conjunction with the application for a WUP.

6. On January 12, 2011, the District issued WUP No. 10218.007 ("Permit") to M. Lewis Hall Protective Trust, modifying an existing WUP servicing a mining project of approximately 76 acres in Charlotte County for mining and associated dewatering.

7. The mining plans submitted in the application demonstrated the conditions of issuance for the Permit. The documents submitted in the application included water modeling, proposed construction plans, and proposed monitoring requirements.

8. The Permit requires the Permittee to comply with the proposed construction plans and monitoring requirements the Permittee submitted to the District. These construction plans and monitoring requirements, in conjunction with modeling and environmental assessments, establish by reasonable assurances that - if the plans are adhered to - the permitted activities would not cause harm to the water resources of the area.

9. WUP, No. 10218.007 was modified on December 22, 2015, resulting in WUP 10218.008 which changed permitted water withdrawal quantities and added additional conditions to the permitted activities.

10. On March 8, 2019, the Permit was transferred from the Trust to Mr. Philip VonKahle, resulting in WUP 10218.009.

11. On November 19th, 2020, the parties entered a Consent Order, Order No. SWF 20-048, wherein the parties agreed to certain findings of fact and conclusions of law establishing violations of the Permit for the failure to comply with the Permit's conditions.

12. Further, the parties agreed to the completion of certain corrective actions to bring the mining operation into compliance with the Permit, to pay penalties for the violations, and to apply for a renewal permit to avoid the expiration of WUP No. 10218.009.

13. On or about November 6, 2020, an application was submitted to support the renewal for WUP No. 10218.009, and is being reviewed by the District as an application for WUP No. 10218.010 (pending issuance). The applicants have indicated that Hall Family Ranch, LLC, and Alligator Alley Aggregate & Asphalt, Inc., will be the owner/permittee for the mining operation.

14. The Permit establishes requirements for monitoring and maintaining water levels in wetlands and recharge ditches on site.

15. On January 19, 2021 the District sent a Notice of Violation to the Permittee informing the Permittee that additional violations of the Permit had been observed at the mine site, and the Permittee had violated Special Condition 2 of the permit by exceeding the permitted limits for mining/dewatering acreage and depth..

16. On March 26, 2021, the District sent a pre-suit demand letter notifying the Permittee that they had breached the previously executed Consent Order, Order No. SWF 20-048, for failing

to establish water levels in the recharge ditches that meet with design water levels, for failing to construct the recharge ditches in accordance with the currently permitted plans on or before January 4, 2021, and for failing to comply with the District's requests for additional information or clarification within the time frame specified in the requests.

17. The Parties herein have agreed to resolve all disputed issues regarding the violations set forth above, as described in this Settlement Agreement.

CONCLUSIONS OF LAW

18. The District has jurisdiction over this matter pursuant to Chapter 373 Part II of the Florida Statutes (F.S.), and 40D-2, F.A.C.

19. The District may seek a penalty of up to \$15,000.00 for each of the violations listed above for each date of the violation, and is further authorized to recover its investigative costs, court costs, and reasonable attorney fees.

20. The actions and omissions in paragraph 7 - 18 above constitute violations of the Permit for failure to comply with the Permits conditions, and failure to comply with a District Order for corrective actions.

CORRECTIVE ACTIONS

21. In settlement of the matters described in this Consent Order, the Parties agree to the following corrective actions:

22. Permittee shall complete the application for WUP No. 10218.010. Permittee shall comply with any District requests for additional information or clarification within the time frame specified in the requests. Permittee shall obtain an WUP renewal and modification as expeditiously as possible and, in any event no later November 9, 2021.

23. Permittee shall immediately and timely complete any corrective construction required by the new WUP permit within the time frame specified in the new permit.

24. Further, the Permittee shall owe the District penalties totaling \$70,000.00. Permittees shall pay half of the incurred penalties, in the amount of \$35,000.00 by certified check or money order within thirty (30) days of approval of this Consent Order by the District's Governing Board. The remaining \$35,000.00 in assessed penalties shall within one hundred and eighty (180 days). If mailed, the address for payment is:

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

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

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

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

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

29. For and in consideration of the complete and timely performance by the Permittee of the 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 the Permittee fails to completely and timely perform the obligations under this Consent Order, the District retains the right to pursue civil or administrative action for any violations described herein.

30. The Permittee agrees to henceforth fully comply with all the terms and conditions of the WUP, including any modifications or renewals thereof. The Permittee acknowledges by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of the WUP, including any modifications or renewals thereof, may necessitate administrative action or civil suit in which civil penalties of up to Fifteen Thousand Dollars (\$15,000.00) per day, per offense, may be imposed.

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

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

33. Any person, who is not a party to this Consent Order, whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (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 (withing the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing was filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 US Highway 301 North, Tamps, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-97798, 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 agency action being different from its original action. Any person who is not a party to this Consent Order whose substantial interest will be affect 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 a 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.

Witness

By: _____

Dated: _____

Approved by the Governing Board of the Southwest Florida Water Management District this _____ day of _____ 2020.

Approved as to Legal Form and
Content

Elizabeth M. Fernandez, Esq.
Office of General Counsel

By: _____
Kelly S. Rice, Chair

Attest: _____
_____, Secretary

Filed this _____ day of _____ (Seal)
_____ 2020.

Deputy Agency Clerk

HALL BERMONT PIT
WUP NO. 20 010218.007
CT NO. 406254; 408507
CHARLOTTE COUNTY, FLORIDA

CONSENT AGENDA

September 28, 2021

General Counsel's Report: Approval of Consent Order between SWFWMD and Southern Aggregates, LLC - Unauthorized Activities - CT No. 406210 - Sumter County

This enforcement matter involves the unauthorized clearing, dredging, and filling of floodplain and wetland areas on a property located at 9330 N. US Highway 301 in Wildwood, Florida (Property). On August 24, 2021, the District's Governing Board approved a Consent Order between the District and Southern Aggregates, LLC, which provided for the implementation of a corrective action plan to restore the Property to its pre-impact condition and the payment of \$48,000 in penalties and enforcement costs required to bring this matter into compliance.

Following the August Governing Board meeting, District staff became aware that an earlier draft version of the Consent Order was inadvertently included in the agenda packet and approved by the Governing Board. The earlier draft Consent Order contains a corrective action plan and penalty amount that do not represent the agreement in principle reached by the parties prior to Governing Board approval. In the agreed-upon Consent Order, the corrective action plan requires the Property Owner to obtain an Environmental Resource Permit (ERP) for the activities that occurred at the Property and pay \$21,450 in penalties and enforcement costs. District staff seek approval of the agreed-upon Consent Order to memorialize the appropriate corrective action plan and penalty amount.

Staff Recommendation:

See Exhibit

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

Presenter:

Christopher A. Tumminia, General Counsel

The BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 21-_____

IN RE: SOUTHERN AGGREGATES LLC
UNAUTHORIZED CONSTRUCTION
SUMTER COUNTY, FLORIDA
CT NO. 406210

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 Southern Aggregates LLC (Respondent), collectively referred to as “the Parties.” The Parties hereby voluntarily agree to the following findings of fact, conclusions of law, and corrective actions:

FINDINGS OF FACT

1. The District is the administrative agency of the State of Florida 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. The Respondent owns a parcel of real property at 9330 N. US 301 in Wildwood, Florida, located within Section 30, Township 18, Range 23, in Sumter County (Property). The Property is further identified by Parcel ID Number D30-021 by the Sumter County Property Appraiser.

3. On August 20, 2019, the District received a complaint stating that unauthorized construction was occurring at the Property, causing runoff and flooding to neighboring properties.

4. On August 21, 2019, District staff visited the Property and observed approximately 2.54 acres had been cleared and filled with impervious and semi-impervious materials including placement of the fill and other materials into an existing floodplain area without an Environmental Resource Permit (ERP).

5. The Respondent's unauthorized construction resulted in dredging impacts to 0.13 acre of wetlands and filling impacts of 0.32 acre of wetlands. The total on-site wetland impacts include approximately 0.45 acres.

6. The District issued a Notice of Unauthorized Activities (Notice) to the Respondent on October 8, 2019, concerning the unauthorized activities occurring on the Property and the resulting violations of Chapter 373, Part IV (F.S.) and the rules promulgated thereunder in Chapter 62-330 (F.A.C.). The Notice advised the Respondent to cease activities until the question of permit requirements was resolved.

7. On September 4, 2019, District staff met with Respondent and his consultant at the Property. At that time, Respondent was advised of the ongoing violations.

8. On February 17, 2020, a Final Notice of Unauthorized Activities was issued to the Respondent.

9. On March 10, 2020, Respondent sent a letter to District staff denying having done "any construction" at the Property; requesting a sixty (60) day extension; and advising that he would not be seeking an ERP, but rather, would like to "eliminate any alteration you [the District] are contending I did."

10. On March 16, 2020, a sixty (60) day extension was granted to Respondent to comply with the Final Notice of Unauthorized Activities letter sent February 17, 2020.

11. Based on the aforementioned in paragraphs nine (9) through ten (10), on April 30, 2020, a Final Notice of Unauthorized Activities- Restoration Plan was sent to Respondent, requesting that he respond within sixty (60) days and submit a restoration plan to the District.

12. As of the Date of this Consent Order, the Respondent has not complied with the rules and requirements of the District's ERP permitting process.

13. Respondent agrees to take the below corrective actions.

CONCLUSIONS OF LAW

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

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

16. The activities described in paragraphs four (4) and five (5) herein constitute the construction or alteration of a surface water management system and the filling/dredging of wetlands, as defined in the ERP Applicant's Handbook Volume I, Sections 2.0(a)(18) and (44), incorporated by reference in Rule 62-330.010(4), F.A.C.

17. The activities described in paragraphs four (4) and five (5) herein are regulated activities that require an ERP pursuant to Rule 62-330.020(2), F.A.C., and are otherwise not exempt from permitting requirements.

18. The activities described in paragraphs four (4) and five (5) herein constitute a violation of section 373.413 and 373.430(1)(b), F.S., and rule 62-330.020(2), F.A.C.

CORRECTIVE ACTIONS

19. The Respondent shall cease filling and dredging the wetland or otherwise engage in any further activity on the Property that constitutes the construction, alteration, operation, or abandonment of a surface water management system or project subject to regulation pursuant to Chapter 373, F.S. Any further activity shall be authorized by and conducted in accordance with an ERP.

20. Within sixty (60) days of this Consent Order's approval by the District's Governing Board, Respondent shall submit an ERP application (Application) to request authorization to construct and operate a surface water management system at the Property.

21. Respondent shall comply with and respond to all requests for additional information or clarification relating to the Application within sixty (60) days of receiving such request. Respondent shall obtain District approval of an ERP within three hundred and sixty-five (365) days of submitting the Application.

22. Within one hundred and twenty (120) days of the ERP's approval, Respondent shall complete all construction authorized and required by the ERP. Within thirty (30) days of completion of the construction authorized by the ERP, Respondent shall submit to the District a completed As-Built Certification and Request for Conversion to Operation Phase form and as-built drawings, certifying that the construction on the Property has been completed in conformance with the ERP. If the District discovers any deviation from the permitted design or violation of District rules, Respondent 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 As-built Certification and Request for Conversion to Operation Phase form. The Parties agree that any permit condition violations of the issued ERP shall be a violation of this Consent Order.

23. Should the Permit be withdrawn or denied it will be considered a violation of this Consent Order.

24. Respondent shall pay the District a penalty in the amount of \$18,650 and investigative enforcement costs in the amount of \$2,800, for a total amount of \$21,450. Respondent shall pay by certified check or money order within thirty (30) days of this Consent Order's approval by the District's Governing Board. If mailed, the address for payment is:

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

25. For each day of delay beyond any due date specified in this Consent Order, the Respondent shall pay to the District an additional sum of Two Hundred and Fifty Dollars (\$250.00) per day. This additional sum shall become immediately due to the District upon the District's written demand for such. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

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

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

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

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

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

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

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

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

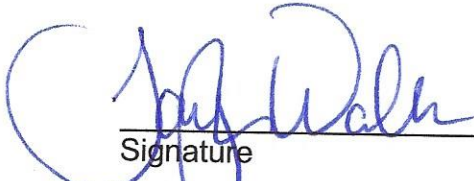
34. No modifications of the terms of this Consent Order are effective unless reduced to writing and executed by all Parties.

35. Any person, who is not a party to this Consent Order, whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of

the District at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-9772, 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.

WITNESS:


SOUTHERN AGGREGATES LLC



Signature
Taylor Wallman

Printed Name
8-5-21

Date



Signature
8-5-2021

Date

Approved by the Governing Board of the Southwest Florida Water Management District
this ____ day of _____, 2021.

By: _____
Kelly S. Rice, Chair

Attest: _____
Rebecca Smith, Secretary

Approved as to Legal Form and Content

Ashley G. Allen, Staff Attorney

Filed this ____ day of _____, 2021.

Deputy Agency Clerk

CONSENT ORDER
SOUTHERN AGGREGATES LLC
CT NO. 406210
SUMTER COUNTY, FLORIDA

CONSENT AGENDA**September 28, 2021****General Counsel's Report: Approval of the District's Annual Regulatory Plan for 2021-2022**

Executive Order No. 11-211 requires agencies under the direction of the Governor to submit to the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) "an annual regulatory plan that shall identify and describe each rule that the agency expects to begin promulgating during the next twelve-month period." Section 120.74, Florida Statutes (F.S.), requires each state agency to prepare an annual regulatory plan by October 1 of each year to identify each law enacted or amended during the previous twelve months which creates or modifies the duties or authorities of the agency, as well as each other law which the agency expects to implement by rulemaking before the following July 1, with the exception of emergency rulemaking. Additionally, the annual regulatory plan must include a certification executed on behalf of the agency by both the presiding officer and the principal legal advisor to the agency head, verifying that both persons have reviewed the plan and that the agency regularly reviews all of its rules to determine if the rules remain consistent with the agency's rulemaking authority and laws implemented. Finally, under Section 120.74(2)(a)(3), F.S., the District must publish in the Florida Administrative Register a notice indicating that its Regulatory Plan is available on the District's website.

The District's proposed 2021-2022 Regulatory Plan lists upcoming rulemaking in the following categories:

1. Amendments to Procedural Rules, Forms, and Delegation Agreements – simplifying and clarifying rules, and increasing efficiency, and in some cases reducing regulatory costs;
2. Amendments to Water Use Permitting Rules – updating, simplifying and clarifying rules, deleting unnecessary rules, and in some cases reducing regulatory costs;
3. Amendments to Water Levels and Rates of Flow Rules – clarifying rules, increasing efficiency, deleting obsolete or unnecessary rules, and in some cases reducing regulatory costs; and
4. Amendments to Recovery and Prevention Strategies for Minimum Flows and Levels – reevaluating and repealing recovery strategies, clarifying rules, and increasing efficiency.

The District's Regulatory Plan will be published on the District's website, and a notice will be published in the Florida Administrative Register. In addition, the District will electronically deliver a copy of the certification executed by the Governing Board Chair and the General Counsel, as required by Section 120.74(1)(d), F.S., to the Joint Administrative Procedures Committee. The District will continue to submit a copy of its Annual Regulatory Plan to the OFARR in accordance with Executive Order 11-211. Copies of the proposed regulatory plan and certification will be provided to the Governing Board in advance of this meeting.

Staff Recommendation:

See Exhibits

Approve the District's Annual Regulatory Plan for 2021-2022 and execute the certification required by Section 120.74(1)(d), F.S.

Presenter:

Elizabeth Fernandez, Senior Attorney

Section 120.74(1)(a), F.S., Rulemaking						
Rule Section	Law(s) Implemented	Rule Title	Must the Agency Adopt Rules to Implement the Law	Is Rulemaking Necessary to Implement the Law	Has a Notice of Rule Development Been Published and, if so, the citation to Such Notice in the Florida Administrative Register	The Date by Which the Agency Expects to Publish the Notice of Proposed Rule
None	None	None	None	None	None	None
Section 120.74(1)(b), F.S., Rulemaking						
Rule Section	Law(s) Implemented	Rule Title	Rulemaking Action	Reason for Rulemaking	Description of Changes/Additions to be Made in Rulemaking	Explain whether the rule is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules
40D-1.002	253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 F.S.	Delegation of Authority	Rule Amendment	Add and Update Incorporated Material	Incorporate updated publications, forms, or delegation agreements.	The proposed rulemaking is intended to simplify, clarify, increase efficiency, and improve coordination with other agencies.
40D-1.660	373.0361, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 F.S.	Publications and Forms Incorporated by Reference	Rule Amendment	Add and Update Incorporated Material	Update to Environmental Resource Permitting Applicant's Handbook Volume II, incorporate updated publications, forms, or operating agreements.	The proposed rulemaking is intended to simplify, clarify, increase efficiency, and improve coordination with other agencies.
40D-2.091	373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715, F.S.	Publications and Forms Incorporated by Reference	Rule Amendment	Add and Update Incorporated Material	Update to Water Use Permit Applicant's Handbook, Parts B and D.	The proposed rulemaking is intended to simplify, clarify, increase efficiency, and reduce regulatory costs.
40D-2.101	373.0363, 373.116, 373.117, 373.1175, 373.216, 373.229, 373.236, 403.0877, F.S.	Content of Application	Rule Amendment	Update Rule	Conform the rule to updated Water Use Permit Applicant's Handbook.	The proposed rulemaking is intended to simplify, clarify, increase efficiency, and reduce regulatory costs.
40D-2.801	373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 F.S.	Water Use Caution Areas	Rule Amendment	Update Rule	Conform the rule to amendment or repeal of the Recovery Strategy for the Dover/Plant City Water Use Caution Area.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency.
40D-3.037	373.046, 373.103, 373.308, 373.309, 373.323, 373.324, 373.333 F.S.	Rules, Publications and Agreements Incorporated by Reference.	Rule Amendment	Add and Update Incorporated Material	Update and incorporate forms, publications, and operating agreements, including the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District	The proposed rulemaking is intended to simplify, clarify, increase efficiency, and improve coordination with other agencies.
40D-8.021	373.036, 373.0361, 373.042, 373.0421, 373.086, 373.216, 373.219, 373.223, 373.229, 373.413, 373.414, 373.416, F.S.	Definitions	Rule Amendment	Update Rule	Update elevations from NGVD29 to NAVD88 datum.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency.
40D-8.041	373.036, 373.0361, 373.042, 373.0421, F.S.	Minimum Flows	Rule Amendment	Update Rule	Update elevations from NGVD29 to NAVD88 datum, and adopt or amend minimum flows.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency, or delete unnecessary rules.
40D-8.623	373.036, 373.0361, 373.0395, 373.042, 373.0421, F.S.	Minimum Wetland Levels	Rule Amendment	Update Rule	Update elevations from NGVD29 to NAVD88 datum, and adopt, amend, or repeal minimum levels.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency, or delete unnecessary rules.
40D-8.624	373.036, 373.042, 373.0421, 373.086, 373.709, F.S.	Guidance and Minimum Levels for Lakes	Rule Amendment	Update Rule	Update elevations from NGVD29 to NAVD88 datum, and adopt, amend, or repeal minimum levels.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency, or delete unnecessary rules.
40D-8.626	373.4131, F.S.	Minimum Aquifer Levels	Rule Amendment	Update Rule	Update elevations from NGVD29 to NAVD88 datum, and adopt, amend, or repeal minimum levels.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency.

40D-80.073	373.036, 373.0361, 373.171, 373.0421, 373.0831, 373.1963, F.S.	Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, and the Hillsborough River Recovery Strategy	Rule Amendment	Update Rule	Update elevations from NGVD29 to NAVD88 datum, and amend or repeal the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area and the Hillsborough River Recovery Strategy.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency.
40D-80.074	373.016, 373.023, 373.036, 373.0395, 373.042, 373.0421, 373.171, F.S.	Regulatory Portion of Recovery Strategy for the Southern Water Use Caution Area	Rule Amendment	Update Rule	Update elevations from NGVD29 to NAVD88 datum.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency.
40D-80.075	373.016, 373.023, 373.036, 373.0395, 373.042, 373.0421, 373.171, F.S.	Regulatory Portion of Recovery Strategy for the Dover/Plant City Water Use Caution Area	Rule Amendment	Update Rule	Amend or repeal the Recovery Strategy for the Dover/Plant City Water Use Caution Area.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency.

**CERTIFICATION OF ANNUAL REGULATORY PLAN FOR 2021-2022
FOR THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

We hereby certify:

That we have reviewed the Southwest Florida Water Management District's (District) Annual Regulatory Plan for 2021-2022, prepared in compliance with Section 120.74, F.S.; and

That the District regularly reviews all of its rules to determine if the rules remain consistent with the District's rulemaking authority and the laws implemented and conducted such a review on September ____, 2021.

KELLY S. RICE
CHAIR

CHRISTOPHER A. TUMMINIA, ESQ.
GENERAL COUNSEL

Date

CONSENT AGENDA

September 28, 2021

Executive Director's Report: Approve Governing Board Minutes - August 24, 2021

Staff Recommendation:

Approve minutes as presented.

Presenter:

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



**GOVERNING BOARD MEETING
TUESDAY, AUGUST 24, 2021 – 9:00 A.M.
2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211**

MINUTES

Board Members Present

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

Board Members Absent

Roger Germann, Member

Staff Members

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

Board Administrative Support

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

1. Convene Public Meeting

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., August 24, 2021, at the Brooksville Office, 2379 Broad Street, Brooksville, Florida 34604-6899.

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 (www.WaterMatters.org).

1.1 Call to Order

Vice 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. Vice 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. To assure that all participants have an opportunity to speak, a member of the public may submit a Request to Speak card to comment on agenda items only during the meeting. If someone wishes to address the Board on an issue not on the agenda, a Request to Speak card may be submitted for comment during "Public Input." Vice 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.

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

1.2 Invocation and Pledge of Allegiance

Board Member Ashley Barnett offered the invocation and led the Pledge of Allegiance.

1.3 Employee Recognition

Vice Chair Schleicher recognized employees who have reached at least 20 years of service. Mr. Steven Blaschka was recognized.

1.4 Additions/Deletions to Agenda

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

Discussion

Resource Management Committee

4.3 City of Venice Reclaimed Water Aquifer Storage and Recovery (ASR) – Third-Party Review (Q050)

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. Dan Hilliard, representing W.A.R., Inc., spoke regarding the lower Withlacoochee environmental assessment.

Mr. David Ballard Geddes, Jr., spoke against the use of reclaimed water.

Vice Chair Schleicher stated there was good cause to amend the agenda as allowed by Section 120.525, Florida Statutes. (Audio – 00:08:58)

CONSENT AGENDA

Finance/Outreach & Planning Committee

2.1 Approval of Recommended Changes to the District's Investment Strategy

Staff recommended the Board approve and accept the following recommended changes to the District's Investment Strategy:

- Eliminate the Enhanced Cash strategy (average maturity 1 year) and reinvest these funds into a 1–5-year portfolio strategy with a duration of 2.5 years. \$109 million (20%) of \$542 million total invested funds.
- Implement a reinvestment strategy in the 1–3-year portfolio with a current duration of approximately 2.1 years to the longer-term target duration of 1.8 years. \$315 million (58%) of \$542 million total invested funds.
- Return to active management with total return performance for the 1-3- and 1-5-year portfolio strategies on October 1.
- Maintain appropriate levels within liquidity investments for operations and other short-term expenditures. \$118 million (22%) of \$542 million total invested funds.

There are no required modifications needed to the Investment Policy to implement the recommended changes in strategy.

2.2 Fiscal Year (FY) 2021 Board Designated Encumbrance Request

Staff recommended the Board approve the encumbrance of \$1.0 million from the FY2021 Salary appropriation to carry forward into FY2022 for staff performance-based salary increases.

2.3 Florida Department of Highway Safety and Motor Vehicles Follow-Up Audit

Staff recommended the Board approve the Florida Department of Highway Safety and Motor Vehicles Follow-Up Audit.

Resource Management Committee

2.4 FARMS – Symons Grove, LLC Phase 2 (H795), DeSoto County

Staff recommended the Board:

1. Approve the Symons Grove, LLC Phase 2 project for a not-to-exceed project reimbursement of \$238,112 with \$238,112 provided by the Governing Board.
2. Authorize the transfer of \$238,112 from fund 010 H017 Governing Board FARMS Fund to the H795 Symons Grove, LLC Phase 2 project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

Operations, Lands & Resource Monitoring Committee

2.5 Amendment to the 2021 Florida Forever Workplan

Staff recommended the Board authorize the amendment to the District's 2021 Florida Forever Work Plan to include the Hamilton, Stagecoach Ranch, and Horse Creek Ranch properties located within the District's Lake Panasoffkee, Conner Preserve and Horse Creek Projects, respectively, and identify the acquisitions as less than fee/conservation easement acquisitions.

2.6 Offer for Surplus Lands – Annatteliga Hammock (AH-4), SWF Parcel No. 15-228-2068S

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

2.7 Water Use Permit No.20020949.000, GPWCA/Gibson Place Water Conservation Authority (Sumter County)

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

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

Staff recommended the Board approve the Coordination Agreement between the U.S. Army Corps of Engineers Jacksonville District and the District regarding the Corps' State Programmatic General Permit (SPGP VI).

General Counsel's Report

2.9 Approval of Consent Order Between SWFWMD and La Forest at Green Springs the Gardens Homeowners' Association - Permit Condition Violation - Environmental Resource Permit No. 44005187.002 - CT No. 403833 - Pinellas County

Staff recommended the Board:

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

2.10 Approval of Consent Order between SWFWMD and Southern Aggregates, LLC. - Unauthorized Construction Activities - Southern Aggregates, LLC. - CT No. 406210 - Sumter County

Staff recommended the Board:

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

2.11 Approve Governing Board Minutes - July 27, 2021

Staff recommended the Board approve minutes as presented.

2.12 Approve Calendar for Fiscal Year 2022 Meeting Dates

Staff recommended the Board approve the calendar as presented.

A motion was made and seconded to approve the Consent Agenda. The motion passed unanimously. (Audio - 00:16:04)

DISCUSSION AGENDA

Resource Management Committee (This Committee was moved from the order of the Agenda)
Board Member Jack Bispham called the Committee meeting to order. (Audio – 00:16:42)

4.1 Consent Item(s) Moved to Discussion - None

4.2 Polk Regional Water Cooperative – Project Conditions Associated with Governing Board Resolution 18-06 (Amended)

Mr. Eric DeHaven, Resource Management Assistant Director, presented historical information regarding amended Resolution 18-06. He provided updated information regarding the four scheduled milestones associated with the Southeast LFA (N905), the West Polk LFA (N882), the Peace Creek Integrated Water Supply Plan (N928), and the Peace River/Land Use Transitions (Q133) projects. He outlined the four milestone tasks and reasons associated with the request for excusal. Mr. DeHaven responded to questions.

Staff recommended the Board approve the request to excuse four scheduled milestone exceedances stipulated in Governing Board Resolution 18-06 (Amended) associated with the Southeast Lower Floridan Aquifer Wellfield and Transmission (N905), West Polk Lower Floridan Aquifer Wellfield and Transmission (N882), the Peace Creek Integrated Water Supply Plan (N928) and the Peace River/Land use Transition Treatment Facility and Reservoir Project (Q133) projects.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:28:25)

4.3 City of Venice Reclaimed Water Aquifer Storage and Recovery (ASR) – Third-Party Review (Q050)

Staff recommended the Board authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$5,489,752, with a DISTRICT share of \$2,744,876 for design, third-party review, permitting, construction, testing, and Independent Performance Evaluation of the reclaimed water ASR facility.

4.4 Dover/Plant City Water Use Caution Area Update and Approval of Rulemaking to Repeal the Dover/Plant City Water Use Caution Area Recovery Strategy

Ms. Tamera McBride, P.G., Resource Projects Manager, provided information that included historical information regarding the implementation of the Dover/Plant City Water Use Caution Area (D/PCWUCA) in 2011. She explained the recovery strategy associated with the implementation of the D/PCWUCA. This recovery strategy established two objectives, that included setting and achieving a minimum aquifer level (MAL) and requiring a reduction of cold protection withdrawals by 20 percent based on the cold protection quantities pumped in 2010. Ms. McBride outlined protective measures that have been taken in the D/PCWUCA. She stated that an evaluation of the area indicated that agricultural land use is declining and becoming more urbanized. Additionally, temperature history at the Plant City gage indicates that the estimated return interval for a cold event of similar magnitude to the 2010 event is approximately once in 570 years. Given the decreasing demand for cold-projection withdrawals and the rarity of the January 2010 event, staff concluded that the objective to reduce cold-protection use by 20 percent based on the 2010 event was impractical and unreasonable.

The D/PCWUCA along with the tMAL will continue to be maintained and assessed annually. Ms. McBride stated that outreach has been provided to the Advisory Committees and the public and comments received were positive. Ms. McBride responded to questions. Staff recommended the Board:

1. Approve the initiation of rulemaking and approve proposed rule language to amend Rules 40D-2.091, 40D-2.101, 40D-2.801, 40D-8.626, 40D-80.075, F.A.C., the WUP Applicant's Handbook, and the D/PCWUCA Supplemental Form, to repeal the Recovery Strategy, as shown in the Exhibits.
2. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:42:43)

4.5 Minimum Flows and Minimum Water Levels Priority List and Schedule Update

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

4.6 Lower Hillsborough River Recovery Strategy Implementation – Annual Update

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

Finance/Outreach & Planning Committee (This Committee was moved from the order of the Agenda)
Secretary Rebecca Smith called the Committee to order. (Audio – 00:43:55)

3.1 Consent Item(s) Moved to Discussion - None

3.2 Knowledge Management: Governing Board Procurement Policy

Mr. John Campbell, Management Services Director, presented information outlining the District's procurement policy. He explained the policy establishes requirements for the procurement of commodities/goods, services, and other acquisitions. Mr. Campbell explained the proposed changes to the policy. Ms. Felicia Holmes, Procurement Office Chief, responded to questions.

This item was presented for the Board's information only. The revised Procurement policy will be on the Governing Board September 2021 consent agenda for the board's review and approval.

3.3 Budget Transfer Report

Information was provided. No action was required.

Operations, Lands & Resource Monitoring Committee

Board Member Jack Bispham called the Committee to order. (Audio – 00:55:40)

5.1 Consent Item(s) Moved to Discussion - None

Mr. Brian Starford, Director, announced that Mr. Granville Kinsman, Hydrologic Data Manager, will be retiring at the end of September and Ms. Tamera McBride will be assuming his position. He thanked Mr. Kinsman for his service and congratulated Ms. McBride on her new position.

5.2 Hydrologic Conditions Report

Mr. Granville Kinsman, P.G., Hydrologic Data Manager, provided a presentation regarding hydrologic conditions. Mr. Kinsman stated that Tropical Storm Elsa provided abundant rainfall for July. Mr. Kinsman stated that some northern areas received 21 inches of rainfall for the month of August to date. He stated that groundwater levels in the northern counties are above normal, while the central and southern counties are in the normal range. The Northern, Tampa Bay, Polk Upland and Lake Wales Ridge lakes are in the normal range. Streamflow on the Withlacoochee, Hillsborough, and Alafia rivers is in the above normal range, while the Peace River flow is within the normal range. Mr. Kinsman stated the City of Tampa, Bill Young and Peace River reservoirs remain at healthy levels. The monitoring of tropical weather will continue. Developing La Niña conditions suggest drier-than-normal conditions for winter and spring

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

5.3 Overview of Land Management Plan Updates

Ms. Ellen Morrison, Land Resources Bureau Chief, provided an overview of District owned conservation lands. Ms. Morrison explained that Florida Statute directs lands owned by the District be managed and maintained to the extent practicable to ensure a balance of public access, appropriate recreational use, and the restoration and protection of the natural state and condition. She explained to ensure compliance, the District creates Land Management Plans. The District currently has 16 management plans. Ms. Morrison provided an overview of the development process and associated schedule. Ms. Morrison stated that six Management Plan updates will be submitted for the Board's approval at the September Board meeting. Ms. Morrison responded to questions.

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

Regulation Committee

Vice Chair Schleicher called the Committee to order. (Audio – 01:19:06)

6.1 Consent Item(s) Moved to Discussion

None were presented.

6.2 Denials Referred to the Governing Board

None were presented.

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion

No information was presented.

Committee/Liaison Reports

8.1 Environmental Advisory Committee

Board Member John Mitten provided a summary of the July 13 meeting. He stated that Ms. Jennifer Hecker, was elected as Chair and Dr. Dave Tomasko was elected as Vice Chair. Mr. Mitten stated that presentations included the 2021 Minimum Flows and Levels list and schedule, stormwater rulemaking update and 2021 seagrass mapping results.

A written summary of the meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, introduced Mr. Adam Blalock, Deputy Secretary for Ecosystems Restoration for the Florida Department of Environmental Protection.

Mr. Armstrong recognized Mr. Pat Lehman, who is retiring as the Executive Director of the Peace River Manasota Regional Water Supply Authority, and Mr. Mike Coates, the incoming Executive Director.

Mr. Armstrong congratulated Mr. Granville Kinsman on his upcoming retirement.

Chair's Report

10.1 Chair's Report

No information was presented.

10.2 Milestones

Vice Chair Schleicher recognized employee milestones.

The next meetings are as follows in the Tampa Office: Fiscal Year 2022 Tentative Budget Hearing is scheduled for September 14 at 5:01 p.m.; Governing Board meeting, September 28 at 3:00 p.m.; and the Final Budget Hearing is scheduled for September 28 at 5:01 p.m.

Adjournment

The meeting adjourned at 10:27 a.m.

Governing Board Meeting

September 28, 2021

3. FINANCE/OUTREACH & PLANNING COMMITTEE

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FINANCE/OUTREACH AND PLANNING COMMITTEE

September 28, 2021

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

Presenters:

Michael Molligan, Division Director, Employee and External Relations

John J. Campbell, Division Director, Management Services

FINANCE/OUTREACH AND PLANNING COMMITTEE

September 28, 2021

Discussion: Information Only: Fiscal Year 2023 Business Plan Update

Purpose

To provide the Board with an update on the Fiscal Year 2023 Business Plan.

Background/History

The Business Plan serves as a guide for business operations at the District. The plan provides direction and information to management, employees and stakeholders with respect to District priorities and performance measures. The plan ensures continued efficiency gains, effective organizational improvements, and alignment with the District's Strategic Plan.

The 2023 plan update focuses on resource requirements including personnel, equipment, and additional project needs, as well as the identification of actions taken to address needs identified in prior District Business Plans.

Benefits/Costs

Implementation of the District's Business Plan will enhance the ability to forecast future financial, operational and staffing resources necessary to meet the District's initiatives and goals as outlined in the Strategic Plan.

Staff Recommendation:

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

Presenter:

Mary Margaret C. Hull, PMP, APR, Lead Project Manager

FINANCE/OUTREACH AND PLANNING COMMITTEE

September 28, 2021

Discussion: Action Item: Fiscal Year (FY) 2022 Budget Development

Purpose

Provide an update on proposed budget changes, if any, since the first public budget hearing held on September 14, 2021.

Background

At the July 27 Governing Board meeting, the Governing Board approved the *Standard Format Tentative Budget*, which on August 1, was submitted to the Executive Office of Governor (EOG), the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over the districts, the Secretary of the Department of Environmental Protection, and the governing body of each county in which the District has jurisdiction or derives any funds for the operations of the District. The tentative budget report was also posted on the District's website and reflects the budget as approved by the Governing Board on July 27.

The Governing Board also adopted a proposed FY2022 millage rate of 0.2535 mill, which is the rolled back rate. The proposed FY2022 millage rate was certified to the county property appraisers following the July 27 meeting and was used for the Truth in Millage (TRIM) *Notices of Proposed Property Taxes* to all District taxpayers.

On September 14, 2021, the first public budget hearing was held at the Tampa Office where the Governing Board voted on a tentative millage rate and budget. Written disapproval of any portion of the budget must be received from the EOG or the Legislative Budget Commission at least five business days prior to the final budget hearing. The second and final hearing is scheduled to be held on September 28, 2021 at 5:01 p.m. also at the Tampa Office where the Governing Board will vote on a final millage rate and budget.

Discussion

Staff will present the proposed changes, if any, since the first public budget hearing held on September 14, 2021.

Staff Recommendation:

Approve the proposed changes, if any, to the FY2022 budget for adoption at the final budget hearing scheduled to be held on September 28, 2021.

Presenter:

John J. Campbell, Division Director, Management Services

FINANCE/OUTREACH AND PLANNING COMMITTEE

September 28, 2021

Discussion: Information Only: Office of Inspector General Fiscal Year 2021 Annual Report

Background/Purpose

In accordance with the Office of Inspector General (OIG) Charter Governing Board Policy and Section 20.055, Florida Statutes, the Inspector General (IG) must submit an annual report to the District Governing Board that summarizes the activities of the OIG during the fiscal year.

Background

This report provides relevant information regarding performance measures, a description of recommendations for corrective actions, a description of corrective actions from previous annual reports, a summary of audit and investigation reports, reviews, and other accomplishments during the period.

During the fiscal year, the OIG completed the annual audit risk assessment, annual short and long-term audit plan, all quarterly updates to the Governing Board, one audit, all follow-up on corrective actions taken by the District from the previous annual report, two reports involving an investigation and a whistleblower request, completed continuing professional education in order to maintain the certified public accountant (CPA) and certified inspector general (CIG) licenses, and successfully passed the certified fraud examiner (CFE) exam from the Association of Certified Fraud Examiners. In addition, the OIG initiated 96 review projects and closed 12 complaints. The OIG operates the audit function under the *Generally Accepted Government Auditing Standards*, also known as the yellow book, which a peer review from the Association of Inspectors General determined the OIG met all applicable yellow book standards. The yellow book requires a peer review every 3 years. For FY 2021, the OIG is compliant with the yellow book peer review requirement.

Staff Recommendation:

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

Presenter:

Brian Werthmiller, Inspector General

FINANCE/OUTREACH AND PLANNING COMMITTEE

September 28, 2021

Submit & File: Information Only: Budget Transfer Report

Purpose

Provide the Budget Transfer Report covering all budget transfers made during the month of August 2021.

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 August 2021.

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
August 2021

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---			
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category	Reason For Transfer		Transfer Amount
<u>Change from Original Budget Intent</u>					
1	Information Technology Cloud Software Usage Fees	Information Technology Cloud Software Usage Fees	Transfer of funds originally budgeted for a benefits administration module. These funds are no longer required due to modules that are compatible with the existing human capital management system not providing the ability to alleviate current manual processes. The funds are needed for a replacement timekeeping module within the human capital management system that will eliminate some manual processes associated with each payroll cycle and the tracking for Family and Medical Leave Act (FMLA).	\$	27,600.00
2	Water Resources Grant - Water Conservation	Land Resources Equipment - Non-Capital Outlay	Transfer of funds originally budgeted for the Polk County Landscape and Irrigation Evaluation Conservation Cooperative Funding Initiative project with Polk County. The project was completed under budget earlier this fiscal year. The funds are needed for the purchase of a claw grapple attachment for a recreation tractor assigned to the Land Management section. The addition of this attachment will improve the section's response time for routine activities associated with administering the District's recreation program by alleviating its reliance on the equipment and staff of the Field Operations section, as well as provide safety measures by limiting staff contact with debris left behind.		4,900.00
3	Information Technology Software Maintenance	Information Technology Other Contractual Services	Transfer of funds originally budgeted for annual software maintenance. The funds are no longer required due to expenditures being less than anticipated as a result of operational cost savings. The funds are needed in addition to the \$40,000 budgeted for third-party system security testing to ensure the District has appropriate processes and technologies in place that will allow the District to continue essential business functions through an unplanned event.		2,700.00
Total Change from Original Budget Intent				\$	35,200.00
<u>Consistent with Original Budget Intent</u>					
1	Water Resources Consultant Services	Natural Systems & Restoration Consultant Services	Funds are needed for the original purpose budgeted for as-needed scientific consultant services to assist staff in the development of work products associated with assessments of water level recovery, water availability, and minimum flows and levels. The funds are being transferred to the appropriate accounting codes for the conversion of the East Central Florida Transient (ECFTX) groundwater flow model for the Central Florida Water Initiative area to a tool that will allow for the evaluation of Water Use Permits. Since budgeting, this responsibility has been reassigned from the Resource Projects section to the Environmental Flows and Levels section.	\$	12,000.00
Total Consistent with Original Budget Intent				\$	12,000.00
Total Amount Transferred				\$	47,200.00

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

September 28, 2021

4. RESOURCE MANAGEMENT COMMITTEE

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4.6	Submit & File: Information Only: Proposed Minimum Flows for Little Manatee River Prior to Independent Scientific Peer Review.....	151

RESOURCE MANAGEMENT COMMITTEE

September 28, 2021

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

Presenter:

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

RESOURCE MANAGEMENT COMMITTEE**September 28, 2021****Discussion: Action Item: City of Venice Reclaimed Water Aquifer Storage and Recovery (ASR) – Third-Party Review (Q050)***Purpose*

The purpose of this item is to provide the results of the third-party review (TPR) on the City of Venice's Reclaimed Water ASR project and request Governing Board approval to amend the Cooperative Funding Agreement to move forward with final design, bidding, permitting, construction, testing, and Independent Performance Evaluation (IPE) for the project at a total project cost of \$5,489,752.

Background/History

The City of Venice (City) and the Southwest Florida Water Management District (District) entered into a Cooperative Funding Agreement in 2020 for the City of Venice Reclaimed Water ASR project. The construction of the ASR facility will allow the City to store excess reclaimed water in the wet season, to be used in the dry season for irrigation when demand exceeds plant flow. The availability of this water during the dry season will potentially reduce the use of potable water sources for irrigation by an estimated 0.24 million gallons per day. The facility will operate for 20 years at a minimum storage and recovery rate of 60 million gallons per year (mgd) calculated using a 5-year moving average.

The existing Agreement includes 30 percent design and TPR. Governing Board approval of the TPR is required to proceed beyond the 30 percent design stage. The conceptual cost for the entire project was estimated to be \$5,065,000, which included estimates for the TPR, Full Design and Bid, Permitting, Construction, Testing, and an IPE.

Per our agreement, the City provided the Basis of Design Report (BODR) at 30 percent design for the TPR. District staff contracted with an engineering firm to conduct the TPR in February 2021. The firm completed the review in May 2021 and concluded that the proposed design is reasonable and constructable and that the proposed benefits can be achieved. In addition, the firm reviewed the 30% design construction cost estimate, the City's final, total project cost estimate, and the project schedule and found them to be reasonable for the proposed project.

The City's final, total project cost estimate is \$5,489,752. The estimate is based on the 30 percent design and incorporates the following:

- ASR recharge pump station
- Inline ultraviolet disinfection reactor
- ASR and monitoring wells
- Sodium bisulfite storage and feed system
- Design, permitting and testing
- TPR and IPE

Benefits/Costs

The construction of this ASR facility at the City's Eastside Water Reclamation Facility would allow the City to store excess reclaimed water in the wet season, to be used in the dry season for irrigation when demand exceeds plant flow. The availability of this water during the dry season will potentially reduce the use of potable water sources for irrigation by an estimated 0.24 million gallons per day. The Measurable

Benefit of the project will be the recovery of 60 million gallons of water per year for irrigation use, calculated using a 5-year moving average for a 20-year period.

The total project cost of \$5,489,752 includes \$124,957 for 30 percent design, \$15,109 for TPR, \$525,000 for final design and bidding services, \$100,000 for test permitting, \$4,400,000 for construction, \$200,000 for cycle testing, \$24,686 for IPE, and \$100,000 for operation permitting. The City is requesting Governing Board approval to move forward with the project final design, permitting, construction, testing, and IPE with the District funding fifty percent of the total project cost of \$5,489,752. This updated total cost is approximately eight percent higher than the conceptual estimate of \$5,065,000. This is well within recent cost increases experienced in the construction industry. If approved, the District's share would be \$2,744,876.

The District has previously entered into an agreement for \$165,000 (\$82,500 District share) for 30 percent design and TPR. The City had requested \$150,000 in FY2021, which was approved by the Governing Board pending approval of the TPR results. The City also requested an additional \$1,100,000 in FY2022 for construction and, if authorized by the Board to move forward with this project, will request the remaining share in future years.

The project has been evaluated based on the latest information including the current total cost estimate of \$5,489,752. Both the TPR and staff agree that the project is reasonable and cost effective. The current evaluation form is provided as an exhibit to this recap. Project benefit, cost effectiveness, and strategic goal rankings all remain High, and the overall project ranking is also High.

Should the Governing Board decide to move forward with this project, the future costs would be funded through approval of future Cooperative Funding Initiative requests. The District's existing Cooperative Funding Agreement with the City requires Governing Board approval to modify the Agreement costs and scope before the City is eligible for reimbursement of any expenses beyond the TPR task.

Staff Recommendation:

Authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$5,489,752, with a DISTRICT share of \$2,744,876 for design, third-party review, permitting, construction, testing, and Independent Performance Evaluation of the reclaimed water ASR facility.

Presenter:

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

Project No. Q050	ASR - City of Venice Reclaimed Water ASR			
City of Venice				
Risk Level:		Type 3	Multi-Year Contract: Yes, Year 3 of 5	
Description				
Description:	Design, permitting, construction, testing, and independent performance evaluation (IPE) of an Aquifer Storage and Recovery (ASR) system to store and recover at least 60 million gallons per year (mgy) of reclaimed water on-site at the City's Eastside Water Reclamation Facility, an advanced wastewater treatment plant. If constructed, ASR would let the City store excess reclaimed water in the wet season, to be used in the dry season when demand exceeds plant flow. Funding was previously approved for 30% design, third party review (TPR), final design, and construction permitting. The District required TPR because of project costs and complexity. The FY2022 funding request is for construction. Future funding will be for construction, testing, and operational permitting.			
Measurable Benefit:	The contractual Measurable Benefit is the design, permitting, construction, testing, and independent performance evaluation of an ASR system that will operate for 20 years at a minimum storage and recovery rate of 60 mgy calculated using a 5-year moving average. Construction will be done in accordance with the permitted plans.			
Costs:	Total conceptual project cost: \$5,489,752 (design, permitting, construction, testing, TPR, and IPE) City of Venice: \$2,744,876 District: \$2,744,876 with \$232,500 budgeted in previous years, \$1,100,000 requested in FY2022, and \$1,412,376 anticipated to be requested in future years.			
Evaluation				
Application Quality:	High	Application included all the required information identified in the CFI Guidelines.		
Project Benefit:	High	If constructed, the benefit would be development of at least 60 mgy in reclaimed water storage/recovery in the SWUCA; this would enable supply to approximately 740 additional reclaimed users, potentially reducing irrigation groundwater withdrawals by an estimated 0.24 million gallons per day (mgd). The City projects storing/recovering 185 mgy by 2035.		
Cost Effectiveness:	High	Costs are consistent with similarly funded District projects.		
Past Performance:	High	Based upon an assessment of the schedule and budget for 4 ongoing projects.		
Complementary Efforts:	High	Cooperator has a program in place that includes metering and an incentivized-based reuse rate structure for high volume users. Cooperator has a program in place that has proactive reclaimed expansion policies, which maximize utilization and environmental benefits.		
Project Readiness:	High	Project is ongoing and on schedule.		
Strategic Goals				
Strategic Goals:	High	Strategic Initiative - Reclaimed Water: Maximize beneficial use of reclaimed water to reduce demand on traditional water supplies. Southern Region Priority: Implement Southern Water Use Caution Area (SWUCA) Recovery Strategy.		
Overall Ranking and Recommendation				
Fund as a High Priority	Based upon the TPR results and available cost estimates, District staff recommends Governing Board approval of funding the City of Venice Reclaimed Water ASR Project for final design, permitting, construction, testing, and independent performance evaluation. Project is designed to allow the City to optimize use of reclaimed water to meet current and future irrigation demands, reducing reliance on fresh groundwater withdrawals.			
Funding				
Funding Source	Prior	FY2022	Future	Total
District	\$232,500	\$1,100,000	\$1,412,376	\$2,744,876
City of Venice	\$232,500	\$1,100,000	\$1,412,376	\$2,744,876
Total	\$465,000	\$2,200,000	\$2,824,752	\$5,489,752

RESOURCE MANAGEMENT COMMITTEE**September 28, 2021****Discussion: Action Item: FARMS - Model Farms Economic Study, 2021 Updated Study***Purpose*

To request Board approval of the Model Farms Economic Study 2021 which provides updated cost/benefit benchmarks used to evaluate Facilitating Agricultural Resource Management Systems (FARMS) program projects. A copy of the Model Farms Economic Study 2021 is provided under separate cover.

Background/History

The District's FARMS Program provides cost-share funds for the implementation of agricultural Best Management Practices (BMPs). The primary purpose of the BMPs is to reduce groundwater use, in addition to providing resource benefit improvements to water quality, and/or natural systems within the District. To ensure each FARMS program project provides an effective cost/benefit ratio, staff uses the Model Farms Economic Study to provide modeled cost and benefit benchmarks for typically funded agricultural BMPs. The study is updated every five years and these updates keep the benchmarks relevant to the types of projects that are being proposed. The regular updates include new commodities, updated costs, the most recent research into the benefits of the BMPs, updated average farm size for each commodity, and confirms the estimated groundwater offsets are reasonable.

The FARMS Governing Board Policy requires proposed FARMS projects to be equal to or below comparable cost benchmarks identified in the Model Farms Economic Study. This information is provided to the Governing Board for each FARMS project submitted for funding approval. The District's consultant, Intera, Inc. and the Balmoral Group, recently completed an updated Model Farms Economic Study, dated August 2021. Results of this new study were provided to the combined Agricultural/Green Industry Advisory Committee.

Benefits/Costs

The updated Model Farms Economic Study will allow staff to use the best available information to review the cost/benefit of proposed FARMS projects.

Staff Recommendation:

Approve the updated Model Farms Economic Study 2021.

Presenter:

Carole Estes, FARMS Program Manager, Natural Systems & Restoration Bureau

RESOURCE MANAGEMENT COMMITTEE

September 28, 2021

Discussion: Information Only: Knowledge Management: FARMS Program Governing Board Policy Revision

Purpose

To request approval to revise the FARMS Program Governing Board Policy to remove the reference to a specific version of the Models Farms Economic Study.

Background/History

The District's FARMS Program is a public/private agricultural Best Management Practice (BMP) cost-share reimbursement program. In February 2020, the District Governing Board approved the FARMS Governing Board Policy. One of the key components in the policy is that a Model FARMS Economic Study be completed every five years to provide cost/benefit benchmarks to ensure proposed projects are cost effective. This policy currently references the Model Farms Economic Study 2016 to provide these cost/benefit benchmarks.

In March 2020, the District selected Intera and the Balmoral Group to update the Model Farms Economic Study. These updates keep the benchmarks relevant to the types of projects that are being proposed. The regular updates include new commodities, updated costs, the most recent research into the benefits of the BMPs, updated average farm size for each commodity, and confirms estimated groundwater offsets are reasonable. The draft Model Farms Economic Study 2021 was presented to the combined Agriculture/Green Industry Advisory Committee in June 2021 and is being presented to the Governing Board at the September 2021 meeting.

The current FARMS Program Governing Board Policy references the Model Farms Economic Study 2016. District staff recommend removing the reference to a specific version of the study and replacing it with a reference to the current Governing Board approved Model Farms Economic Study. This change would improve administrative efficiencies by not requiring Policy revisions each time a new study is approved by the Board. In addition to this recommended change, minor formatting and grammar changes have been made. The revised language is shown in the attached exhibit. The revised Policy will be brought back to the Governing Board for consideration and approval on the October Governing Board meeting consent agenda.

Staff Recommendation:

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

Presenter:

Carole Estes, FARMS Manager, Natural Systems and Restoration

GOVERNING BOARD POLICY
Southwest Florida Water Management District

Title: Facilitating Agricultural Resource Management Systems (FARMS) Program

Document Owner: Randy Smith, PMP, Natural Systems and
Restoration Bureau Chief

Approved By: Mark Taylor, Chair

Effective Date: 02/25/2020

Supersedes: New

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PURPOSE

This policy establishes procedures for implementing the Facilitating Agricultural Resource Management Systems (FARMS) Program and the requirements for obtaining funding assistance.

The FARMS Program is a public/private cost-share reimbursement program. The Program expedites water resource development and alternative water supply projects on agricultural properties by providing funding assistance to implement production-scale Best Management Practices (BMPs). The resource benefits anticipated include reduced Upper Floridan aquifer (UFA) withdrawals, water quality improvements in ground and surface water, conservation, restoration, and augmentation of the area's water resources and natural systems. The District's mission to protect water resources is reflected in the Program's five goals:

1. Improve surface water quality which has been impacted by groundwater withdrawals, with priority given to projects located in the Shell, Prairie, and Joshua Creek (SPJC) or Horse Creek watersheds;

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2. Conserve, restore or augment the water resources and natural systems in the Upper Myakka River Watershed (UMRW);
3. Reduce groundwater use in the Southern Water Use Caution Area (SWUCA);
4. Reduce groundwater use for Frost/Freeze Protection within the Dover/Plant City Water Use Caution Area (DPCWUCA);
5. Reduce Upper Floridan aquifer groundwater use and nutrient loading in the Northern District.

SCOPE

This policy applies to FARMS Program cost-share projects that are presented to the Governing Board for approval.

AUTHORITY

The FARMS Program is authorized by Section 373.705(3), Florida Statutes (F.S.), which states the District "shall fund and implement water resource development as defined in Section 373.019, F.S."

Water resource development, in pertinent part, is "the formulation and implementation of regional water resource management strategies, including structural and nonstructural programs to protect and manage water resources, [and] the development of regional water resource implementation programs." Section 373.019(24), F.S.

Additionally, the Governing Board is authorized to contract with private organizations and other entities pursuant to Section 373.083(1), F.S.

The FARMS Program is consistent with the District's Regional Water Supply Plan as approved by the Governing Board pursuant to Section 373.036(1), F.S. Furthermore, the FARMS Program is a key management action in a number of other Governing Board-approved documents including: 1) *Shell, Prairie, and Joshua Creek Watershed Management Plan - Reasonable Assurance Documentation*; 2) *Dover/Plant City Water Use Caution Area Recovery Strategy*; and 3) *Southern Water Use Caution Area Recovery Strategy*.

DEFINITIONS

(1) "Agriculture" means the science and art of production of plants and animals and includes aquaculture, horticulture, floriculture, viticulture, forestry, nurseries, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(2) "Best Management Practice" means a practice or combination of practices based on research, field-testing, and expert review, to be the most practicable on-location means, including economic and technological considerations, for improving water conservation and quality in agricultural discharges. BMPs for agricultural discharges shall reflect a balance between water resource improvements and agricultural productivity.

(3) "District" means the Southwest Florida Water Management District.

(4) "Eligible Costs" means the costs for equipment procured in accordance with the terms of the contractual agreement between the applicant and the District which are eligible for reimbursement.

(5) "Equipment" means the tangible items and components of a project including software and internet services for the first year of a project's operation.

(6) "Model Farms Costs" means those estimated costs developed to identify reasonable costs

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associated with implementing various BMPs by a variety of agricultural operations as set forth in the Facilitating Agricultural Resource Management Systems (FARMS) Program Model Farms Economic Study – Final Report, March 2016.

(7) “Program” means the Facilitating Agricultural Resource Management Systems Program.

(8) “Project Area” means the land upon which the components of the BMPs are located and includes the land to be served by a project.

POLICY

The following guidelines apply to all FARMS projects.

FARMS PROJECT ELIGIBILITY CRITERIA

1. BMPs commonly implemented in eligible projects include, but are not limited to, internal surface water control, tailwater recovery, alternative source utilization, improved irrigation management decision support tools, frost-freeze protection alternatives, and precision nutrient application technology/management decision support tools. FARMS Program funding is available to agricultural operations that:
 - a. Are located within the jurisdictional boundaries of the District;
 - b. Are in compliance with all applicable federal, state, and local laws, rules, and regulations and all District-issued permits. A project shall not be eligible for funding if the project components are required by permit;
 - c. Have a District-issued water use permit;
 - d. Are consistent with the FARMS Program goals, as applicable, as listed above and further defined as follows:
 - i. Improve surface water quality which has been impacted by groundwater withdrawals, with priority given to projects located in the Shell, Prairie, Joshua, or Horse Creek watersheds. These projects must result in specific conductance water quality improvements for those agricultural operations currently using mineralized groundwater (defined as having a specific conductance in excess of 1000 uS/cm).
 - ii. Conserve, restore, or augment the water resources and natural systems in the UMRW. These projects must be located within the UMRW and propose improvements to natural systems and wetland functions with impacts from groundwater withdrawals.
 - iii. Reduce groundwater use in the SWUCA by implementing BMPs that result in a reduction in annual average daily UFA groundwater withdrawals within the District. No more than 5% of frost/freezing protection quantities authorized by a District Water Use Permit shall be used in calculating the amount of water no longer withdrawn from the UFA outside the DPCWUCA.
 - iv. Implement BMPs that result in a reduction in frost-freezing protection and/or annual average daily UFA groundwater withdrawals within the DPCWUCA.
 - v. Reduce Upper Floridan aquifer (UFA) groundwater use and nutrient loading in the District by implementing nutrient water quality

improvements. Proposed nutrient reduction BMPs must be supported by accepted research-based water quality improvement investigations associated with each BMP measure.

- e. Result in a quantifiable, measurable water resource benefit that will be determined cooperatively between the applicant and District.
 - f. Implement BMPs that have a cost-benefit that equals or is less than currently accepted Model Farms Costs. The Model Farms Costs are designed to identify reasonable costs associated with implementing BMPs by a typical agricultural operation.
 - g. Have had funding assistance deferred by the United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS), Environmental Quality Incentives Program (EQIP) or similar program, if implementing irrigation system retrofits, conversions, or system upgrades. Only those water savings resulting from a decrease in inch-application rates for these types of projects will be used in the cost-benefit analysis. Irrigation retrofits will only be considered for the same crop type.
 - h. Applicant agrees to provide a minimum 25 percent funding contribution of total project costs for District funded FARMS projects. Thereby, a project that received or will receive funding assistance from other funding sources, including but not limited to the USDA-NRCS, EQIP or the Florida Department of Agriculture and Consumer Services (FDACS), must not exceed more than 75 percent of the total project cost reimbursed by all combined funding sources.
 - i. Utilize the Mobile Irrigation lab (MIL) services for FARMS projects that propose improved irrigation management decision support tools and for those projects proposing irrigation system retrofitting, conversions, or system upgrades. In the alternative, documentation must be provided to the District to demonstrate efficient irrigation water delivery in the existing system prior to the FARMS application being deemed complete. Although not required on all projects, participants are encouraged to receive an MIL evaluation prior to a FARMS application submittal in order to ascertain current operating conditions.
 - j. Enroll in the FDACS adopted agricultural BMPs program, through a Notice of Intent (NOI).
2. A project shall not be eligible for funding if the applicant previously received FARMS Program funds and construction of the funded project has not commenced.

COST SHARE FUNDING RATES

- 1. Program funding will be authorized by the Governing Board on a yearly basis, with no guarantee of funding availability. Consultant services, earthwork activities associated with drainage improvements or pond excavation, labor, other non-hardware costs, and other costs as determined by the District are not eligible for reimbursement; however, these costs may be used as an applicant's match in total project costs.

GOVERNING DOCUMENT

Title: FARMS Program

Effective Date: 02/25/2020

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2. Those projects that meet all required criteria and have been determined to provide the highest water resource benefits will be recommended for Board approval, on a first-come, first-served basis until funding is exhausted. When funding levels are such that projects must be prioritized, District staff will consider the following:
 - a. Whether the project is located within a Water Use Caution Area or other area that has been identified as a priority by the District.
 - b. The effectiveness of the project in terms of total reductions in groundwater withdrawals (including the UFA), water quality benefits as a result of reductions in groundwater withdrawals where the use of mineralized water or Springs Coast nutrient loads are being reduced, or improvements in natural system function in the UMRW.
 - c. Cost-benefit analysis.
3. The amount of funding to be provided for approved projects will be determined as follows:
 - d. Fifty percent (50%) maximum reimbursement of total project costs, not to exceed 100% of FARMS Eligible Costs when a project proposes:
 - i. Reducing groundwater withdrawals from the UFA;
 - ii. An existing irrigation system upgrade or retrofit that reduces groundwater withdrawals;
 - iii. An improvement to ground or surface water quality impacted by mineralized groundwater withdrawals from any aquifer system;
 - iv. An improvement to natural system functions in the UMRW;
 - v. A reduction in nutrient loading in ground and/or surface water;
 - vi. A reduction in UFA groundwater withdrawals over the project area through the use of reclaimed water;
 - vii. Reducing withdrawals from any combination of ground, surface, or reclaimed water resources.
 - e. Seventy five percent (75%) maximum reimbursement of total project costs, not to exceed 100% of FARMS Eligible Costs when a project proposes:
 - i. A reduction in groundwater withdrawals from the UFA and the improvement of water quality in surface water impacted by mineralized ground water;
 - ii. A reduction in groundwater withdrawals and the improvement of natural systems in the UMRW;
 - iii. A reduction in UFA frost/freeze protection withdrawals authorized by a District Water Use Permit from the UFA within the DPCWUCA;
 - iv. A reduction in groundwater withdrawals from the UFA and a reduction in nutrient loading.

APPLICATION PROCEDURE

1. The District will provide a FARMS Funding Application to all interested persons and entities within the District.

2. As a part of the application process, the District Project Manager and other appropriate representatives will conduct a site visit to discuss project feasibility with the applicant.
3. Applicants will submit a complete FARMS Funding Application signed by the property owner or authorized agent to the FARMS Program Manager. Applications for leased property shall be a joint application signed by the lessee and property owner (or authorized agents). If there are multiple owners, all owners (or authorized agents) shall sign the application or sign an affidavit indicating that they join in the application. In the case of a lessee applicant, a copy of a signed and executed lease agreement between the lessee and the property owner shall be submitted with the application that shows a lease term longer than the combined construction and operational time frames expected under the FARMS "Cooperative Funding Agreement".
4. Applications will be accepted any time during the fiscal year; however, funding is limited and complete applications for projects will be recommended only as long as funding is available and is subject pursuant to "Cost Share Funding and Rates", conditions above.
5. The assigned District Project Manager will evaluate each application and recommendations may be provided to an applicant to enhance a project's effectiveness. Applications which cannot be directly implemented by the applicant generating the request or their agent, or proposals which do not significantly, or cost effectively benefit water resource goals (as defined above) will not be approved.
6. The final decision regarding the funding of specific FARMS projects is the exclusive authority of the Governing Board. All requests for FARMS cost-share funding will be reviewed by the Governing Board.
7. Following Governing Board approval, applicants will be required to sign a cooperative funding agreement with the District, approved by the District's Office of General Counsel, which sets forth, at a minimum, the scope of work, contract duration, performance measures, Water Use Permit implications, operational and maintenance responsibilities, indemnification, and funding amount. The cooperative funding agreement will be executed by all property owners and, if applicable, all lessees.

CONTRACTUAL REQUIREMENTS

1. A current template of the FARMS "Cooperative Funding Agreement" will be provided to the applicant during the application process.
2. All approved applicants will be required to enter into a FARMS "Cooperative Funding Agreement" with the District. A draft of the project specific FARMS "Cooperative Funding Agreement" will be provided to the applicant at such time as the application is deemed complete for approval.
3. The FARMS Program applicant will be required to modify their Water Use Permit to reflect the project as provided for in the contract.
4. The applicant is required to fulfill the obligations under the terms and conditions agreed to in an executed "Cooperative Funding Agreement" between the District and applicant.

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Title: FARMS Program

Effective Date: 02/25/2020

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EXCEPTIONS TO PROCEDURE

Exceptions to this procedure may be reviewed by the Executive Director and presented to the Governing Board for approval on a project specific basis. The Governing Board has sole authority to approve an exception to this procedure.

DISTRIBUTION

This Policy will be stored in the Governing Board Policy Repository.

REFERENCES

FARMS Program Funding Application – District Form LEG-R.022.02 (8/10)

Cooperative Funding Agreement Template

Model Farms Economic Study – Final Report, March 2016

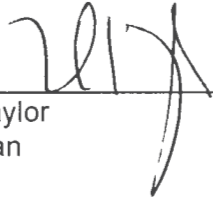
REVIEW PERIOD

This policy will be reviewed every two (2) years by the Executive Director or designee and updated for Governing Board approval if needed to implement policy revisions. The Policy will be reviewed by the Governing Board every six (6) years.

DOCUMENT DETAILS

Document Name	Facilitating Agricultural Resource Management Systems (FARMS) Program
Formerly Known As	Chapter 40D-26 Facilitating Agricultural Resource Management Systems Program
Document Type	Policy
Author(s)	Chris Zajac
Reviewing Stakeholder(s)	
Document Owner Name	Randy Smith, PMP
Document Owner Title	Natural Systems and Restoration Bureau Chief
Review Period (in days)	730
Span of Control	Governing Board
Supersedes Date	New
Effective Date	

APPROVAL



Mark Taylor
Chairman

2/25/20
Date

DRAFT

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Facilitating Agricultural Resource Management Systems (FARMS) Program

Document Owner: Randy Smith, PMP, Natural Systems and
Restoration Bureau Chief

Approved By: Kelly Rice, Chair

Effective Date:

Supersedes: 02/25/2020

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PURPOSE

This policy establishes procedures for implementing the Facilitating Agricultural Resource Management Systems (FARMS) Program and the requirements for obtaining funding assistance.

The FARMS Program is a public/private cost-share reimbursement program. The Program expedites water resource development and alternative water supply projects on agricultural properties by providing funding assistance to implement production-scale Best Management Practices (BMPs). The resource benefits anticipated include reduced Upper Floridan aquifer (UFA) withdrawals, water quality improvements in ground and surface water, conservation, restoration, and augmentation of the area's water resources and natural systems. The District's mission to protect water resources is reflected in the Program's five goals:

1. Improve surface water quality which has been impacted by groundwater withdrawals, with priority given to projects located in the Shell, Prairie, and Joshua Creek (SPJC) or Horse Creek watersheds;

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2. Conserve, restore or augment the water resources and natural systems in the Upper Myakka River Watershed (UMRW);
3. Reduce groundwater use in the Southern Water Use Caution Area (SWUCA);
4. Reduce groundwater use for Frost/Freeze Protection within the Dover/Plant City Water Use Caution Area (DPCWUCA);
5. Reduce Upper Floridan aquifer groundwater use and nutrient loading in the Northern District.

SCOPE

This policy applies to FARMS Program cost-share projects that are presented to the Governing Board for approval.

AUTHORITY

The FARMS Program is authorized by Section 373.705(3), Florida Statutes (F.S.), which states the District “shall fund and implement water resource development as defined in Section 373.019, F.S.”

Water resource development, in pertinent part, is “the formulation and implementation of regional water resource management strategies, including structural and nonstructural programs to protect and manage water resources, [and] the development of regional water resource implementation programs.” Section 373.019(24), F.S.

Additionally, the Governing Board is authorized to contract with private organizations and other entities pursuant to Section 373.083(1), F.S.

The FARMS Program is consistent with the District’s Regional Water Supply Plan as approved by the Governing Board pursuant to Section 373.036(1), F.S. Furthermore, the FARMS Program is a key management action in a number of other Governing Board-approved documents including: 1) *Shell, Prairie, and Joshua Creek Watershed Management Plan - Reasonable Assurance Documentation*; 2) *Dover/Plant City Water Use Caution Area Recovery Strategy*; and 3) *Southern Water Use Caution Area Recovery Strategy*.

DEFINITIONS

(1) “Agriculture” means the science and art of production of plants and animals and includes aquaculture, horticulture, floriculture, viticulture, forestry, nurseries, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(2) “Best Management Practice” means a practice or combination of practices based on research, field-testing, and expert review, to be the most practicable on-location means, including economic and technological considerations, for improving water conservation and quality in agricultural discharges. BMPs for agricultural discharges shall reflect a balance between water resource improvements and agricultural productivity.

(3) “District” means the Southwest Florida Water Management District.

(4) “Eligible Costs” means the costs for equipment procured in accordance with the terms of the contractual agreement between the applicant and the District which are eligible for reimbursement.

(5) “Equipment” means the tangible items and components of a project including software and internet services for the first year of a project’s operation.

(6) “Model Farms Costs” means those estimated costs developed to identify reasonable costs

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associated with implementing various BMPs by a variety of agricultural operations as set forth in the current Governing Board approved Model Farms Economic Study.

(7) "Program" means the Facilitating Agricultural Resource Management Systems Program.

(8) "Project Area" means the land upon which the components of the BMPs are located and includes the land to be served by a project.

POLICY

The following guidelines apply to all FARMS projects.

FARMS PROJECT ELIGIBILITY CRITERIA

1. BMPs commonly implemented in eligible projects include, but are not limited to, internal surface water control, tailwater recovery, alternative source utilization, improved irrigation management decision support tools, frost-freeze protection alternatives, and precision nutrient application technology/management decision support tools. FARMS Program funding is available to agricultural operations that:
 - a. Are located within the jurisdictional boundaries of the District;
 - b. Are in compliance with all applicable federal, state, and local laws, rules, and regulations and all District-issued permits. A project shall not be eligible for funding if the project components are required by permit;
 - c. Have a District-issued water use permit;
 - d. Are consistent with the FARMS Program goals, as applicable, as listed above and further defined as follows:
 - i. Improve surface water quality which has been impacted by groundwater withdrawals, with priority given to projects located in the Shell, Prairie, Joshua, or Horse Creek watersheds. These projects must result in specific conductance water quality improvements for those agricultural operations currently using mineralized groundwater (defined as having a specific conductance in excess of 1000 uS/cm).
 - ii. Conserve, restore, or augment the water resources and natural systems in the UMRW. These projects must be located within the UMRW and propose improvements to natural systems and wetland functions with impacts from groundwater withdrawals.
 - iii. Reduce groundwater use in the SWUCA by implementing BMPs that result in a reduction in annual average daily UFA groundwater withdrawals within the District. No more than 5% of frost/freezing protection quantities authorized by a District Water Use Permit shall be used in calculating the amount of water no longer withdrawn from the UFA outside the DPCWUCA.
 - iv. Implement BMPs that result in a reduction in frost-freezing protection and/or annual average daily UFA groundwater withdrawals within the DPCWUCA.
 - v. Reduce Upper Floridan aquifer (UFA) groundwater use and nutrient loading in the District by implementing nutrient water quality improvements. Proposed nutrient reduction BMPs must be supported by accepted

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research-based water quality improvement investigations associated with each BMP measure.

- e. Result in a quantifiable, measurable water resource benefit that will be determined cooperatively between the applicant and District.
 - f. Implement BMPs that have a cost-benefit that equals or is less than currently accepted Model Farms Costs. The Model Farms Costs are designed to identify reasonable costs associated with implementing BMPs by a typical agricultural operation.
 - g. Have had funding assistance deferred by the United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS), Environmental Quality Incentives Program (EQIP) or similar program, if implementing irrigation system retrofits, conversions, or system upgrades. Only those water savings resulting from a decrease in inch-application rates for these types of projects will be used in the cost-benefit analysis. Irrigation retrofits will only be considered for the same crop type.
 - h. Applicant agrees to provide a minimum 25 percent funding contribution of total project costs for District funded FARMS projects. Thereby, a project that received or will receive funding assistance from other funding sources, including but not limited to the USDA-NRCS, EQIP or the Florida Department of Agriculture and Consumer Services (FDACS), must not exceed more than 75 percent of the total project cost reimbursed by all combined funding sources.
 - i. Utilize the Mobile Irrigation lab (MIL) services for FARMS projects that propose improved irrigation management decision support tools and for those projects proposing irrigation system retrofitting, conversions, or system upgrades. In the alternative, documentation must be provided to the District to demonstrate efficient irrigation water delivery in the existing system prior to the FARMS application being deemed complete. Although not required on all projects, participants are encouraged to receive an MIL evaluation prior to a FARMS application submittal in order to ascertain current operating conditions.
 - j. Enroll in the FDACS adopted agricultural BMPs program, through a Notice of Intent (NOI).
2. A project shall not be eligible for funding if the applicant previously received FARMS Program funds and construction of the funded project has not commenced.

COST SHARE FUNDING RATES

- 1. Program funding will be authorized by the Governing Board on a yearly basis, with no guarantee of funding availability. Consultant services, earthwork activities associated with drainage improvements or pond excavation, labor, other non-hardware costs, and other costs as determined by the District are not eligible for reimbursement; however, these costs may be used as an applicant's match in total project costs.

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2. Those projects that meet all required criteria and have been determined to provide the highest water resource benefits will be recommended for Board approval, on a first-come, first-served basis until funding is exhausted. When funding levels are such that projects must be prioritized, District staff will consider the following:
 - a. Whether the project is located within a Water Use Caution Area or other area that has been identified as a priority by the District.
 - b. The effectiveness of the project in terms of total reductions in groundwater withdrawals (including the UFA), water quality benefits as a result of reductions in groundwater withdrawals where the use of mineralized water or Springs Coast nutrient loads are being reduced, or improvements in natural system function in the UMRW.
 - c. Cost-benefit analysis.
3. The amount of funding to be provided for approved projects will be determined as follows:
 - d. Fifty percent (50%) maximum reimbursement of total project costs, not to exceed 100% of FARMS Eligible Costs when a project proposes:
 - i. Reducing groundwater withdrawals from the UFA;
 - ii. An existing irrigation system upgrade or retrofit that reduces groundwater withdrawals;
 - iii. An improvement to ground or surface water quality impacted by mineralized groundwater withdrawals from any aquifer system;
 - iv. An improvement to natural system functions in the UMRW;
 - v. A reduction in nutrient loading in ground and/or surface water;
 - vi. A reduction in UFA groundwater withdrawals over the project area through the use of reclaimed water;
 - vii. Reducing withdrawals from any combination of ground, surface, or reclaimed water resources.
 - e. Seventy five percent (75%) maximum reimbursement of total project costs, not to exceed 100% of FARMS Eligible Costs when a project proposes:
 - i. A reduction in groundwater withdrawals from the UFA and the improvement of water quality in surface water impacted by mineralized ground water;
 - ii. A reduction in groundwater withdrawals and the improvement of natural systems in the UMRW;
 - iii. A reduction in UFA frost/freeze protection withdrawals authorized by a District Water Use Permit from the UFA within the DPCWUCA;
 - iv. A reduction in groundwater withdrawals from the UFA and a reduction in nutrient loading.

APPLICATION PROCEDURE

1. The District will provide a FARMS Funding Application to all interested persons and entities within the District.

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2. As a part of the application process, the District Project Manager and other appropriate representatives will conduct a site visit to discuss project feasibility with the applicant.
3. Applicants will submit a complete FARMS Funding Application signed by the property owner or authorized agent to the FARMS Program Manager. Applications for leased property shall be a joint application signed by the lessee and property owner (or authorized agents). If there are multiple owners, all owners (or authorized agents) shall sign the application or sign an affidavit indicating that they join in the application. In the case of a lessee applicant, a copy of a signed and executed lease agreement between the lessee and the property owner shall be submitted with the application that shows a lease term longer than the combined construction and operational time frames expected under the FARMS "Cooperative Funding Agreement".
4. Applications will be accepted any time during the fiscal year; however, funding is limited and complete applications for projects will be recommended only as long as funding is available and is subject pursuant to "Cost Share Funding and Rates", conditions above.
5. The assigned District Project Manager will evaluate each application and recommendations may be provided to an applicant to enhance a project's effectiveness. Applications which cannot be directly implemented by the applicant generating the request or their agent, or proposals which do not significantly, or cost effectively benefit water resource goals (as defined above) will not be approved.
6. The final decision regarding the funding of specific FARMS projects is the exclusive authority of the Governing Board. All requests for FARMS cost-share funding will be reviewed by the Governing Board.
7. Following Governing Board approval, applicants will be required to sign a cooperative funding agreement with the District, approved by the District's Office of General Counsel, which sets forth, at a minimum, the scope of work, contract duration, performance measures, Water Use Permit implications, operational and maintenance responsibilities, indemnification, and funding amount. The cooperative funding agreement will be executed by all property owners and, if applicable, all lessees.

CONTRACTUAL REQUIREMENTS

1. A current template of the FARMS "Cooperative Funding Agreement" will be provided to the applicant during the application process.
2. All approved applicants will be required to enter into a FARMS "Cooperative Funding Agreement" with the District. A draft of the project specific FARMS "Cooperative Funding Agreement" will be provided to the applicant at such time as the application is deemed complete for approval.
3. The FARMS Program applicant will be required to modify their Water Use Permit to reflect the project as provided for in the contract.
4. The applicant is required to fulfill the obligations under the terms and conditions agreed to in an executed "Cooperative Funding Agreement" between the District and applicant.

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EXCEPTIONS TO PROCEDURE

Exceptions to this procedure may be reviewed by the Executive Director and presented to the Governing Board for approval on a project specific basis. The Governing Board has sole authority to approve an exception to this procedure.

DISTRIBUTION

This Policy will be stored in the Governing Board Policy Repository.

REFERENCES

FARMS Program Funding Application – District Form LEG-R.022.02 (8/10)

Cooperative Funding Agreement Template

Current Governing Board approved Model Farms Economic Study

REVIEW PERIOD

This policy will be reviewed every two (2) years by the Executive Director or designee and updated for Governing Board approval if needed to implement policy revisions. The Model Farms Economic Study will be reviewed and updated every five (5) years. The Policy will be reviewed by the Governing Board every five (5) years following the Economic Study update.

GOVERNING DOCUMENT**Title: FARMS Program****Effective Date: 07/27/2021****Page 8 of 8****DOCUMENT DETAILS**

Document Name	Facilitating Agricultural Resource Management Systems (FARMS) Program
Formerly Known As	Chapter 40D-26 Facilitating Agricultural Resource Management Systems Program
Document Type	Policy
Author(s)	Chris Zajac
Reviewing Stakeholder(s)	Carole J. Estes, FARMS Manager
Document Owner Name	Randy Smith, PMP
Document Owner Title	Natural Systems and Restoration Bureau Chief
Review Period (in days)	730
Span of Control	Governing Board
Supersedes Date	02/25/2020
Effective Date	

APPROVAL

Kelly Rice
Chairman

Date

RESOURCE MANAGEMENT COMMITTEE

September 28, 2021

Discussion: Action Item: Springs - Crystal River Indian Waters Septic to Sewer Phase 2 Project (W430) - Scope and Cost Change

Purpose

The purpose of this item is to request approval to revise the scope of work and cost for the City of Crystal River (City) Indian Waters Septic to Sewer Phase 2 Project (W430).

Background/History

The District Governing Board approved fiscal year (FY) 2020 funding for the design, permitting and construction of a municipal sewer system necessary for the connection of 178 existing septic tanks and one package plant within the Crystal River/Kings Bay Priority Focus Area (PFA). The project had a total estimated cost of \$4,500,000. This included \$2,250,000 awarded by the Florida Department of Environmental Protection (FDEP) (50 percent) and \$1,125,000 from both the District and City (25 percent each).

The City recently discovered that the service area of the package plant included in this project for decommissioning is larger than what was anticipated. As a result, 60 properties thought to have had septic tanks are now known to be served by the package plant. The project's Measurable Benefit will change from construction of a system that will result in the connection of a minimum of 178 septic tanks and one package plant to a system that will result in the connection of a minimum of 118 septic tanks and one package plant. Sewage treatment for these 60 properties will still be improved by converting the package plant to central sewer service but the calculated net reduction in nitrogen loading will be less.

In addition to the above-noted change, the City updated several other factors affecting the nitrogen reduction calculation. These factors include reducing the square footage of the area served by a commercial septic tank, updating recharge factors used in the calculations to be consistent with the updated FDEP Nitrogen Source Inventory Loading Tool (NSILT), and updating the nitrogen effluent concentration for the package plant. All reclaimed water resulting from this septic to sewer project was initially anticipated to be used by Duke Energy for industrial uses with a resulting zero nitrogen load to the spring system. However, the City has now indicated Duke Energy may not be able to always fully utilize these excess reclaimed water quantities. Given this, a conservatively lower nitrogen reduction estimate is now proposed based on an assumption that excess flows from this project will be sent to the City's spray field.

Benefit/Costs

Based on the revised project information, the project benefit decreased from the original estimate of 2,860 lbs/yr total nitrogen (TN) removed to 1,170 lbs/yr TN removed. Additionally, the total estimated project cost decreased from \$4,500,000 to \$4,024,314, and the 50 percent FDEP funding share decreased from \$2,250,000 to \$2,012,157. FDEP has approved these scope of work and budget changes. With the proposed changes, the District and City's 25 percent funding shares are reduced from \$1,125,000 to \$1,006,078.50. The revised cost effectiveness is \$115 /lb of TN removed. The cost effectiveness and overall staff ranking changed from High to Medium and the project is recommended for funding. See accompanying Exhibit for the updated project evaluation.

Staff Recommendation:

Approve the changes for the Springs-Crystal River Indian Waters Septic to Sewer Phase 2 Project (W430) to include:

1. Decrease the Measurable Benefit from 178 septic tanks and one package plant to 118 septic tanks and one package plant.
2. Decrease the Project Benefit from 2,860 lbs/yr TN removed to 1,170 lbs/yr TN removed.
3. Decrease the total project cost from \$4,500,000 to \$4,024,314 and reduce the District's 25 percent share from \$1,125,000 to \$1,006,078.50.

Presenter:

Jay Hoecker, Manager, Water Supply Section

Project No. W430	Springs – Crystal River Indian Waters Septic to Sewer Phase 2 Project			
Crystal River	FY2021			
Risk Level:	Type 2		Multi-Year Contract: No	
Description				
Description:	Design, permitting, and construction of a municipal sewer system including package plant acquisition and retrofit for connection to sewer. This project will allow for the connection of a private wastewater package plant and provide City central sewer to areas currently served by septic systems within the Indian Waters area of the Crystal River/Kings Bay Priority Focus Area (PFA).			
Measurable Benefit:	The contractual Measurable Benefit will be the construction of a municipal sanitary sewer line and any necessary components for a fully operation system that will result in the connection of a minimum of 118 septic tanks and one package plant. Construction will be done in accordance with the permitted plans.			
Costs:	Total Project Costs: \$4,024,314 (Design, permitting, and construction) FDEP: \$2,012,157 City of Crystal River: \$1,006,078.50 District: \$1,006,078.50			
Evaluation				
Application Quality:	Medium	Application included most of the required information identified in the CFI guidelines. District PM/CM had to work with cooperator to obtain remaining required information		
Project Benefit:	High	The benefit of this water quality project is the reduction of pollutant loads by an estimated 1,170 lbs/year of TN. There will be no monitoring or performance testing requirements. The project is located within the PFA of the Crystal River/Kings Bay basin management action plan (BMAP), a SWIM priority water body. This benefit calculation differs from the standard FDEP methodology as this project includes nitrogen savings from a package plant and a commercial septic tank.		
Cost Effectiveness:	Medium	For wastewater projects, the estimated cost/lb of TN (\$115/lb) is higher than what would be considered a highly cost-effective project of \$100/lb and lower than would be considered a low cost-effective project of \$175/lb TN.		
Past Performance:	Medium	Based on the assessment and schedule of one ongoing project.		
Complementary Efforts:	Medium	The Cooperator has an ordinance in line with F.S. 381.00655 to require sewage hookup within 365 days of availability.		
Project Readiness:	High	Project is ongoing. Project is ready to begin on or before December 1, 2021.		
Strategic Goals				
Strategic Goals:	High	Strategic Initiative – Water Quality Maintenance and Improvement: Develop and implement programs, projects, and regulations to maintain and improve water quality. Northern Region Priority: Improve northern coastal springs systems.		
Overall Ranking and Recommendation				
Fund as Medium Priority.	This project is located within the Crystal River/Kings Bay PFA, a SWIM Priority water body and will continue efforts by the City to improve water quality.			
Funding				
Funding Source	Prior	FY2019	Future	Total
District	\$0	\$1,006,078.50	\$0	\$1,006,078.50
Crystal River	\$0	\$1,006,078.50	\$0	\$1,006,078.50
FDEP	\$0	\$2,012,157.00	\$0	\$2,012,157.00
Total	\$0	\$4,024,314.00	\$0	\$4,024,314.00

RESOURCE MANAGEMENT COMMITTEE

September 28, 2021

Submit & File: Information Only: Proposed Minimum Flows for Little Manatee River Prior to Independent Scientific Peer Review

Purpose

To provide, for information only: 1) recommended minimum flows for the Little Manatee River; 2) summarize the methods used to develop the recommendations; and 3) provide an update on plans for peer review of and opportunities for stakeholder input on the proposed minimum flows.

Background/History

District efforts to develop minimum flows for both the Upper and Lower Little Manatee River have been ongoing for a number of years. For the purposes of minimum flows development, the upper or freshwater portion of the Little Manatee River starts at the headwaters near Fort Lonesome in southeastern Hillsborough County and extends to the US Highway 301 bridge, where the US Geological Survey (USGS) Little Manatee River at US 301 near Wimauma, FL (No. 02300500) gage is located. The lower or estuarine portion of the Little Manatee River begins at the US Highway 301 bridge and ends where the river flows into Tampa Bay. Adoption of rules establishing minimum flows for the Upper and Lower Little Manatee River is scheduled for 2022 in the District's Minimum Flows and Levels Priority List and Schedule.

Purpose/Approach

The purpose for establishing minimum flows is to identify limits beyond which further withdrawals would be significantly harmful to the water resources or ecology of the area. The recommended minimum flows for the Little Manatee River were developed using the best information available, as required by the Florida Statutes, and were based on all relevant environmental values identified in the Florida Water Resource Implementation Rule for consideration when setting minimum flows.

The District's approach for developing minimum flows is habitat-based, and the resource management goals that were the focus of the technical analyses for the Little Manatee River included: (1) maintenance of seasonal hydrologic connections between the Upper Little Manatee River channel and floodplain to ensure the persistence of floodplain structure and function; (2) maintenance of available instream habitat for fish and benthic macroinvertebrates in the Upper Little Manatee River; (3) maintenance of biologically relevant salinities over a range of flow conditions that protect the distribution of fish species, benthic macroinvertebrates, and shoreline vegetation communities in the Lower Little Manatee River; (4) maintenance of available estuarine habitat for fish in the Lower Little Manatee River; and (5) determination of a low-flow threshold to provide protection for ecological resources and recreational use of the Little Manatee River during critical low-flow periods.

Development of minimum flows for the Little Manatee River involved use of flow-based blocks and a percent-of-flow approach that addressed maintenance of 85 percent of the most sensitive criterion associated with the resource management goals. In addition, a low-flow threshold specific to surface water withdrawals and applicable to all blocks was identified for the Little Manatee River to ensure flow continuity for environmental and human-use values.

The recommended minimum flows for the Upper Little Manatee River allow for a 10% reduction of daily flow under low flow conditions (Block 1), a 20% reduction of the daily flow under moderate flow conditions (Block 2), and a 13% flow reduction when flows are greater than 72 cubic feet per second (cfs) and less than or equal to 174 cfs and an 11% flow reduction when flows are greater than 174 cfs (Block 3). For the Upper Little Manatee River, the recommended minimum flows for Block 1 and Block 2 are based on maintaining available instream habitat and for Block 3 are based on maintaining floodplain inundation. The recommended minimum flows for the upper river also include a low-flow threshold of 35 cfs intended to protect fish passage and instream habitat.

For the Lower Little Manatee River, the recommended minimum flows allow for a 10% reduction of daily flow under low flow conditions (Block 1), a 20% reduction of the daily flow under moderate flow conditions (Block 2), and a 30% flow reduction under high flow conditions (Block 3). The recommended minimum flows for the Lower Little Manatee River for all three flow blocks were based on maintenance of available estuarine fish habitat. A low-flow threshold of 35 cfs is also recommended for the lower river.

The recommended minimum flows for the Little Manatee River are protective of all relevant environmental values identified for consideration in the Water Resource Implementation Rule when establishing minimum flows and levels. The recommended minimum flows are being met and are also expected to be met over the next 20 years.

The data, methods, and models used to support development of the proposed minimum flows are summarized in greater detail in a technical report "Recommended Minimum Flows for the Little Manatee River, Draft Report" which is provided under separate cover.

Benefits/Costs

The recommended minimum flows were developed to ensure that the natural and human-use resource values associated with the Little Manatee River are protected from significant harm that could result from consumptive water use.

The next step toward establishing the minimum flows involves peer review of the recommended minimum flows by an independent scientific panel. The panel will conduct their review and their report will be presented to the Governing Board at a future meeting. Pending a favorable peer review report, staff will return to the Board with proposed rule language to establish minimum flows for the Little Manatee River.

Staff Recommendation:

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

Presenter:

Kym Rouse Holzworth, Senior Environmental Scientist, Environmental Flows and Levels Section

Governing Board Meeting

September 28, 2021

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

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OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

September 28, 2021

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

Presenter:

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

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**September 28, 2021****Discussion: Action Item: Exchange of Property Interests, SWF Parcel No. 20-780-101C-1, Blackbird Ranch***Purpose*

The purpose of this item is to recommend the Governing Board approve the exchange of property by amending the legal description to an existing Conservation Easement (CE). The property owner, Blackbird Ranch, has requested the District release a part of a CE in exchange for encumbering another portion of the property owned by Blackbird Ranch and contiguous to the existing CE, subject to the same terms and conditions of the existing CE. General location and property maps are included as Exhibits 1 and 2, respectively.

Background and History

The District identifies lands eligible for acquisition through the Board-approved Florida Forever Work Plan. The lands are identified in the plan for either fee simple acquisitions or for the acquisition of less than-fee interests, such as a conservation easement. Less than fee acquisitions consist of the purchase of certain rights, such as development rights, that are intended to ensure that natural systems and water resources remain in their existing state and protected in perpetuity. The District's Florida Forever boundary will also be amended to add the exchange property.

The Blackbird Ranch property is part of a 28,523-acre CE acquired by the District from the Bright Hour Ranch in 1998. The easement terms allowed for division of title into tracts no smaller than 5,000 acres and through subsequent transactions the property has been divided into three ownerships. The initial division split the easement into two parts consisting of the western 15,968 acres and eastern 12,555-acres. The western part was then split again into the Stolen Saddle Ranch with 10,780 easement acres and the Blackbird Ranch with 5,188 easement acres. The Blackbird Ranch ownership also includes 600 acres that are not encumbered by the CE.

In accordance with FS 373.089 (4) the District may exchange lands or interest in lands directly with a private property owner. The proposed transaction involves the District releasing 80 acres that are encumbered by the CE in exchange for 180-acres that are not presently encumbered subject to the same terms and conditions of the existing CE. The only change to the District's existing CE will be to the legal description for the property. Per statutory requirements, the proposed exchange of property must meet or exceed the conservation objectives for which the original property was acquired. Besides the increased value and net area protected of 100-acres, the property offered by Blackbird Ranch includes a segment of Mossy Gully, a creek running south from SR 70 into the existing CE. Mossy Gully flows into Tiger Bay Slough which runs through the CE and continuing south towards Prairie Creek which is part of an important source of water to Charlotte County. The proposed exchange offers environmental benefits to the District by protection of this hydrologic feature.

Valuation

District staff qualified as a State Certified General Appraiser was requested to value the proposed exchange to determine its financial benefits. The District acquired the original Bright Hour Ranch conservation easement in 1998 at a cost of approximately \$362.00 per acre. The current valuation of the property interests considered the recent purchases of both the subject Blackbird Ranch and adjoining

Stolen Saddle Ranch. In addition, other market transactions were reviewed and considered to develop a value of this proposed exchange of property interests.

The District's interest in the 80-acre portion of property encumbered by a conservation easement was valued at \$2,500 per acre or \$200,000. The fee simple value of the 80-acres, unencumbered upon the release of the CE, was estimated to have a market value of \$4,000 per acre or a total of \$320,000. The value of the encumbrance proposed for the 180-acre Blackbird Ranch fee simple property that would be exchanged to the District was valued at 50 percent of the fee simple value. The value of the conservation easement proposed to encumber the 180-acres was estimated at \$2,000 per acre or \$360,000. Based on the valuation of the property to be exchanged, the net financial benefit to the District for this transaction would be \$160,000. The properties to be exchanged will be surveyed, and the title to the 180-acres will be confirmed before closing.

Benefit/Costs

The exchange will protect an additional 100-acres as well as provide increased protection to the Mossy Gully creek run. The terms and conditions of the existing Conservation Easement are adequate to protect the water resources of the property.

Staff Recommendation:

- Adjust the District's Florida Forever Work Plan boundary to include the exchange property for SWF Parcel No. 20-780-101C-1;
- Approve the Exchange of property through the amendment of the legal description for SWF Parcel No. 20-780-101C to add 180-acres and to release the existing easement over 80-acres, subject to obtaining a boundary survey of the exchange properties acceptable to the District;
- Authorize the Chairman and Secretary of the Governing Board to execute a Conservation Easement Release;
- Determine that the 80-acres to be released is no longer needed for conservation purposes and designate that the 180-acres to be encumbered, SWF Parcel No. 20-780-101C-1, as having been acquired for conservation purposes;
- Authorize the Executive Director to execute the necessary documents to amend the legal description to include SWF Parcel No. 20-780-101C-1 and release the conservation easement over an 80-acre portion of SWF Parcel No. 20-780-101C.

Presenter:

Ellen Morrison, Land Resources Bureau Chief

Exhibit 1 General Location Map

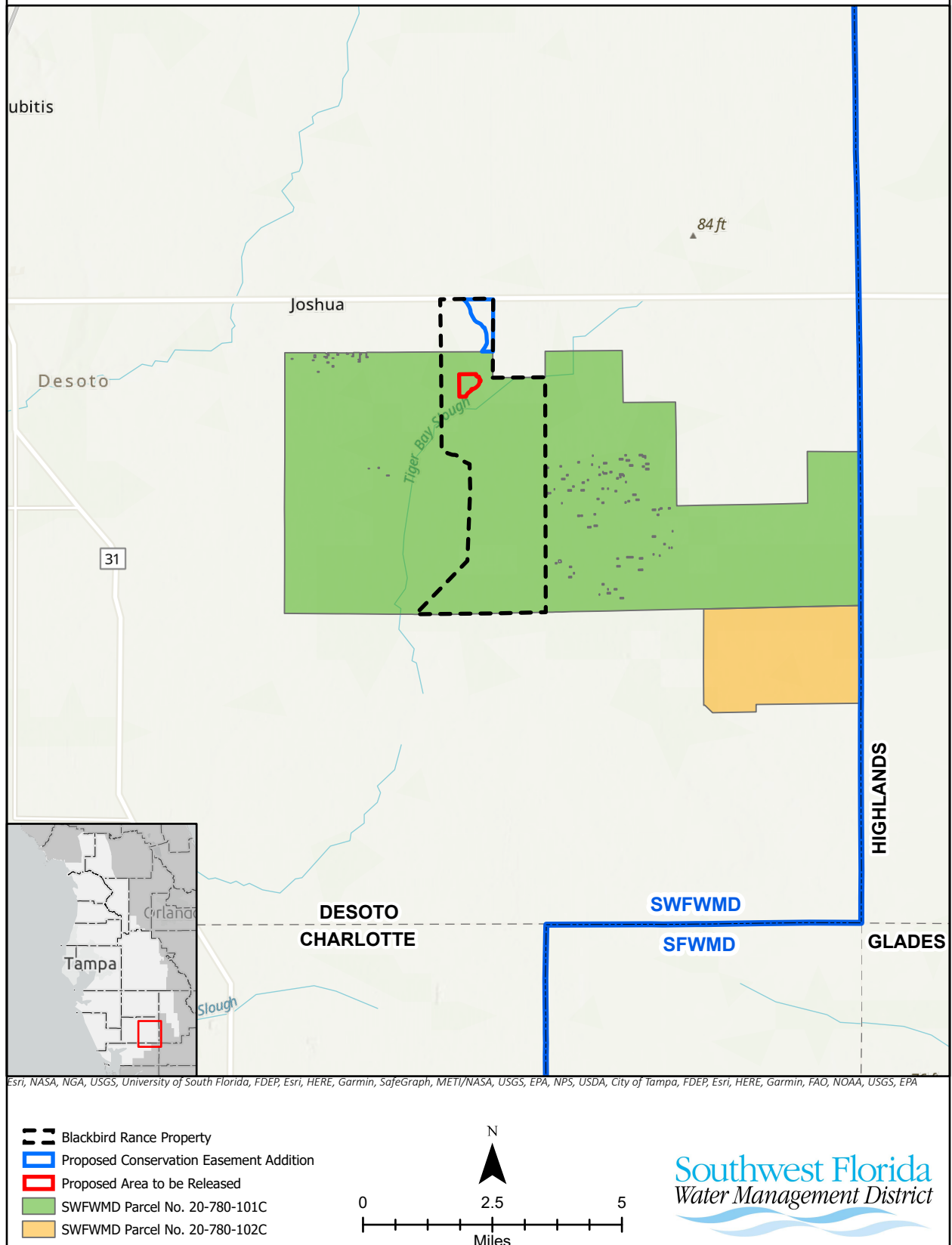
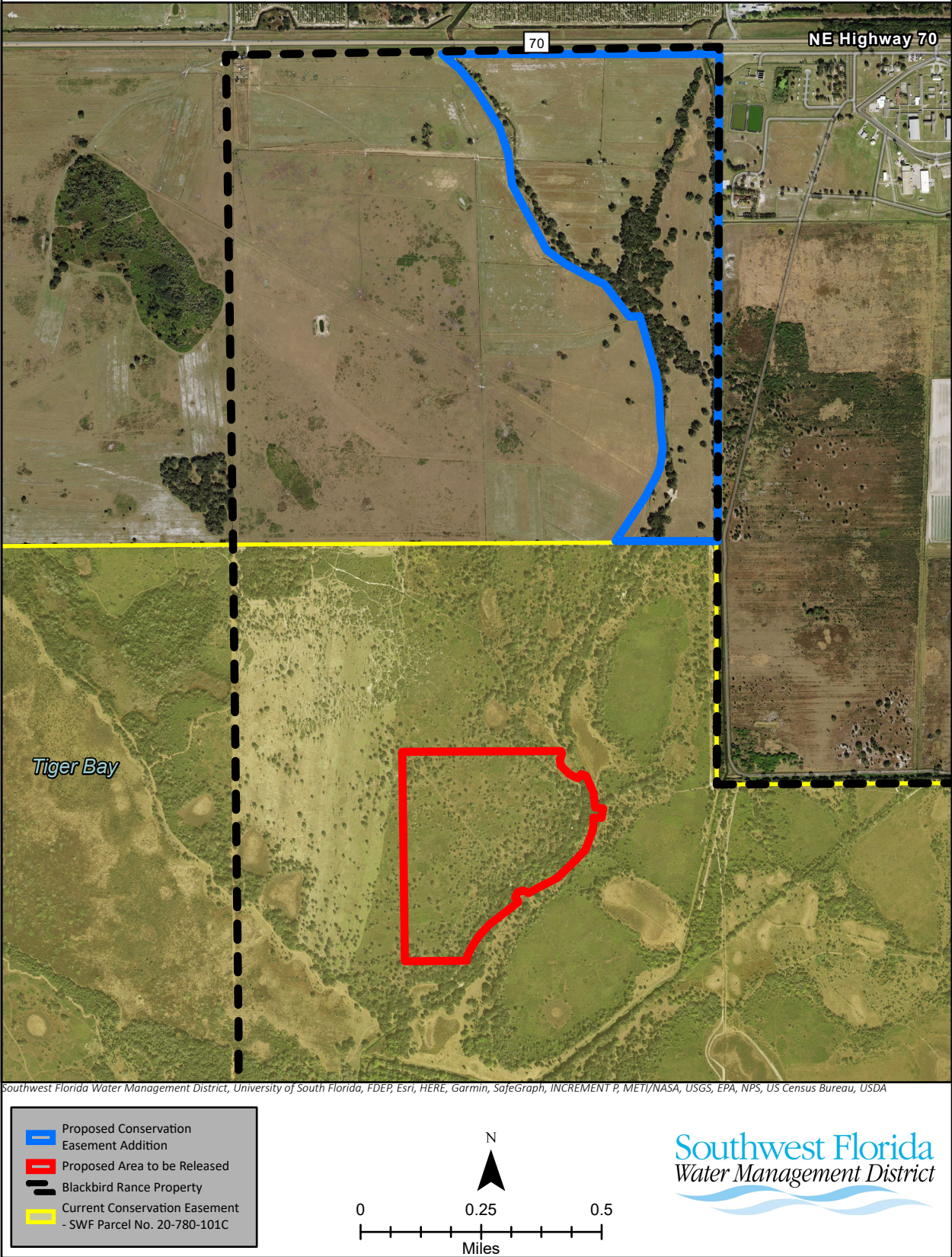


Exhibit 2 Site Map



OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**September 28, 2021****Discussion: Action Item: Offer for Surplus Lands – Lake Panasoffkee (LP-1), SWF Parcel No. 19-528-154S***Purpose*

Recommend the Governing Board approve the Contract for Sale and Purchase included as Exhibit 1, for a surplus parcel identified as LP-1 (LP-1 Parcel). The District received an offer to purchase the LP-1 Parcel from World Investment Network Inc., for \$1,550,000.00. The offer reflects a price of approximately \$31,000 per acre for approximately 50 acres. A general location map and a site map are attached as Exhibits 2 and 3, respectively.

Background

The District acquired several parcels that border the northern and eastern sides of Lake Panasoffkee along with the western outfall of the Lake in Sumter County. The purpose of the acquisition is to protect the water and natural resources around the Lake. One of the acquired parcels is the 8,599-acre Hanover Tract purchased by the district in 1993. The LP-1 Parcel is a portion of the Hanover Tract. The LP-1 Parcel is 50 acres of mostly open field, of which approximately 47 acres are uplands. Currently the designated future land use is for conservation, and it is zoned for agriculture use. The LP-1 Parcel was recommended to, and declared by, the Governing Board to be surplus on May 19, 2015.

The property has been listed with Saunders Real Estate since August 23, 2018 and advertised through multiple media and personal contacts. Several offers/contracts for the property have been received and reviewed over the last couple of years ranging between \$700,000 and \$1,750,000. Some offers were unacceptable because they were below the appraised value. For others, the contract contingencies presented risks to the District that are not optimal. For example, the most recently accepted offer contained some temporal contingencies like those in the recently approved contract, that took the property off the market for several months while buyer conducted due diligence before it ultimately was withdrawn.

The Board's previously approved contract for the sale of this property was for \$1,500,000 and its withdrawal was because of a specific due diligence contingency related to the Florida Department of Transportation approval of a traffic signal as part of the buyer's required access management plan for the site. The District entered into that contract in March of 2021 and then released the buyer and returned the deposit in July 2021. After relisting the property, the District's broker received several new offers for LP-1.

Staff evaluated the most recent offers based on the price, terms and conditions of each contract. A couple of the contracts submitted had rezoning contingencies that could push the closing out for a year or had other conditions that would allow them out of the contract at their discretion. The risks associated with some of the contingencies presented in the most recent contracts for the LP-1 were similar to or greater than those in the recently approved contract that failed. The District recognizes that some buyers would rather have the District holding the property while they resolve the challenges to gain the necessary governmental approvals for their desired use of the site. However, there are other buyers that are willing to assume this risk after the acquisition. Based on the review of all the offers, the one received

from World Investment Network offers the least risk of failure, having the greatest price, shortest closing time together without special contingencies.

Appraisal and Price

The LP-1 Parcel was appraised on December 29, 2020 for \$940,000 by Mancuso Appraisal Services, Inc., Nicholas J. Mancuso, MAI. As part of the appraisal, District staff has discussed the contracts and market activity related to this property with the appraiser and he independently considered market conditions affecting the value of the property. The highest and best use for the property determined in the appraisal, would be for distribution warehouse development and/or RV storage. That appraisal recognizes that use of the property for commercial purposes would be dependent on Sumter County's approval to divide the District property and to change the current zoning and land use designation. A sales summary and adjustment grid from the appraisal is attached as Exhibit 4. The full appraisal is available upon request. The property value details are summarized below:

	Total	Per Acre
Offer Amount	\$1,550,000	\$31,000
Appraised Value	\$940,000	\$18,800
Listing Price	\$999,000	\$19,980

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

Sale Terms

- The District will deliver title to the buyer by Quit Claim Deed.
- The purchase price is based on \$31,000 per acre and subject to adjustment if the buyer obtains a survey.
- The Buyer will make a deposit of five percent of the contract price or \$77,500 with a closing to occur no more than 60 days after the effective date of the Contract for Sale and Purchase.
- The buyer will pay the real estate commission of \$87,500 to Saunders Real Estate.
- The buyer will bear all expenses of the transaction except for the appraisal and advertising costs.

Benefits/Costs

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

Staff Recommendation:

- Accept the offer of \$1,550,000; subject to confirmation by survey of total acreage;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon the request of the buyer;

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

Presenter:

Ellen Morrison, Land Resources Bureau Chief

CONTRACT FOR SALE AND PURCHASE

THIS Contract for Sale and Purchase (Contract) is made this 3rd day of September, 2021, by and between the Southwest Florida Water Management District, a public corporation of the State of Florida, having an address of 2379 Broad Street, Brooksville, Florida 34604 (District), and World Investment Network, Inc., having an address of 954 Ponce De Leon Avenue, Suite 205, San Juan, Puerto Rico 00907 USA (Buyer), as follows:

1. **AGREEMENT TO SELL:** The District hereby agrees to sell, and Buyer hereby agrees to buy, in accordance with this Contract, the real property that is more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference (Property).
2. **TIME FOR ACCEPTANCE:** Upon execution of this Contract by Buyer, Buyer's offer will be binding for Sixty (60) days after such execution by Buyer. If this Contract is not executed by the District on or before Sixty (60) days after execution of this Contract by Buyer, Buyer's offer contained in this Contract is withdrawn and this Contract will terminate.
3. **EFFECTIVE DATE:** The effective date of this Contract will be the date of execution by the District.
4. **APPROVAL:** This Contract is subject to approval by the District's Governing Board. If the District's Governing Board does not approve this Contract and all the terms and conditions hereof, the District will notify the Buyer in writing and this Agreement will terminate.
5. **PURCHASE PRICE:** The total purchase price for the Property will be One Million Five Hundred Fifty Thousand dollars (\$ 1,550,000), which will be paid in the following manner:
 - a. **Deposit:** Concurrent with the execution by Buyer of this Contract, Buyer will deposit five percent (5%) of the purchase price in the form of a certified or cashier's check from a financial institution as defined in Section 655.005, Florida Statutes (F.S.), made payable to the closing agent designated by the District, as earnest money (Deposit). In the event this Contract is terminated under Paragraphs 2, 4, 9, or 13 of this Contract, or as a result of the District's default under paragraph 14 of this contract, the District will return the Deposit to Buyer.
 - b. **Balance:** The balance of the purchase price will be paid at the time of closing by wire transfer from a financial institution as defined in Section 655.005, F.S., to the closing agent designated by the District.
6. **CLOSING, EXPENSE AND POSSESSION:** This Contract will be closed no later than Thirty (30) days from the effective date referenced in Paragraph 2, unless this

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

- a. **Time and Place**: The date, time and place of closing will be set by the District.
- b. **Conveyance**: At closing, the District will deliver to Buyer a fully executed quit claim deed, conveying the Property and improvements in "AS IS, WHERE IS CONDITION," without warranties or representations.
- c. **Expenses**: Buyer shall be responsible for paying all closing costs associated with the Property including, but not limited to, Buyer's survey costs, documentary stamp tax on the deed, recording fees, abstract or title insurance fees, and Buyer's attorneys' fees. The District has designated Meridian Title Company Inc., having an address of 37837 Meridian Ave STE 100, Dade City, FL 33525, as the escrow agent for closing. The Buyer will pay any costs charged by such company or agent for this closing service. If Buyer obtains a survey of the Property, nothing contained therein will affect the purchase price or terms of this Contract.
- d. Buyer will also be responsible for paying Saunders Real Estate in the amount of Eighty Seven Thousand Five Hundred dollars (\$ 87,500), by separate certified or cashier's check made payable to, or wire transfer to, the escrow agent designated by the District. The commission for the District's sale of surplus property is calculated based on the following schedule:

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

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

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

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

Contract for Sale and Purchase
Parcel Name: LP-1
SWF Parcel No.: 19-528-154S

Revised 3/1/2021

9. **DUE DILIGENCE PERIOD:** Buyer will, at Buyer's expense, determine whether the Property is suitable for the Buyer's intended use and development of the Property within Thirty (30) days from the effective date of this Contract (Due Diligence Period).

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

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

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

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

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

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

14. **DEFAULT**: If Buyer fails to close within Thirty (30) days from the effective date referenced in Paragraph 3, the District will retain the Deposit, this Contract will terminate, and the District and Buyer will be relieved of all rights and obligations under this Contract. If the District fails to deliver the quit claim deed to Buyer within Thirty (30) days from the effective date referenced in Paragraph 3, the District will return the Deposit to Buyer, this Contract will terminate, and Buyer and the District will be relieved of all rights and obligations under this Contract. Notwithstanding the above, neither party shall be liable under this provision if the closing date is extended pursuant to Paragraph 13, Risk of Loss.

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

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

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

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

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

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

21. **AMENDMENTS**: This Contract contains the entire agreement and all representations of the parties. No amendment will be effective except when reduced to writing signed by all

parties. Notwithstanding the foregoing, the parties acknowledge that the description of the Property is without the benefit of a current survey. The parties agree that if, in the opinion of the District, it becomes necessary to amend the description to correct errors, to more properly describe the Property, or to otherwise revise the description of the Property, the description to be used in the survey (if any) and in the closing instruments required by this Contract for the Property will be revised by or at the direction of the District and will be subject to the final approval of the District. Anything to the contrary hereinabove notwithstanding, such a revision of the description of the Property will not require a written amendment to this Contract. In such event, the District's execution and delivery of the closing instruments containing the revised description and the Buyer's acceptance of said instruments and of the final survey (if any) containing the revised description will constitute a full and complete ratification and acceptance of the revised description of the Property by the parties.

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

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

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

Exhibit "A" Legal Description

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

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

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

Witness

Printed Name

Witness

Printed Name

By: _____

Name: _____

Title: _____

Date: _____


BUYER:

 _____

Witness

Name: Matthew J. Neher

Date: September 3, 2021

 _____

Name: David Busby

Title: President

Date: September 3, 2021

Exhibit "A"
Legal Description

Legal Description Parcel

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Exhibit “B”
Southwest Florida Water
Management District Requirements
for Surplus Boundary Surveys

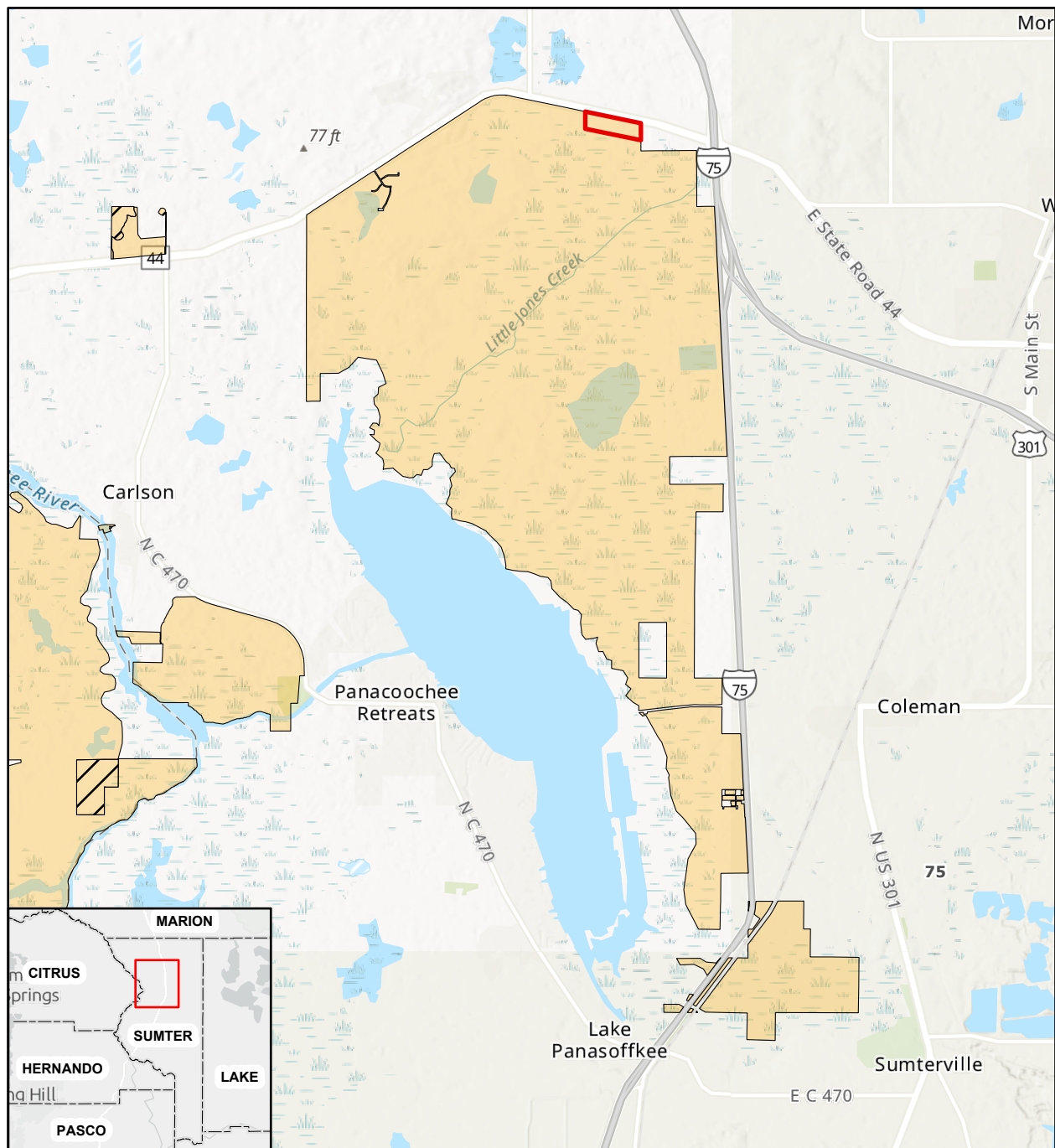
- ☐ All improvements within 10 feet of the boundary lines must be shown (including, but not limited to: wells, septic tanks, fencing, gates, and utilities). Visible evidence of underground installations or apparent cross rights uses will be located and noted.
- ☐ The survey will be certified to the Southwest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

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

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

Remainder of this page intentionally left blank.

Exhibit 2 - Location Map - LP1



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

- Surplus Parcel
- District Fee Simple Ownership
- District Conservation Easement

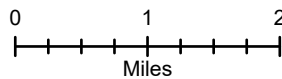
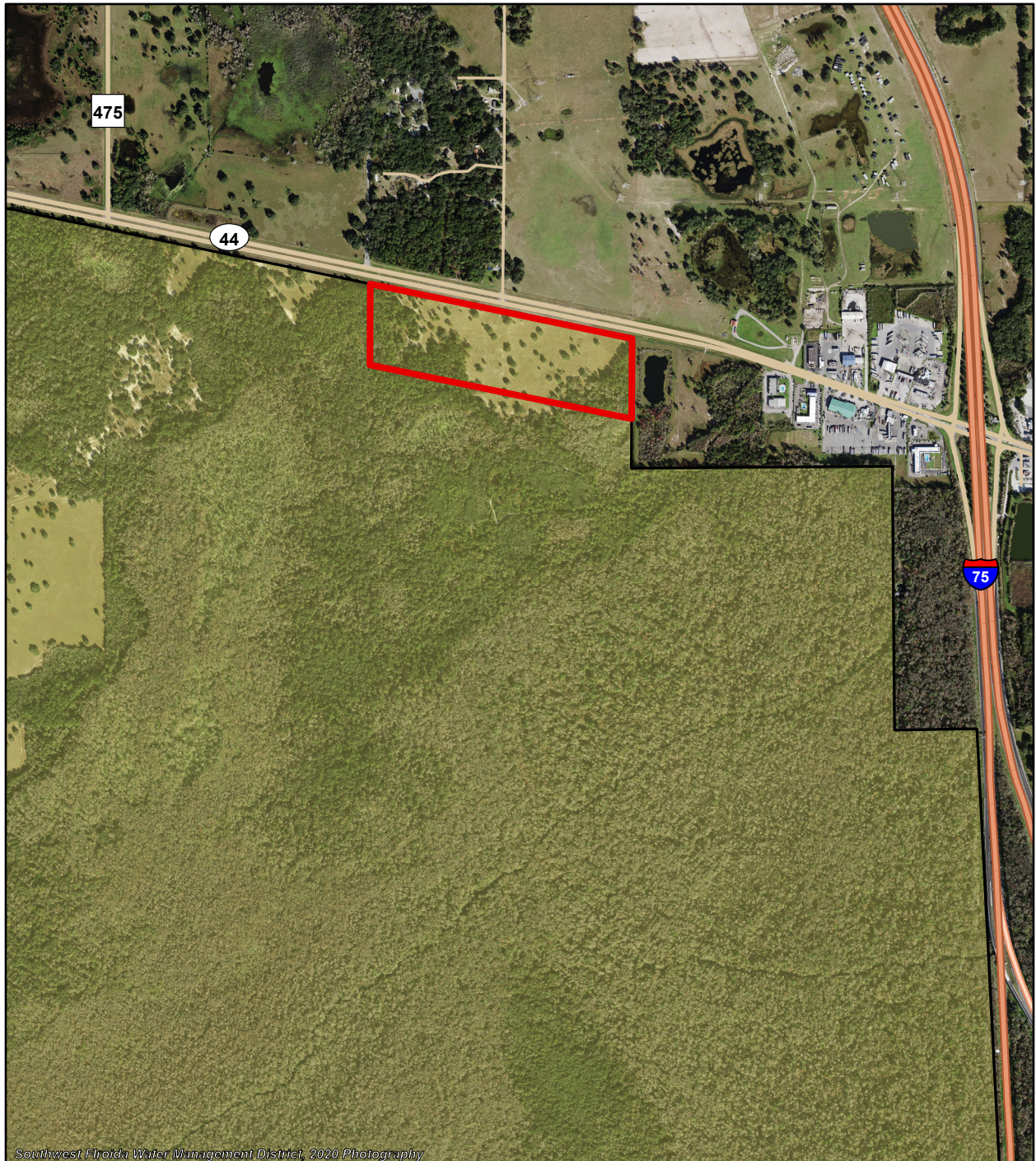


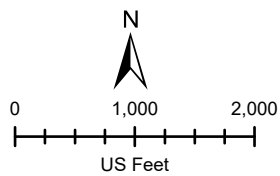


Exhibit 3 - Site Map - LP-1



-  Surplus Parcel
-  District Fee Simple Ownership



Southwest Florida
Water Management District

Exhibit 4

Sales Discussion and Comparison:

The five comparable sales utilized indicate a range of unadjusted unit prices from \$13,427 to \$20,583 per net upland/useable acre and the sizes of the sales ranged from 14.5 to 31.58 net upland acres.

LAND SALES COMPARISON AND ADJUSTMENT CHART

SALE NO.	Subject	Land Sale 1	Land Sale 2	Land Sale 3	Land Sale 4	Land Sale 5
Location:	West SR 44, west of I-75	2662 Norvel Bryant Hwy.	935 N. Independence	SE 92 nd Place Rd & SE 58 th Ave	CR 229	Ridge Road, west of Little Road
City	Wildwood	Hernando	Inverness	Bellevue	Wildwood	New Port Richey
County	Sumter	Citrus	Citrus	Marion	Sumter	Pasco
Date of Sale		Aug-20	Feb-20	Aug-19	Oct-19	Sept-17
Sales Price		\$325,000	\$335,000	\$1,125,000	\$275,000	\$650,000
Total Acres	50.0 acres±	18.12 acres +/-	24.95 ac	64.17 acres+/-	19.9 acres±	33.91 acres±
Net Upland/Useable Acres	47.0 acres±	18.12 acres +/-	24.95 ac.	64.17+/- acres	14.5 acres±	31.58 acres±
Zoning/FLU	A10C / Conserv.	GNC/LDRMH	GNC/LDRMH	B-2, B-5 A-1	A-10 C	Ag/ LI
Utilities	Electric	Electric	Electric	Elect, W & S	Elect, W & S	Elect. W & S
Road Frontage	4-lane paved SR 44	4-lane paved SR 486	2-lane paved US Independence	2 lane paved	2 lane paved CR 229	4 lane paved Ridge Rd
\$ / Net Upland Acre		17,936	\$13,427	\$17,532	\$18,965	20,583
Adjustments:						
Property Rights Conveyed		Similar	Similar	Similar	Similar	Similar
Financing		Similar	Similar	Similar	Similar	Similar
Conditions of Sale		Similar	Similar	Similar	Similar	Inferior
Market Conditions		Similar	Similar	Similar	Similar	Inferior
Physical Adjustments:						
Location		Inferior	Much Inferior	Similar	Similar	Superior
Access / Frontage		Similar	Similar	Similar	Similar	Similar
Size		Smaller/superior	Smaller/superior	Larger/inferior	Smaller/superior	Smaller/superior
Utilities		Similar	Similar	Superior	Superior	Superior
Easements/ Encumbrances		Similar	Similar	Similar	Similar	Inferior
Zoning/FLU		<u>Inferior</u>	<u>Inferior</u>	<u>Inferior</u>	<u>Inferior</u>	<u>Similar</u>
Net Adjustment		Slightly Inferior	Inferior	Slightly Inferior	Similar	Similar

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

September 28, 2021

Discussion: Action Item: Offer from Florida Department of Transportation to purchase Right of Way, Lake Hancock - Marshall Hampton Reserve, SWF Parcel Nos. 20-503-261S, 20-503-262S and 20-503-263X

Purpose

Recommend the Governing Board approve an offer by the Florida Department of Transportation (FDOT) to purchase a 68-acre portion of the Lake Hancock - Marshall Hampton Reserve (MHR ROW Property) for \$1,865,200.00. The FDOT's offer (Exhibit 1) is based on the full appraised value of the MHR ROW Property and is being made in lieu of exercising its right to proceed with eminent domain to obtain the MHR ROW Property. The FDOT intends to use the MHR ROW Property for right of way and stormwater retention for the construction of a road extension that connects the Polk Parkway to State Road 60. A general location map and site map are attached as Exhibits 2 and 3, respectively.

Background and History

The Lake Hancock Projects are necessary to enhance minimum flows established for the Upper Peace River; provide aquifer recharge; restore historic levels of Lake Hancock; enhance the floodplain and wetlands around Lake Hancock and reduce nitrogen loading, thereby improving water quality in the Peace River and Charlotte Harbor watershed. The Marshall Hampton Reserve (MHR) property was acquired through litigation as a part of these Projects.

The District acquired MHR in April 2008 with moneys from the Florida Forever Trust Fund through a settlement agreement in lieu of condemnation. The MHR acquisition consisted of approximately 1,167 acres and was acquired for the Lake Hancock Projects that were subsequently constructed and implemented by the District. The MHR property has approximately two miles of frontage along the south side of Winter Lake Road, approximately one mile of frontage on the west side of Thornhill Road and one-and-one-half miles of frontage on the north side of Lake Hancock. The MHR property is managed by Polk County Parks and Natural Resources Division through a management agreement with the District. Pursuant to Section 373.089, Florida Statutes, (F.S.) the District is allowed the option to convey property to other agencies based on terms and conditions acceptable to the Governing Board. Pursuant to Section 373.139, F.S., the revenue derived from the sale of this land may only be used for the purchase of other lands meeting the criteria specified in this section or payment of debt on revenue bonds or notes issued under Section 373.584, F.S. None of the Marshall Hampton Reserve property has ever been previously identified for disposition through the District's Biennial Assessment of its property ownership for surplus lands, and the portion being sought by FDOT is not needed for the Lake Hancock Projects.

Summary of Value and Offer

After considerable review and input by District staff, the FDOT decided to make an offer to purchase the MHR ROW Property. As part of this review and input process, the FDOT submitted an appraisal prepared by Stephen Jamir, MAI, that has been reviewed by qualified District staff who is also Certified as a General Appraiser in Florida and who was previously determined to be an expert witness in Polk County Court for real property valuation and appraisal matters. Based on the foregoing, the appraisal submitted by FDOT is factually sound, meets District and industry standards, and the assumptions used to make the value determination are reasonable.

The FDOT has determined that the MHR ROW Property could be utilized for the Polk Parkway Extension project as road right of way and stormwater retention. The recent appraisal received from the FDOT is dated May 2021 and is based on a value of \$27,457 per gross acre. The appraisal and subsequent offer to purchase were based on 67.863 acres with the estimated value and offer for the MHR ROW Property to be \$1,863,300 based on 100 percent of the appraised value. This does not include the drainage easement identified below.

The FDOT provided an appraisal having both the “Before” and “After” value of the property including compensation for existing improvements and recognizing the damages to the remainder property, caused by the right of way alignment. The MHR ROW Property includes the areas required for the Parkway improvements, right of way along Winter Lake Road, for on-site retention and for a small drainage easement on retained District Lands. The improvements being impacted include fencing, a parking area, paving, benches, and signage together with the cost of construction and installation. The damages calculated are related to the improvements and reduced property value. The offer from the FDOT is at the full appraised value of the land, improvements, damages, and drainage easement summarized as follows:

LAND \$1,276,300.00
IMPROVEMENTS \$278,400.00
NET DAMAGES &/OR \$308,600.00
COST TO CURE
DRAINAGE EASEMENT \$1,900.00
TOTAL OFFER \$1,865,200.00

A general contractor provided cost estimates utilized for the improvement value calculations. The damages were calculated based on the difference between the “Before” and “After” value of the property. The complete appraisal consisting of 312 pages is available upon request.

The FDOT purchase offer for the MHR ROW Property is separate and in addition to their previous purchase of the Old Florida Plantation surplus property located to the south. The impacts of the FDOT acquisition to the existing facilities have been discussed between the District, Polk County and the FDOT.

Access, Parking & Trailhead Relocation - Reconstruction

In addition to the purchase of the MHR ROW Property the FDOT, at its expense, will contract for the relocation, replacement, reconstruction and restoration of the existing Marshall Hampton Reserve access, parking, and trailhead facilities. In order to complete the necessary reconstruction activities, the District will enter into a License Agreement with the FDOT. The construction activities necessary for the relocation of the existing improvements include the following:

Entrance Redesign
Entrance Relocation
Asphalt Paved Drive
Parking Area for Cars and Horse Trailers
Reconnection of the Driveway to the Caretaker Residence
Relocation of the Trailhead
Site Fencing
Landscaping
Signage

Surplus Remainder Property

The right of way alignment necessary for the extension of the Polk Parkway created two remainder parcels, one of which is the existing park, managed by Polk County located to the west of the Parkway, and the other to the east of the Parkway that will be severed from the rest of the Marshall Hampton Reserve. This severed remainder property consists of 19.222 acres located at the southwest corner of the intersection of Winter Lake and Thornhill Roads. The existing land use on the property currently allows commercial development on 10 acres with the balance being for residential uses. The FDOT appraiser determined that the highest and best use for this property would be to change the land use so that the entire piece would be designated commercial.

After the FDOT acquisition of the MHR ROW Property, this severed parcel will no longer have any physical connection to the remaining MHR. The location and existing land use make it a good candidate for being declared as surplus upon the sale of the right of way to the FDOT. As a result of the sale, this property is no longer needed for District or conservation purposes and should be declared surplus.

Benefits/Costs

The funds obtained from the sale of the MHR ROW Property can be utilized for the purchase of other lands offering greater conservation benefits.

Staff Recommendation:

- Determine the MHR ROW Property identified as 21-503-261S, is no longer required for District purposes;
- Approve the Purchase Agreement and authorize the Executive Director to sign on behalf of the District for SWF Parcel No, 21-503-261S (ROW) and 21-503-263X (drainage easement);
- Authorize the Chairman and Secretary of the Governing Board to execute the Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon the request of the buyer;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms;
- Determine that SWF Parcel No. 21-503-262S, a 19.222 acre severed remainder property located at the southwest corner of Thornhill and Winter Lake Roads is no longer needed for District or conservation purposes and upon close of the purchase of the MHR ROW Property be declared surplus.

Presenter:

Ellen Morrison, Land Resources Bureau Chief



July 22, 2021

Certified Mail No. 7019 2280 0000 6033 3563

Southwest Florida Water Management District
 Attn: Steven Blaschka
 Real Estate Program Specialist
 2379 Broad Street
 Brooksville, FL 34604

ITEM/SEGMENT #: 4408972
 MANAGING DISTRICT: 08
 FAP: N/A
 STATE ROAD: 570B
 COUNTY: Polk
 PARCEL: 102A/E/802

Dear Property Owner,

As you may be aware, Florida's Turnpike Enterprise, (FTE) is in the process of negotiating the acquisition of right of way for the project referenced above. American Acquisition Group, LLC is working with FTE for this project. This package represents the Turnpikes fair market value offer to you for the purchase of the property identified by parcel number above. This letter is intended to help you understand the need and purpose of each document contained in this package.

Below is a list of items included in this package:

NOTICE TO OWNER: Statutory Notification

STATEMENT OF OFFER: This is the official offer from the FTE for your property. Please sign the on the Receipt Acknowledged By line, print your name, add the date, keep the copy and return the original statement to me in the envelope provided. This is not an agreement and in no way will bind you to a settlement.

DONATION LETTER: This letter is to be used if you care to donate the area of acquisition to the FTE in lieu of receiving monetary compensation. If you choose to do this, please sign and return the donation to me.

PURCHASE AGREEMENT: This is a standard FTE purchase agreement which provides a breakdown of the compensation for land and improvements to be acquired. The summary of values is based on the approved appraisal.

PUBLIC DISCLOSURE AFFIDAVIT - Provides that persons or entities, with few exceptions, holding real property in the form of a partnership, limited partnership, corporation, trust, or in any form of representative capacity shall make a public disclosure, in writing, of every person having a beneficial interest in the real property before the property is conveyed to the State. This affidavit has also been sent to you via Registered USPS Mail.

TAXPAYER IDENTIFICATION FORM: This form is to be used to record your taxpayer identification number prior to closing so that gross proceeds of the sale can be reported to the IRS in accordance with state procedures. For individuals, this number is your social security number but for other entities it is your employer identification number (EIN).

LEGAL DESCRIPTION / PARCEL SKETCH / RIGHT OF WAY MAP AND CONSTRUCTION PLANS: This describes the area to be acquired by FTE.

APPRAISAL: A copy of the Turnpike's appraisal is included for your review.

Please contact me at 800-954-0369 with any questions.

Sincerely,
 American Acquisition Group, LLC

Christopher Scodius
 Consultant Project Manager
 Enclosures as stated herein



Florida Department of Transportation

RON DESANTIS
GOVERNOR

Florida's Turnpike Enterprise
P.O. Box 613069, Ocoee, FL 34761
407-532-3999

KEVIN J. THIBAUT, P.E.
SECRETARY

NOTICE TO OWNER

July 22, 2021

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT #:	4408972
MANAGING DISTRICT:	08
F.A.P. #:	N/A
STATE ROAD #:	570B
COUNTY:	Polk
PARCEL #:	102A/E/802

Dear Property Owner:

The Florida Department of Transportation is planning the following improvement of the above referenced transportation facility:

New roadway construction from SR 570 to SR 35 including interchange improvements.

Our research shows you own property needed for this project. This letter, along with the enclosed pamphlet entitled **Acquisition Process**, explains your rights and options and the process we must follow by law in acquiring your property. The following enclosed documents identify the property that is needed:

Sketch and Legal Description

We recognize that a proposed transportation project, particularly one which requires the acquisition of private property, will usually result in many questions and concerns. Please be assured you will have sufficient time to have your questions answered, to consider and understand your rights, options, and responsibilities, and make all necessary arrangements. Throughout this process, we will do our best to ensure your questions are answered, that you are treated fairly and receive all of the rights you are guaranteed by law, and that you receive a fair price for your property.

Under Federal and State law, you are entitled to certain rights and protections when the State must acquire real estate from you. The following is a summary of your rights:

- You may obtain copies of the Department's appraisal, right of way maps and construction plans.
- We will make a written offer to you to purchase your property and will negotiate with you, in good faith, to reach a mutually acceptable purchase price.
- If we cannot agree on a purchase price, we will not file a condemnation lawsuit until at least 30 days after you receive our initial written offer.
- You will receive no less than full compensation for the property acquired. Full compensation includes, the value of the real estate acquired together with damages, if any, to your remaining property.
- You may be eligible for relocation assistance benefits if you are required to move or move personal possessions from the property we acquire.
- You may receive reimbursement for reasonable attorney fees and other reasonable costs you incur for appraisal and other services associated with the Department's acquisition.

Your rights and options are more fully explained in the enclosed pamphlet entitled **Acquisition Process**. We encourage you to read this pamphlet carefully and contact us if you have any questions.

We want to negotiate with you for the purchase of your property. If you have questions about any aspect of our acquisition process or if you have information that would help us to determine a fair value for your property or help us provide service to you, please let us know. Regardless of whether or not we reach an agreement on the purchase of your property, we will do our best to be sensitive and responsive to your needs.

If you experience any problems, please do not hesitate to contact: Christopher Scodius, 711 N. Sherrill Street, Suite B, Tampa, FL 33609, 813-287-8191.

Sincerely,



District Right of Way Manager
By: Christopher Scodius
Consultant Project Manager, American Acquisition Group, LLC

Enclosures:

Legal Description (and/or right of way map)
Acquisition Process Pamphlet

c: Records Management

Received by: _____

Certified Mail Number: 7019 2280 0000 6033 3563

Date: _____

ATTACHMENT "A"
NOTICE TO OWNER QUESTIONNAIRE

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT #:	4408972
DISTRICT:	08
F.A.P. #:	N/A
STATE ROAD #:	570B
COUNTY:	Polk
PARCEL #:	102A/E/802
ATTENTION:	Chris Scodius

Dear Property Owner:

Please complete the following questions and mail to this office in the enclosed self-addressed, stamped envelope.

1. Are you the owner of the property identified above? ☐ Yes ☐ No
2. I have sold all ☐ or part ☐ of the property to:
Name: _____
Address: _____
Approximate Date Sold: _____
3. Other than my spouse, I share ownership of this property with:
Name: _____
Address: _____
Telephone No.: _____
4. Please list the appropriate contact person for this property:
Name and Title: _____
Address: _____
Telephone No.: _____
5. Is there an ongoing business on this site? ☐ Yes ☐ No
6. If yes, who owns the business?
Name: _____
Address: _____
Telephone No.: _____
7. Additional Comments: _____

Property Owner's Signature

Printed Name & Title

Date

STATEMENT OF OFFER

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT NO.: 4408972
DISTRICT: 08
FEDERAL PROJECT NO.: N/A
STATE ROAD NO.: 570B
COUNTY: Polk
PARCEL NO.: 102A/E

Dear Property Owner,

As you are probably aware, the State of Florida Department of Transportation is in the process of acquiring the needed right of way for the above referenced facility. A determination has been made that either a part or all of your property will be needed. A search of the Public Records of the County in which this property is situated has been made and it was determined that property is owned by you.

The interest being acquired in your property is: Fee Simple

In addition, the following list will identify the buildings, structures, fixtures, and other improvements which are considered to be a part of the real property acquired, or personal property being acquired, if any: 102A: 2,017 LF of 4-strand BW fencing (interior), 2,739 LF of 5-strand BW fencing (Thornhill Rd.), 1,503 LF 5-strand BW fencing (Interior), 254 LF 4-rail wood fencing with chicken wire, 472 LF 3-rail wood corral fencing, 2 iron gates with automatic opener, One 14x4 cattle gate with posts, one 20x4 cattle gate with posts, 1 mailbox, 1 bench, one 16x8 cattle guard with concrete bases, one 4x4 wood post and two 4x4 bronze posts with concrete foundation. 102E: 350LF 5-strand BW fencing.

The following items were excluded: N/A

You are further advised that the Department's offer of just compensation for the property required for the construction of this facility is based on the Fair Market Value of the property and that the Department's offer to you is not less than the approved appraised value of the property.

The following represents a summary of the Department's offer to you and the basis therefore:

Land	\$ 1,276,300.00
Improvements	\$ 278,400.00
Real Estate Damages	\$ 308,600.00
Total	\$ 1,863,300.00

This Statement of Offer is not a contract; if you agree to accept this offer, you will be required to sign a purchase agreement. Any additional information you may require can be obtained through the Department's Representative that contacted you. If that representative is not readily available, please contact:

Christopher Scodius, Consultant Project Manager - American Acquisition Group, LLC
at 711 N. Sherrill Street, Suite B, Tampa, FL 33609 (813) 287-8191

Sincerely,

District Right of Way Manager
By: Christopher Scodius
Consultant Project Manager

Delivered By	Cert Mail: 7019 2280 0000 6033 3563 Type or Print Name	Date
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Receipt Acknowledged By	Type or Print Name	Date
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STATEMENT OF OFFER

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT NO.:	4408972
DISTRICT:	08
FEDERAL PROJECT NO.:	N/A
STATE ROAD NO.:	570B
COUNTY:	Polk
PARCEL NO.:	802

Dear Property Owner,

As you are probably aware, the State of Florida Department of Transportation is in the process of acquiring the needed right of way for the above referenced facility. A determination has been made that either a part or all of your property will be needed. A search of the Public Records of the County in which this property is situated has been made and it was determined that property is owned by you.

The interest being acquired in your property is: Permanent Easement

In addition, the following list will identify the buildings, structures, fixtures, and other improvements which are considered to be a part of the real property acquired, or personal property being acquired, if any: N/A

The following items were excluded: N/A

You are further advised that the Department's offer of just compensation for the property required for the construction of this facility is based on the Fair Market Value of the property and that the Department's offer to you is not less than the approved appraised value of the property.

The following represents a summary of the Department's offer to you and the basis therefore:

Land	\$ 1,900.00
Improvements	\$ 0.00
Real Estate Damages	\$ 0.00
Total	\$ 1,900.00

This Statement of Offer is not a contract; if you agree to accept this offer, you will be required to sign a purchase agreement. Any additional information you may require can be obtained through the Department's Representative that contacted you. If that representative is not readily available, please contact:

Christopher Scodius, Consultant Project Manager - American Acquisition Group, LLC
at 711 N. Sherrill Street, Suite B, Tampa, FL 33609 (813) 287-8191

Sincerely,

District Right of Way Manager
By: Christopher Scodius
Consultant Project Manager

Delivered By

Cert Mail: 7019 2280 0000 6033 3563

Type or Print Name

Date

Receipt Acknowledged By

Type or Print Name

Date



Florida Department of Transportation

RON DESANTIS
GOVERNOR

Office of Right of Way
P. O. Box 613069
Ocoee, FL 34761

KEVIN J. THIBAUT, P.E.
SECRETARY

Donation of Property to the Florida Department of Transportation

Southwest Florida Water Management
District 2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT NO.:	4408972
MANAGING DISTRICT:	TPK
F.A.P. NO.:	N/A
STATE ROAD NO.:	570B
COUNTY:	Polk
PARCEL NO.:	102A/E/802
INTEREST CONVEYED:	Fee Simple/Permanent Easement

This is to advise that the undersigned, as owner of the property or property interest referenced above and as shown on Right of Way maps for referenced project, desires to make a voluntary donation of said property or property interest to the State of Florida for the use and benefit of the Florida Department of Transportation.

The undersigned hereby acknowledges that he/she has been fully advised by a Department representative of his/her right to have the referenced property or property interest appraised, to accompany the appraiser during the appraisal inspection of the property, to receive full compensation for the above referenced property, and to receive reimbursement for reasonable fees and costs incurred, if any. Having been fully informed of the above rights, I hereby waive those rights unless otherwise noted below.

Owner's Signature

Type or Print Property Owner's Name

Street Address

City, State, Zip Code

Date

Buyer: State of Florida, Department of Transportation

I. Description of Property:

(a) **Estate Being Purchased:** ☐ Fee Simple ☐ Permanent Easement ☐ Temporary Easement ☐ Leasehold

(b) **Real Property Described As:** 4408972 Parcel 102A/E, See attached legal description.

(c) **Personal Property:** N/A

(d) **Outdoor Advertising Structure(s) Permit Number(s):** N/A

Buildings, Structures, Fixtures and Other Improvements Owned By Others: N/A

These items are **NOT** included in this agreement. A separate offer is being, or has been, made for these items.

II. PURCHASE PRICE

(a) Real Property

Land	1.	\$ 1,276,300.00
Improvements	2.	\$ 278,400.00
Real Estate Damages (Severance/Cost-to-Cure)	3.	\$ 308,600.00

Total Real Property 4. \$ 1,863,300.00

(b)	Total Personal Property	5.	\$ 0.00
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(c) **Fees and Costs**

Attorney Fees	6.	\$ 0.00
Appraiser Fees	7.	\$ 0.00

Fee(s)	8. \$ 0.00
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Total Fees and Costs	9. \$ 0.00
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(d)	Total Business Damages	10. \$ 0.00
-----	-------------------------------	--------------------

(e)	Total of Other Costs	11. \$ 0.00
-----	----------------------	-------------

List:

Total Purchase Price	(Add Lines 4, 5, 9, 10 and 11)	\$ 1,863,300.00
-----------------------------	---	------------------------

Total Global Settlement Amount

(f)	Portion of Total Purchase Price or Global Settlement	\$ 0.00
-----	--	---------

(g)	Portion of Total Purchase Price or Global Settlement	\$ 0.00
-----	--	---------

Amount to be paid to Seller by Buyer up
of possession or

III. Conditions and Limitations

- (a) Seller is responsible for all taxes due on the property up to, but not including, the day of closing.
- (b) Seller is responsible for delivering marketable title to Buyer. Marketable title shall be determined according to applicable title standards adopted by the Florida Bar in accordance with Florida Law subject only to those exceptions that are acceptable to Buyer. Seller shall be liable for any encumbrances not disclosed in the public records or arising after closing as a result of actions of the Seller.
- (c) Seller shall maintain the property described in **Section I** of this agreement until the day of closing. The property shall be maintained in the same condition existing on the date of this agreement, except for reasonable wear and tear.
- (d) Any occupancy of the property described in **Section I** of this agreement by Seller extending beyond the day of closing must be pursuant to a lease from Buyer to Seller.
- (e) The property described in **Section I** of this agreement is being acquired by Buyer for transportation purposes under threat of condemnation pursuant to **Section 337.25 Florida Statutes**.
- (f) Pursuant to **Rule 14-10.004, Florida Administrative Code**, Seller shall deliver completed **Outdoor Advertising Permit Cancellation Form(s), Form Number 575-070-12**, executed by the outdoor advertising permit holder(s) for any outdoor advertising structure(s) described in **Section I** of this agreement and shall surrender, or account for, the outdoor advertising permit tag(s) at closing.
- (g) Seller agrees that the real property described in **Section I** of this agreement shall be conveyed to Buyer by conveyance instrument(s) acceptable to Buyer.
- (h) Seller and buyer agree that this agreement represents the full and final agreement for the herein described sale and purchase and no other agreements or representations, unless incorporated into this agreement, shall be binding on the parties.
- (i) Other: Buyer and Seller agree all fees, costs and business damage claims associated with this agreement are identified in section II of this agreement.

- (j) Seller and Buyer agree that a real estate closing pursuant to the terms of this agreement shall be contingent on delivery by Seller of an executed Public Disclosure Affidavit in accordance with **Section 286.23, Florida Statutes**.

IV. Closing Date

The closing will occur no later than 60 days after Final Agency Acceptance.

V. Typewritten or Handwritten Provisions

Any typewritten or handwritten provisions inserted into or attached to this agreement as addenda must be initialed by both Seller and Buyer.

- ☐ There is an addendum to this agreement. Page _____ is made a part of this agreement.
☒ There is not an addendum to this agreement.

VI. Seller and Buyer hereby acknowledge and agree that their signatures as Seller and Buyer below constitute their acceptance of this agreement as a binding real estate contract.

It is mutually acknowledged that this Purchase Agreement is subject to Final Agency Acceptance by Buyer pursuant to **Section 119.0711, Florida Statutes**. A closing shall not be conducted prior to 30 days from the date this agreement is signed by Seller and Buyer to allow public review of the transaction. Final Agency Acceptance shall not be withheld by Buyer absent evidence of fraud, coercion, or undue influence involving this agreement. Final Agency Acceptance shall be evidenced by the signature of Buyer in **Section VII** of this agreement.

Seller(s)

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Buyer

State of Florida Department of Transportation

BY: _____
Signature Date

Nicole Sorg, Deputy Right of Way Manager-Production
Type or Print Name and Title

VII. FINAL AGENCY ACCEPTANCE

The Buyer has granted Final Agency Acceptance this ____ day of _____, ____.

BY: _____
Signature Type or Print Name and Title

Legal Review: _____
Date

Type or Print Name and Title

Buyer: State of Florida, Department of Transportation

I. Description of Property:

(a) **Estate Being Purchased:** ☐ Fee Simple ☐ Permanent Easement ☐ Temporary Easement ☐ Leasehold

(b) **Real Property Described As:** 4408972 Parcel 802, See attached legal description.

(c) **Personal Property:** N/A

(d) **Outdoor Advertising Structure(s) Permit Number(s):** N/A

Buildings, Structures, Fixtures and Other Improvements Owned By Others: N/A

These items are **NOT** included in this agreement. A separate offer is being, or has been, made for these items.

II. PURCHASE PRICE

(a) Real Property

Land	1.	\$ 1,900.00
Improvements	2.	\$ 0.00
Real Estate Damages (Severance/Cost-to-Cure)	3.	\$ 0.00

Total Real Property 4. **\$ 1,900.00**

(b)	Total Personal Property	5.	\$ 0.00
-----	--------------------------------	-----------	----------------

(c) **Fees and Costs**

Attorney Fees	6.	\$	<u>0.00</u>
Appraiser Fees	7.	\$	<u>0.00</u>

_____	Fee(s) 8. \$ 0.00

Total Fees and Costs	9. \$ 0.00
-----------------------------	-------------------

(d)	Total Business Damages	10. \$ 0.00
-----	-------------------------------	--------------------

(e)	Total of Other Costs	11. \$ 0.00
-----	----------------------	-------------

List:

Total Purchase Price	(Add Lines 4, 5, 9, 10 and 11)	\$ 1,900.00
-----------------------------	---	--------------------

Total Global Settlement Amount

(f)	Portion of Total Purchase Price or Global Settlement Amount to be paid to Seller by Buyer at Closing	\$ <u>0.00</u>
-----	--	----------------

(g)	Portion of Total Purchase Price or Global Settlement Amount to be paid to Seller by Buyer upon surrender of possession or	\$ <u>0.00</u>
-----	---	----------------

III. Conditions and Limitations

- (a) Seller is responsible for all taxes due on the property up to, but not including, the day of closing.
- (b) Seller is responsible for delivering marketable title to Buyer. Marketable title shall be determined according to applicable title standards adopted by the Florida Bar in accordance with Florida Law subject only to those exceptions that are acceptable to Buyer. Seller shall be liable for any encumbrances not disclosed in the public records or arising after closing as a result of actions of the Seller.
- (c) Seller shall maintain the property described in **Section I** of this agreement until the day of closing. The property shall be maintained in the same condition existing on the date of this agreement, except for reasonable wear and tear.
- (d) Any occupancy of the property described in **Section I** of this agreement by Seller extending beyond the day of closing must be pursuant to a lease from Buyer to Seller.
- (e) The property described in **Section I** of this agreement is being acquired by Buyer for transportation purposes under threat of condemnation pursuant to **Section 337.25 Florida Statutes**.
- (f) Pursuant to **Rule 14-10.004, Florida Administrative Code**, Seller shall deliver completed **Outdoor Advertising Permit Cancellation Form(s), Form Number 575-070-12**, executed by the outdoor advertising permit holder(s) for any outdoor advertising structure(s) described in **Section I** of this agreement and shall surrender, or account for, the outdoor advertising permit tag(s) at closing.
- (g) Seller agrees that the real property described in **Section I** of this agreement shall be conveyed to Buyer by conveyance instrument(s) acceptable to Buyer.
- (h) Seller and buyer agree that this agreement represents the full and final agreement for the herein described sale and purchase and no other agreements or representations, unless incorporated into this agreement, shall be binding on the parties.
- (i) Other: Buyer and Seller agree all fees, costs and business damage claims associated with this agreement are identified in section II of this agreement.

- (j) Seller and Buyer agree that a real estate closing pursuant to the terms of this agreement shall be contingent on delivery by Seller of an executed Public Disclosure Affidavit in accordance with **Section 286.23, Florida Statutes**.

IV. Closing Date

The closing will occur no later than 60 days after Final Agency Acceptance.

V. Typewritten or Handwritten Provisions

Any typewritten or handwritten provisions inserted into or attached to this agreement as addenda must be initialed by both Seller and Buyer.

- ☐ There is an addendum to this agreement. Page _____ is made a part of this agreement.
☒ There is not an addendum to this agreement.

VI. Seller and Buyer hereby acknowledge and agree that their signatures as Seller and Buyer below constitute their acceptance of this agreement as a binding real estate contract.

It is mutually acknowledged that this Purchase Agreement is subject to Final Agency Acceptance by Buyer pursuant to **Section 119.0711, Florida Statutes**. A closing shall not be conducted prior to 30 days from the date this agreement is signed by Seller and Buyer to allow public review of the transaction. Final Agency Acceptance shall not be withheld by Buyer absent evidence of fraud, coercion, or undue influence involving this agreement. Final Agency Acceptance shall be evidenced by the signature of Buyer in **Section VII** of this agreement.

Seller(s)

Signature Date

Type or Print Name

Signature Date

Type or Print Name

Buyer

State of Florida Department of Transportation

BY: _____
Signature Date

Nicole Sorg, Deputy Right of Way Manager-Production
Type or Print Name and Title

VII. FINAL AGENCY ACCEPTANCE

The Buyer has granted Final Agency Acceptance this ____ day of _____, ____.

BY: _____
Signature Type or Print Name and Title

Legal Review: _____
Date

Type or Print Name and Title



Florida Department of Transportation

RON DESANTIS
GOVERNOR

Office of Right of Way
P. O. Box 613069
Ocoee, FL 34761

KEVIN J. THIBAUT, P.E.
SECRETARY

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT NO.:	<u>4408972</u>
MANAGING DISTRICT:	<u>TPK</u>
F.A.P. NO.:	<u>N/A</u>
STATE ROAD NO.:	<u>570B</u>
COUNTY:	<u>Polk</u>
PARCEL NO.:	<u>102A/E/802</u>

Dear Property Owner,

Subject: Public Disclosure Notice (For All Persons and Entities Except Trusts)

Section 286.23, Florida Statutes, (F.S.) requires persons or entities holding real property in the form of a corporation or partnership to disclose in writing, under oath, and subject to the penalties prescribed for perjury, his/her name and address and the names and addresses of every person having a beneficial interest in such property. The Department must receive disclosure at least 10 days prior to the real estate closing by which the Department acquires the property or within 48 hours after the Department deposits the required monies into the registry of the court pursuant to an Order of Taking in condemnation. To assist you in complying with the disclosure requirement, we have enclosed a copy of **Section 286.23, F.S.** and an affidavit for you to complete and return to this office at:

American Acquisition Group, LLC - Attn: Christopher Scodius - 711 N. Sherrill Street, Suite B, Tampa, FL 33609

Please Note:

You are not required to disclose a beneficial interest in an entity registered with the Federal Securities Exchange Commission or the Florida Department of Financial Services pursuant to **Chapter 517, Florida Statutes**, whose interest is for sale to the general public. For nonpublic entities, you are also not required to disclose persons or entities holding less than 5% of the beneficial interest in the disclosing entity.

If you have any questions please contact Christopher Scodius, Consultant Project Manager 813-287-8191.

Sincerely,

District Right of Way Manager

By:

Ch.Sc.

Agent's Signature

Christopher Scodius, Consultant Project Manager

Name (Please Print or Type)

Enclosures: Section 286.23, Florida Statutes, Public Disclosure Affidavit (For All Persons and Entities Except Trusts)

Section 286.23, Florida Statutes

286.23 Real property conveyed to public agency; disclosure of beneficial interests; notice; exemptions.--

(1) Any person or entity holding real property in the form of a partnership, limited partnership, corporation, trust, or any form of representative capacity whatsoever for others, except as otherwise provided in this section, shall, before entering into any contract whereby such real property held in representative capacity is sold, leased, taken by eminent domain, or otherwise conveyed to the state or any local governmental unit, or an agency of either, make a public disclosure in writing, under oath and subject to the penalties prescribed for perjury, which shall state his or her name and address and the name and address of every person having a beneficial interest in the real property, however small or minimal. This written disclosure shall be made to the chief officer, or to his or her officially designated representative, of the state, local governmental unit, or agency of either, with which the transaction is made at least 10 days prior to the time of closing or, in the case of an eminent domain taking, within 48 hours after the time when the required sum is deposited in the registry of the court. Notice of the deposit shall be made to the person or entity by registered or certified mail before the 48-hour period begins.

(2) The state or local governmental unit, or an agency of either, shall send written notice by registered mail to the person required to make disclosures under this section, prior to the time when such disclosures are required to be made, which written request shall also inform the person required to make such disclosure that such disclosure must be made under oath, subject to the penalties prescribed for perjury.

(3)(a) The beneficial interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to chapter 517, whose interest is for sale to the general public, is hereby exempt from the provisions of this section. When disclosure of persons having beneficial interests in nonpublic entities is required, the entity or person shall not be required by the provisions of this section to disclose persons or entities holding less than 5 percent of the beneficial interest in the disclosing entity.

(b) In the case of an eminent domain taking, any entity or person other than a public officer or public employee, holding real property in the form of a trust which was created more than 3 years prior to the deposit of the required sum in the registry of the court, is hereby exempt from the provisions of this section. However, in order to qualify for the exemption set forth in this section, the trustee of such trust shall be required to certify within 48 hours after such deposit, under penalty of perjury, that no public officer or public employee has any beneficial interest whatsoever in such trust. Disclosure of any changes in the trust instrument or of persons having beneficial interest in the trust shall be made if such changes occurred during the 3 years prior to the deposit of said sum in the registry of the court.

(4) This section shall be liberally construed to accomplish the purpose of requiring the identification of the actual parties benefiting from any transaction with a governmental unit or agency involving the procurement of the ownership or use of property by such governmental unit or agency.

History.--ss. 1, 2, 3, 4, 5, ch. 74-174; s. 1, ch. 77-174; s. 72, ch. 86-186; s. 7, ch. 91-56; s. 212, ch. 95-148.

ITEM/SEGMENT NO.: 4408972
MANAGING DISTRICT: TPK
F.A.P. NO.: N/A
STATE ROAD NO.: 570B
COUNTY: Polk
PARCEL NO.: 102A/E/802

Public Disclosure Affidavit (For All Persons and Entities Except Trust)

I, the undersigned, under penalty of perjury, affirm that I hold the title for, or represent

_____ in the capacity of
Name of Corporation, Partnership, etc.
_____ and; my full name
Affiant's Title (President, V.P., etc.)
and address is _____

_____ ; and
Affiant's Name and Address
_____ holds legal title to
Name of Corporation, Partnership, etc.

the real estate described in **Attachment "A"** to this affidavit; and (select appropriate option)

☐ The names and addresses of all persons who hold a beneficial interest in the real estate are listed on **Attachment "B"** to this affidavit.

☐ All beneficial interests in the property are exempt from disclosure because the entity identified above as the owner of the real estate is an entity registered with the Federal Securities Exchange Commission or the Florida Department of Financial Services pursuant to **Chapter 517, Florida Statutes**, whose interest is for sale to the general public.

☐ This is a nonpublic entity, and I elect not to disclose the names of persons or entities holding less than 5% of the beneficial interest in this entity.

Affiant's Signature

State of _____

Print or Type Name of Affiant

County of _____

Sworn to and subscribed before me this day of _____, day of _____, _____

By _____ who is personally known to me or who has produced
_____ as identification.

Notary's Signature: _____
(Print, type or stamp name of notary public)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
REQUEST FOR TAXPAYER IDENTIFICATION NUMBER

575-030-27
RIGHT OF WAY
10/16

Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604

ITEM/SEGMENT NO.: 4408972
MANAGING DISTRICT: 08
F.A.P. NO.: N/A
STATE ROAD NO.: 570B
COUNTY: Polk
PARCEL NO.: 102A/E/802

The Florida Department of Transportation will be acquiring, or has acquired property owned by you for a transportation project or will be processing a payment to you related to the above referenced parcel. Federal regulations require that we report this transaction to the Internal Revenue Service (IRS), therefore we must obtain your correct Taxpayer Identification Number (TIN).

If you fail to furnish your correct TIN you may be subject to an IRS penalty. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

See the attached instruction for how to enter names and TINs. If you have any questions please let us know.

Name	Phone Number
Business Name , if different from above	Phone Number
Address (number, street, and apt. or suite no.)	OWNERSHIP INTEREST
City, State, and ZIP Code	<input type="checkbox"/> Sole Owner <input type="checkbox"/> Part Owner with _____ % interest <input type="checkbox"/> Not Applicable (Vendor Only)

TAXPAYER IDENTIFICATION NUMBER (TIN)

For individuals, this is your social security number (SSN): _____ - _____ - _____

For other entities, it is your employer identification number (EIN): _____ - _____

If you do not have a TIN, see attached instructions for How to get a TIN.

Below, choose one number that accurately describes the business or the individual.

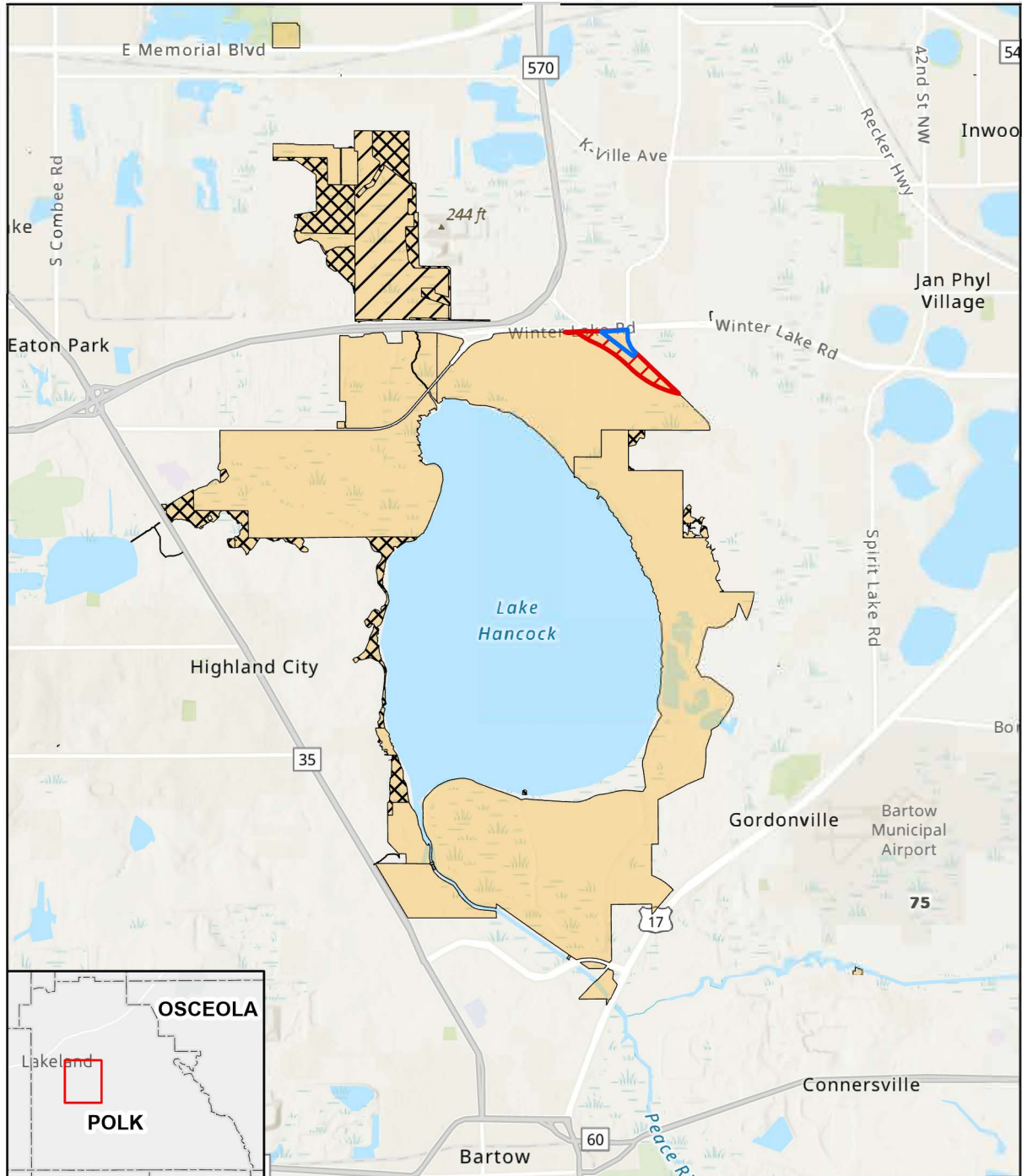
- ☐ **1 - CORPORATION, PROFESSIONAL ASSOCIATION OR PROFESSIONAL CORPORATION**
(A corporation formed under the laws of any state within the United states.)
- ☐ **2 - NOT FOR PROFIT CORPORATION** (Section 501(c)(3) Internal Revenue Code)
- ☐ **3 - PARTNERSHIP, JOINT VENTURE, ESTATE, TRUST OR MULTIPLE MEMBER LLC**
- ☐ **4 - INDIVIDUAL, SOLE PROPRIETOR, SELF EMPLOYED OR SINGLE MEMBER LLC**
- ☐ **5 - NONCORPORATE RENTAL AGENT**
- ☐ **6 - GOVERNMENTAL ENTITY** (City, County, State or U.S. Government)
- ☐ **7 - FOREIGN CORPORATION OR ENTITY** (A foreign entity formed under the laws of a country other than the United States.) If YES is marked below, complete and attach Form W-8ECI.
Is income effectively connected with business in the United States? ☐ YES ☐ NO
- ☐ **8 - NONRESIDENT ALIEN** (An individual temporarily in the U.S. who is not a U.S. citizen or resident.)

CERTIFICATION

Under penalties of perjury, I certify that the number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me).

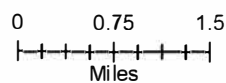
Sign Here _____ Date _____
Title _____ Email (optional) _____

Exhibit 2 - Marshall Hampton Reserve FDOT ROW SWF Parcel Nos. 20-503-261S and 20-503-262S



University of South Florida, FDEP, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA, University of South Florida, FDEP, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS

- SWF Parcel No. 20-503-261S
- SWF Parcel No. 20-503-262S
- District Owned Fee Simple
- Conservation Easement
- District Perpetual Easement not CEs



Southwest Florida
Water Management District

Exhibit 3 - Marshall Hampton Reserve FDOT ROW SWF Parcel Nos. 20-503-261S and 20-503-262S



Esri Community Maps Contributors, University of South Florida, FDEP, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Maxar

District Owned Fee Simple

District Perpetual Easement not CEs

SWF Parcel No. 20-503-261S

SWF Parcel No. 20-503-262S

07501,500

US Feet

N

Southwest Florida

Water Management District

Governing Board Meeting

September 28, 2021

6. REGULATION COMMITTEE

- 6.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion194
- 6.2 **Discussion:** Action Item: Denials Referred to the Governing Board195

REGULATION COMMITTEE

September 28, 2021

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

Presenter:

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

REGULATION COMMITTEE

September 28, 2021

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

Governing Board Meeting
September 28, 2021

7. GENERAL COUNSEL'S REPORT

7.1	Discussion: Information Only: Consent Item(s) Moved to Discussion.....	196
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GENERAL COUNSEL'S REPORT

September 28, 2021

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

Presenter:

Chris Tumminia, General Counsel

COMMITTEE/LIAISON REPORTS

September 28, 2021

Discussion: Information Only: Industrial Advisory Committee

Presenter:

Ashley Bell Barnett, Board Member

COMMITTEE/LIAISON REPORTS

September 28, 2021

Discussion: Information Only: Public Supply Advisory Committee

Presenter:

Ed Armstrong, Board Member

EXECUTIVE DIRECTOR'S REPORT

September 28, 2021

Discussion: Information Only: Executive Director's Report

Presenter:

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

CHAIR'S REPORT

September 28, 2021

Discussion: Information Only: Chair's Report

Presenter:

Kelly S. Rice, Chair

CHAIR'S REPORT

September 28, 2021

Discussion: Information Only: Milestones

Staff Recommendation:

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

Presenter:

Kelly S. Rice, Governing Board Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	09/06/2016	Dalton Weinstein	Staff Hydrologist	Tampa	Water Use Permit	2021	09/06/2021
5	09/06/2016	Reed Putnall	Hydrogeologist	Tampa	Data Collection	2021	09/06/2021
15	09/18/2006	Buddy Wood	Regulatory Support Bureau Chief	Tampa	Regulatory Support	2021	09/18/2021
15	09/18/2006	Jillian Garrage	Business Analyst	Brooksville	Regulatory Support	2021	09/18/2021
15	09/18/2006	Rob McDaniel	ERP Evaluation Manager	Tampa	Environmental Resource Permit	2021	09/18/2021
15	09/25/2006	David Brumbaugh	Staff Engineer	Sarasota	Natural Systems & Restoration	2021	09/25/2021
15	09/25/2006	John Powanda	Staff Engineer	Brooksville	Environmental Resource Permit	2021	09/25/2021
20	09/24/2001	Mary Beth McNeil	Assistant General Counsel	Tampa	Office of General Counsel	2021	09/24/2021
20	09/24/2001	Misty O'Neal	Business Process Technician	Brooksville	Finance	2021	09/24/2021
25	09/30/1996	Karen Diez	Administrative Supervisor	Brooksville	Data Collection	2021	09/30/2021
30	09/23/1991	Chris Tomlinson	Field Technician Supervisor	Brooksville	Data Collection	2021	09/23/2021
35	09/08/1986	Mark Luchte	Agricultural Regulation Program Manager	Sarasota	Environmental Resource Permit	2021	09/08/2021
35	09/29/1986	Granville Kinsman	Hydrologic Data Manager	Brooksville	Data Collection	2021	09/29/2021

CHAIR'S REPORT

September 28, 2021

Discussion: Information Only: Executive Director's and Inspector General's Annual Accomplishments and Evaluations

In accordance with Board Policy 710-2, the executive director and inspector general shall each present to the Governing Board a statement of accomplishments and each employee's goals for the current fiscal year. Through the statements, they each will summarize many of the District's achievements for the fiscal year and provide information on which the Governing Board can evaluate their performance.

After the September Governing Board meeting, each board member will have an opportunity to complete a separate performance input form for the executive director and the inspector general reflecting that Governing Board member's assessment of the employee's performance for the year. Those forms should be provided to Human Resources Office Chief Teresa Jepma by October 5th. In accordance with Board Policy 710-2, the Human Resources Office shall compile and distribute a *Performance Evaluation Summary* from the forms submitted by the individual members.

Following distribution of the *Performance Evaluation Summary*, the Governing Board Chair shall draft the performance employee evaluation for the executive director and the Treasurer shall draft the employee evaluation for the inspector general. It is anticipated that the Governing Board will review, edit as appropriate, and approve the evaluations at the regularly scheduled October Board meeting.

Staff Recommendation:

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

Presenter:

Kelly S. Rice, Chair