

Governing Board Meeting

Agenda and Meeting Information

May 22, 2018

9:00 AM

Brooksville Office

2379 Broad Street • Brooksville, Florida
(352) 796-7211

Southwest Florida
Water Management District


WATERMATTERS.ORG • 1-800-423-1476



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Southwest Florida Water Management District

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

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Bureau Chief at 2379 Broad Street, Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4703; or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Final Agenda GOVERNING BOARD MEETING

MAY 22, 2018

9:00 AM

Brooksville Office

2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211

☞ All meetings are open to the public. ☜

- Viewing of the Board meeting will be available at each of the District offices and through the District's web site (www.watermatters.org) -- follow directions to use internet streaming.
- Public input will be taken only at the meeting location.
- Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

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

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

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

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

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

The current Governing Board agenda and minutes of previous meetings are on the District's web site: www.WaterMatters.org

Bartow Office

170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or 1-800-492-7862 (FL only)

Sarasota Office

6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or 1-800-320-3503 (FL only)

Tampa Office

7601 Hwy 301 N (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or 1-800-836-0797 (FL only)

MEETING NOTICE

9:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)

1. *Call to Order*
2. *Invocation and Pledge of Allegiance*
3. *Employee Recognition*
4. *Outgoing Chair's Transition Items*
5. *Election of Governing Board Officers*
6. *Additions/Deletions to Agenda*
7. *Public Input for Issues Not Listed on the Published Agenda*

CONSENT AGENDA (TAB B)***Finance/Outreach & Planning Committee***

8. Budget Transfer Report

Resource Management Committee

9. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Duck Lake Watershed in Pasco County to the Federal Emergency Management Agency (L737)
10. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Double Hammock Creek Watershed in Pasco County to the Federal Emergency Management Agency (L841)
11. Authorize Scope Change for Pearce Drain/Gap Creek Watershed Management Plan
12. Authorize Scope Change for Bowlees Creek Watershed Management Plan (N809)
13. FARMS – Bethel Farms, LLLP – Hog Bay Farm (H770), DeSoto County
14. FARMS – 734 LMC Groves, LLC – Lily Grove (H771), Hardee County

Operations, Lands and Resource Monitoring Committee

15. Acceptance of a Property Donation – Alafia River Corridor Project, the Estate of J. Crayton Pruitt, Deceased, SWF Parcel No. 11-709-153
16. Acceptance of a Property Donation – Two Mile Prairie Project, Citrus County Board of County Commissioners, SWF Parcel No. 19-707-108
17. Acceptance of Easement Donation – Central Florida Water Initiative (CFWI) Project, Crystal Lake, SWF Parcel No. 20-020-144
18. Acceptance of Easement Donation – ROMP 34 OCAL-AVPK FLDN, SWF Parcel No. 21-020-024
19. Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Dinner Lake, SWF Parcel No. 20-020-139
20. Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Green Swamp East Project, Polk County, SWF Parcel No. 10-200-1218C

Regulation Committee

21. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20002588.012 – Kelly Farms / Kelly Family Holdings, LLC (Charlotte County)
 - b. WUP No. 20010420.010 – Peace River Water Treatment Plant Facility/Peace River/Manasota Regional Water Supply Authority, et al (DeSoto County)

General Counsel's Report

22. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Approval of Consent Order – Unauthorized Construction – Antonio A. Santos, Jr. and Maria A. Santos – Pasco County
23. Rulemaking – None

Executive Director's Report

24. Approve CFI Heartland Region Meeting Minutes – April 5, 2018
25. Approve CFI Northern Region Meeting Minutes – April 6, 2018
26. Approve CFI Southern Region Meeting Minutes – April 11, 2018
27. Approve CFI Tampa Bay Region Meeting Minutes – April 12, 2018
28. Approve Governing Board Minutes – April 24, 2018

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

29. Consent Item(s) Moved for Discussion

- 30. Springs Community Partner Award
- 31. Fiscal Year 2018-19 Ad Valorem New Growth Projections
- 32. ePermitting System Replacement Project Update
- 33. Options for the Sarasota Office

Submit & File Reports

- 34. Purchase Card Audit – Data Collection Bureau
- 35. Purchase Card Audit – District-Wide

Routine Reports

- 36. Treasurer's Report and Payment Register
- 37. Monthly Financial Statement
- 38. Monthly Cash Balances by Fiscal Year
- 39. Comprehensive Plan Amendment and Related Reviews Report
- 40. Development of Regional Impact Activity Report

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

- 41. Consent Item(s) Moved for Discussion
- 42. Florida Department of Environmental Protection BMAP Update
- 43. Fiscal Year 2018-19 Cooperative Funding Update

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

- 44. Minimum Flows and Levels Status Report
- 45. Significant Water Resource and Development Projects

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE (TAB E)**Discussion**

- 46. Consent Item(s) Moved for Discussion
- 47. 2018 Hurricane Preparedness
- 48. Hydrologic Conditions Report

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

- 49. Surplus Lands Update
- 50. Structure Operations
- 51. Significant Activities

REGULATION COMMITTEE (TAB F)**Discussion**

- 52. Consent Item(s) Moved for Discussion
- 53. Denials Referred to the Governing Board
- 54. Consider Water Shortage Order(s) as Necessary

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

- 55. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update
- 56. Overpumpage Report
- 57. Individual Permits Issued by District Staff

GENERAL COUNSEL'S REPORT (TAB G)**Discussion**

- 58. Consent Item(s) Moved for Discussion

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

- 59. May 2018 – Litigation Report
- 60. May 2018 – Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

- 61. Industrial Advisory Committee
- 62. Public Supply Advisory Committee
- 63. Other

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 64. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 65. Chair's Report
- 66. Other
- 67. Employee Milestones

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

ANNOUNCEMENTS

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

- Governing Board Meetings Schedule:

| | |
|---|--------------------|
| Meeting - Brooksville | June 26, 2018 |
| Meeting - Clearwater, Tampa Bay Water | July 24, 2018 |
| Meeting - Tampa | August 28, 2018 |
| Meeting - Tampa | September 25, 2018 |
- Governing Board Public Budget Hearings Schedule:

| | |
|--------------------------------|--------------------|
| Tentative Budget - Tampa | September 11, 2018 |
| Final Budget - Tampa | September 25, 2018 |
- Advisory Committee Meeting Schedule:

| | |
|---|-----------------|
| Agricultural & Green Industry - Tampa | June 7, 2018 |
| Environmental - Tampa | July 10, 2018 |
| Well Drillers - Tampa | July 11, 2018 |
| Industrial & Public Supply - Tampa | August 14, 2018 |

ADJOURNMENT

The Governing Board may take action on any matter on the printed agenda including such items listed as reports, discussions, or program presentations. The Governing Board may make changes to the printed agenda only for good cause as determined by the Chair, and stated in the record.

If a party decides to appeal any decision made by the Board with respect to any matter considered at a hearing or these meetings, that party will need a record of the proceedings, and for such purpose that party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you wish to address the Board concerning any item listed on the agenda or an issue that does not appear on the agenda, please fill out a speaker's card at the reception desk in the lobby and give it to the recording secretary. Your card will be provided to the Chair who will call on you at the appropriate time during the meeting. When addressing the Board, please step to the podium, adjust the microphone for your comfort, and state your name for the record. Comments will be limited to three minutes per speaker. In appropriate circumstances, the Chair may grant exceptions to the three-minute limit.

The Board will accept and consider written comments from any person if those comments are submitted to the District at Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899. The comments should identify the number of the item on the agenda and the date of the meeting. Any written comments received after the Board meeting will be retained in the file as a public record.

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective August 2017

| OFFICERS | |
|------------|--------------------|
| Chair | Randall S. Maggard |
| Vice Chair | Jeffrey M. Adams |
| Secretary | Bryan K. Beswick |
| Treasurer | Ed Armstrong |

| OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE |
|---|
| Bryan K. Beswick, Chair |
| Mark Taylor, Vice Chair |
| Kelly S. Rice |
| James G. Murphy |

| RESOURCE MANAGEMENT COMMITTEE |
|----------------------------------|
| Michael A. Babb, Chair |
| Kelly S. Rice, Vice Chair |
| John Henslick |
| Michelle Williamson |

| REGULATION COMMITTEE |
|---------------------------|
| Jeffrey M. Adams, Chair |
| John Henslick, Vice Chair |
| H. Paul Senft |
| Rebecca Smith |

| FINANCE/OUTREACH AND PLANNING COMMITTEE |
|--|
| Ed Armstrong, Chair |
| Jeffrey M. Adams, Vice Chair |
| Michael A. Babb |
| Joel Schleicher |

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

| STANDING COMMITTEE LIAISONS | |
|-----------------------------------|---------------------|
| Agricultural Advisory Committee | Kelly S. Rice |
| Environmental Advisory Committee | Michelle Williamson |
| Green Industry Advisory Committee | Kelly S. Rice |
| Industrial Advisory Committee | Rebecca Smith |
| Public Supply Advisory Committee | H. Paul Senft |
| Well Drillers Advisory Committee | Mark Taylor |

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

Executive Summary

GOVERNING BOARD MEETING

MAY 22, 2018
9:00 a.m.

If viewing this document electronically, links are available from the Executive Summary to the item's information page. To return to the Executive Summary, click within the item text.

CONVENE PUBLIC HEARING & MEETING (TAB A)

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Employee Recognition
4. Outgoing Chair's Transition Items
5. Election of Governing Board Officers
6. Additions/Deletions to Agenda
7. Public Input for Issues Not Listed on the Published Agenda

CONSENT AGENDA (TAB B)

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

Finance/Outreach & Planning Committee

8. Budget Transfer Report

In accordance with Board Policy No. 130-8, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting.

Staff recommends the Board's approval of the Budget Transfer Report covering all budget transfers for April 2018.

Resource Management Committee

9. **Authorize Submission of Preliminary Flood Insurance Rate Maps for the Duck Lake Watershed in Pasco County to the Federal Emergency Management Agency (L737)**

The updated floodplain information for the Duck Lake watershed in Pasco County was prepared by a District hired consultant (Engineering Firm of Record), reviewed by District and County staff, and then reviewed by the District's independent peer review consultant (see table below). The watershed models and floodplain data were built using 2004 topography and land use information. For the public workshop held on November 16, 2017, affected property owners were notified of the workshop by print advertisement and media release with 48 people in attendance. The watershed models and preliminary floodplain data reasonably reflect the verification storm event and represent best floodplain information available for the watershed.

| Watershed | Engineering Firm of Record | Peer Review |
|---------------------------|----------------------------------|--------------------|
| Duck Lake in Pasco County | Inwood Consulting Engineers, Inc | Brown and Caldwell |

Staff recommends the Board authorize submittal of the preliminary FIRMs for the Duck Lake watershed in Pasco County to FEMA.

10. **Authorize Submission of Preliminary Flood Insurance Rate Maps for the Double Hammock Creek Watershed in Pasco County to the Federal Emergency Management Agency (L841)**

The updated floodplain information for the Double Hammock Creek watershed in Pasco County was prepared by a District hired consultant (Engineering Firm of Record), reviewed by District and County staff, and then reviewed by the District's independent peer review consultant (see table below). The watershed models and floodplain data were built using 2004/2007 topography and land use information. For the public workshop held on June 26, 2017, affected property owners were notified of the workshop by print advertisement and media release with 100 people in attendance. The watershed models and preliminary floodplain data reasonably reflect the verification storm event and represent best floodplain information available for the watershed.

| Watershed | Engineering Firm of Record | Peer Review |
|--------------------------------------|----------------------------|-------------|
| Double Hammock Creek in Pasco County | CH2M HILL Engineers, Inc | CDM Smith |

Staff recommends the Board authorize submittal of the preliminary FIRMs for the Double Hammock Creek watershed in Pasco County to FEMA.

11. **Authorize Scope Change for Pearce Drain/Gap Creek Watershed Management Plan**

The District Governing Board approved this Cooperative Funding Initiative (CFI) project with Manatee County (County) for fiscal year (FY) 2017 and FY2018 funding to develop a watershed management plan for the Pearce Drain/Gap Creek watershed. The project was included in the FY2017 and FY2018 District Annual Service Budgets. The original scope included the completion of a watershed management plan including floodplain analysis, Surface Water Resource Assessment and Best Management Practices for this watershed located in western Manatee County.

During the 2017 rainy season, Pearce Drain experienced 9.67 inches of rain in 24 hours (from August 26th to August 27th). The heavy rain caused severe flooding in some areas such as Centre Lakes subdivision, Whitfield Avenue, and Tallevast Road.

The County's original focus for this project was to develop pollutant load reduction strategies. After the recent flooding, however, the County now believes that flood protection alternatives should be the priority for the watershed. They have requested to postpone the water quality component of the study (the Surface Water Resource Assessment) and shift the Surface Water Resource Assessment budget to development of flood protection project alternative analysis. The County also requested an accelerated schedule to complete the analysis of flood protection alternatives by the end of December 2018. This accelerated schedule will provide time for the feasible flood protection alternatives to be presented to their Board of County Commissioners, allocate the appropriate funds in the County's FY2019 and FY2020 budgets, and submit CFI applications for funding to the District by October 2019. The County has proposed to also submit a separate CFI application by October 2019 for the completion of the Surface Water Resource Assessment for Pearce Drain/Gap Creek.

With the change in the priority from water quality to flood protection alternatives, the measurable benefit of the project will be to complete a watershed model, floodplain analysis, and flood protection alternative analysis. This eliminates the Surface Water Resource Assessment and specifies completion of flood protection alternative analysis. The project funds for the Surface Water Resource Assessment will be utilized to complete flood protection alternative analysis and the rest of the approved scope in an accelerated schedule. The project cost of \$672,000 and the District's share of \$336,000 have not changed. The cost effectiveness has not changed and is still favorable. The staff evaluation of the project remains high.

Staff recommends the Board approve the revised project scope and benefits to remove the Surface Water Resource Assessment from the project scope and specify completion of flood protection alternative analysis for the Pearce Drain/Gap Creek (N759) Watershed Management Plan with no change in cost.

12. Authorize Scope Change for Bowlees Creek Watershed Management Plan (N809)

The District Governing Board approved this Cooperative Funding Initiative (CFI) project with Manatee County (County) for the fiscal year (FY) 2017 and 2018 funding to develop a watershed management plan for the Bowlees Creek watershed. The project was included in the FY2017 and FY2018 District Annual Service Budgets. The original scope included the completion of a watershed management plan including floodplain analysis, Surface Water Resource Assessment and Best Management Practices for this watershed located in western Manatee County.

During the 2017 rainy season, Bowlees Creek experienced 11.9 inches of rain in 24 hours (from August 26th to August 27th). The heavy rain caused severe flooding in some areas such as Oakwood Apartments, Magellan Drive, and Whitfield Avenue.

The County's original focus for this project was to develop pollutant load reduction strategies. After the recent flooding, however, the County now believes that flood protection alternatives should be the priority for the watershed. They have requested to postpone the water quality component of the study (the Surface Water Resource Assessment) and shift the Surface Water Resource Assessment budget to development of flood protection project alternative analysis. The County also requested an accelerated schedule to complete the analysis of flood protection alternatives by the end of December 2018. This accelerated schedule will provide time for the feasible flood protection alternatives to be presented to their Board of County Commissioners, allocate the appropriate funds in the County's FY2019 and FY2020 budgets, and submit CFI applications for funding to the District by October 2019. The County has proposed to also submit a separate CFI application by October 2019 for the completion of the Surface Water Resource Assessment for Bowlees Creek.

With the change in the priority from water quality to flood protection alternatives, the measurable benefit of the project will be to complete a watershed model, floodplain analysis, and flood protection alternative analysis. This eliminates the Surface Water Resource Assessment and specifies completion of flood protection alternative analysis. The project funds for the Surface Water Resource Assessment will be utilized to complete flood protection alternative analysis and the rest of the approved scope in an accelerated schedule. The project cost of \$432,000 and the District's share of \$216,000 have not changed. The cost effectiveness has not changed and is still favorable. The staff evaluation of the project remains high.

Staff recommends the Board approve the revised project scope and benefits to remove the Surface Water Resource Assessment from the project scope and specify completion of flood protection alternative analysis for the Bowlees Creek (N809) Watershed Management Plan with no change in cost.

13. FARMS – Bethel Farms, LLLP – Hog Bay Farm (H770), Desoto County

The District received a project proposal from Bethel Farms, LLLP for their 360-acre sod farm located three miles southeast of Arcadia, in central DeSoto County, within the Southern Water Use Caution Area (SWUCA) and the Shell, Prairie, and Joshua Creek watersheds (SPJC). This project will involve the construction and operation of a 2-acre reservoir to collect tailwater and surface water from the property and surrounding watershed to offset the use of groundwater from the Upper Floridan aquifer for supplemental irrigation of 60 acres of sod. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 743,900 gallons per day (gpd). FARMS project components consist of a surface water pump station and lateral irrigation system, tailwater control structures, and the piping necessary to interconnect the irrigation system.

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 eight percent savings of permitted quantities, or 60,100 gpd, yields a daily cost of \$2.78 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 water supplies for sod operations. Reimbursement will be from the Governing Board FARMS Fund.

Staff recommends the Board:

- 1) Approve the Bethel Farms, LLLP - Hog Bay Farm project for a not-to-exceed project reimbursement of \$191,662 with \$191,662 provided by the Governing Board;
- 2) Authorize the transfer of \$191,662 from fund 010 H017 Governing Board FARMS Fund to the H770 Bethel Farms, LLLP - Hog Bay Farm project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

14. FARMS – 734 LMC Groves, LLC - Lily Grove (H771), Hardee County

The District received a project proposal from 734 LMC Groves, LLC for their 553-acre citrus operation in southwestern Hardee county, within the Southern Water Use Caution Area (SWUCA) and the Horse Creek watershed. This project will involve implementation of a precision irrigation system to offset Upper Floridan aquifer groundwater used for supplemental irrigation and cold protection of 418 acres of citrus. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 354,000 gallons per day (gpd). FARMS project components consist of four pump station automations, hydraulic field valves, rainfall sensors, and soil moisture sensors.

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 eight percent savings of permitted quantities for daily irrigation, or 26,900 gpd, yields a daily cost of \$1.71 per thousand gallons of groundwater reduced over the proposed seven-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of improved irrigation techniques for citrus operations. Reimbursement will be from the Governing Board FARMS Fund.

Staff recommends the Board:

- 1) Approve the 734 LMC Groves, LLC - Lily Grove project for a not-to-exceed project reimbursement of \$74,184 with \$74,184 provided by the Governing Board;
- 2) Authorize the transfer of \$74,184 from fund 010 H017 Governing Board FARMS Fund to the H771 734 LMC Groves, LLC - Lily Grove project fund;
- 3) Authorize Division Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

15. Acceptance of a Property Donation - Alafia River Corridor Project, the Estate of J. Crayton Pruitt, Deceased, SWF Parcel No. 11-709-153

The District began acquiring parcels within the Alafia River Corridor Project in 1994 and has acquired over 6,500 acres to date. The donation property is a remnant parcel created when the District and Hillsborough County jointly acquired approximately 1,277 acres from the J. Crayton Pruitt Trust. The County has property management responsibility as a result of the acquisition agreement between the District and the County.

The donation property is an approximate .84-acre (55 feet by 661 feet) parcel and is adjacent to the District's Alafia River Corridor Project. The northern portion of the property is wooded, and fenced on its eastern, southern and western boundaries. The property is located at the eastern end of Old Welcome Road. The property is designated as Agriculture (A) by Hillsborough County. An appraisal of the property was not obtained because it is being offered as a donation. The 2017 Hillsborough County Property Appraiser's assessed value of the parcel is \$17,751.

Acceptance of this donation will contribute to water quality and natural systems and reduce the chance of potential ownership ambiguities and encroachments as a result of its configuration and location. Given the small size and contiguity with the District's existing ownership, ongoing management costs will not increase.

Staff recommends the Board:

- Accept the donation;
- Designate SWF Parcel No. 11-709-153 as having been acquired for conservation purposes;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms; and
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes would be subject to Governing Board review and approval.

16. Acceptance of a Property Donation – Two Mile Prairie Project, Citrus County Board of County Commissioners, SWF Parcel No. 19-707-108

The purpose of this item is to recommend the Governing Board accept a donation of fee simple interest in real property for an approximate .93-acre parcel of land owned by the Citrus County Board of County Commissioners (BOCC), located in Citrus County. The property has an estimated value of \$5,630.

The BOCC acquired this property via an Escheatment Tax Deed in 2016. The property is located within the acquisition boundary of the District's Tsala Apopka/Two-Mile Prairie Connector project and is contiguous with the District's and State of Florida's jointly owned Two-Mile Prairie Tract within the Withlacoochee State Forest.

The property is an approximate .93-acre (135 feet by 300 feet) parcel and is a "notch" at the southwest corner of District property. The property is mostly wooded and shares a fence line with the District's ownership along its northern and eastern boundaries. The property is located at the southern terminus of Clark Point Road, which is a one-lane dirt road that is privately owned and maintained. The property is designated for rural mobile homes (RURMH) by Citrus County. An appraisal of the property was not obtained because it is being offered as a donation. The 2017 Citrus County Property Appraiser's assessed value of the property is \$5,630.

Acceptance of the property will contribute to water quality and natural systems, remove a notch at the District's southwest property corner and reduce potential ownership ambiguities along this boundary. Given the small size and contiguity with the District's existing ownership, ongoing management costs should not increase. Some fencing will be required, and an existing fence will be relocated, costs are not expected to exceed \$1,000.

Staff recommends the Board:

- Accept the donation;
- Designate SWF Parcel No. 19-707-108 as having been acquired for conservation purposes;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms, and
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes would be subject to Governing Board review and approval.

17. Acceptance of Easement Donation – Central Florida Water Initiative (CFWI) Project, Crystal Lake, SWF Parcel No. 20-020-144

The minimum lake levels for Crystal Lake became effective in December of 2010. Data from this monitoring well site will improve the District's ability to assess the annual lake level status relative to its adopted minimum lake levels. The minimum lake level assessments allow for the determination of the sustainable limits of traditional groundwater that can be used without causing unacceptable harm to the water resources and associated natural systems. As such, this site is used by the District to make regulatory decisions and conduct regional water supply planning such as the CFWI efforts.

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District's understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals.

The donated easement area is approximate 150-square-foot area which will be accessed from the right of way after construction is complete. The property is owned by the Woman's Club of Lake Wales and is located in southeastern Polk County. Staff first explores the requested area for property owners that are more apt to donate a parcel. This includes parcels that are not on the tax roll (state and local government, non-profits, etc.) and non-residential tracts of more than one-acre where a wellsite may be inconsequential. Staff also considers city, county, or state right-of-ways, when the cost to install a well is less than \$20,000. In this instance the Woman's Club of Lake Wales agreed to donate the easement. An appraisal of the easement was not obtained as it is being offered as a donation.

Data from the Crystal Lake wells will improve the District's understanding of the hydrologic conditions and provide for improved assessments of potential withdrawal-related impacts to water resources within the SWUCA and the CFWI areas. Acceptance of this donation will reduce the time and cost of acquisition by allowing the District to immediately access, construct, maintain and monitor the wells at this location. The District's transactional costs have been estimated to be approximately \$325. Capital improvements are not expected to exceed \$16,000 and operation and maintenance of the site is not expected to exceed \$1,000 per year.

Staff recommends the Board:

- Accept the Easement;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

18. Acceptance of Easement Donation – ROMP 34 OCAL-AVPK FLDN, SWF Parcel No. 21-020-024

Manatee County granted an easement to the District in August 1979 for well construction and access to the ROMP 34 SURFICIAL well and the ROMP 34 OCAL-AVPK FLDN well. The FDEP permitting regulations required the County to take over the monitoring of the ROMP 34 OCAL-AVPK FLDN well as part of their operating permit for the Lake Manatee Water Treatment Plant. In 1984, at the request of the County, the District quitclaimed an easement to the County for the ROMP 34 OCAL-AVPK FLDN well. The District still holds the perpetual easement for the ROMP 34 SURFICIAL well. When issuing the new operating permit to the County for Aquifer Storage and Recovery wells, the FDEP indicated that the County will not be required to continue the monitoring at the ROMP 34 OCAL-AVPK FLDN well. As a result, the County requested the District resume monitoring efforts or abandon the well. The reacquisition of the ROMP 34 OCAL-AVPK FLDN well is requested so the well can continue to be monitored. The existing well will be re-configured to provide water quality along with water level monitoring by the District.

The easement area is an approximate 400-square foot well site and associated access. The property is owned by Manatee County. An appraisal of the easement was not obtained as it is being offered as a donation. Data gathered from the ROMP 34 well will allow the District to better monitor the water level recovery in the MIA of the SWUCA. The data from this site will also support groundwater modeling and provide for assessment of potential withdrawal-related impacts to water resources within this region. The District has already obtained all historical water-level and water-quality data from Manatee County collected through their monitoring efforts. The District's transactional costs have been estimated to be approximately \$400, capital improvements costs are not necessary, and operation and maintenance of the site is not expected to exceed \$1,000 per year.

Staff Recommends the Board:

- Accept the Easement;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

19. Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Dinner Lake, SWF Parcel No. 20-020-139

The minimum lake levels for Dinner Lake became effective in 2008. Data from this monitoring well site will improve the District's ability to assess the annual lake level status relative to its adopted minimum lake levels. The minimum lake level assessments allow for the determination of the sustainable limits of traditional groundwater that can be used without causing unacceptable harm to the water resources and associated natural systems. As such, this site is used by the District to make regulatory decisions and conduct regional water supply planning such as the CFWI efforts.

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District's understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals. Such data is necessary to ensure compliance with adopted minimum lake levels, such as Dinner Lake, making the installation of monitoring wells adjacent to the lake necessary.

The parcel is approximate 0.18-acre. The subject property has frontage on C.F. Kinney Road which will provide access to the parcel. The property is owned by Wheeler Waverly Grove, LLC, and is located in southeastern Polk County.

Staff first explores the requested area for property owners that are more apt to donate a parcel. This includes parcels that are not on the tax roll (state and local government, non-profits, etc.) and non-residential tracts of more than one-acre where a wellsite may be inconsequential. Staff also considers city, county, or state right-of-way, when the cost to install a well is less than \$20,000. Staff contacted five property owners, and all declined to donate land. In this instance the only viable parcel was a large tract of land owned by Wheeler Waverly Grove, LLC. The property owner was unwilling to entertain a perpetual easement but was willing to sell and convey fee simple interest in a remnant parcel.

A valuation appraisal of the acquisition was completed by a State Certified General Appraiser, with the negotiated amount of \$5,130 within the range of acceptable compensation at ten percent below the appraised value. The owner's representative indicated that an offer below \$5,000 would not be given consideration.

Transactional costs to the District for closing, including the title insurance and recording fees are expected to be approximately \$425 and capital improvements are not expected to exceed \$16,000 and operation and maintenance of the site is not expected to exceed \$1,000 per year.

Staff recommends the Board:

- Accept the valuation appraisal;
- Approve the Purchase/Sale Agreement and authorize the Executive Director or designee to sign on behalf of the District;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

20. Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Green Swamp East Project, Polk County, SWF Parcel No. 10-200-1218C

The District identifies lands eligible for acquisition through the Board-approved Florida Forever Work Plan. In the work plan, lands are identified for acquisition as fee simple acquisition or acquisition of less-than-fee rights (conservation easement). Less-than-fee acquisitions consist of the purchase of certain rights, including development rights, to protect the natural systems and water resources of a property and to ensure in perpetuity they remain in their existing state. Typically, the negotiations for acquisition of a less-than-fee involve the District obtaining a “right of first refusal” (RoFR) to have an option to acquire the encumbered fee title. The RoFRs are intended to give the District a time-limited opportunity to consider an offer to purchase the remainder fee interest. The conditions of a RoFR vary depending on the time of acquisition and negotiation (e.g., some may require a bona fide offer while others simply require notification of intent to sell, some have a 45-day response while others allow longer time periods). The RoFRs are perpetual rights that run with the land and remain in effect regardless of the change in underlying fee simple ownership or if the District declines an offer.

SWF Parcel No. 10-200-1218C - The Wilson Trust

The District originally acquired a conservation easement in December 1999 over this property which is comprised of approximately 76.95 acres at cost of \$365.65 per gross acre. The RoFR in the conservation easement requires notification of the Grantor’s intent to sell the property, or any portion thereof, and further requires that an offer be extended to sell the property to the District. Pursuant to the terms of the conservation easement, the District has a reasonable period to respond, in this instance not to exceed 45 days, from the receipt of a notice of a pending contract to sell the property. Declining the RoFR does not extinguish this right for future owners because it is a right that runs with the land.

On May 3, 2018, the District received notice of the pending sale from the current owner. The contract provided by the owners is a five-year lease with an option to purchase, with the tenant exercising his option to purchase the property. The contract price is for \$350,000 or \$4,548 per gross acre. The request for Board action on this item is necessary because it involves a real estate interest held by the District and is also required so that the purchaser can have the title insurance policy exception for the RoFR removed for this transaction. District staff evaluated the opportunity to purchase the remainder fee interest and determined that the existing conservation easement is sufficient for the continued land and water resource protections intended through this acquisition.

The existing conservation easement terms include:

- No additional buildings other than existing structures are allowed.
- May be divided.
- No mining.
- Areas improved for agricultural activities as identified in the Baseline Report may continue.
- Silviculture is allowed with best management practices (BMPs), although no harvesting can be conducted in wetlands.
- Cattle operations in upland areas can continue in accordance with United States Department of Agriculture Natural Resources Conservation Service guidelines.
- No conversion of native range or natural lands as established in the baseline inventory.
- All hunting and fishing rights are retained by grantor.

The restrictions placed on the property by the existing conservation easement currently are adequate to protect the natural and water resources of the property, therefore, the benefits of acquiring the remainder fee interest would be minimal at this time.

Staff recommends the Board authorize the Executive Director to decline the Right of First Refusal on SWF Parcel 10-200-1218C.

Regulation Committee

21. Individual Water Use Permits Referred to the Governing Board

a. **WUP No. 20002588.012 - Kelly Farms / Kelly Family Holdings, LLC (Charlotte County)**

This is a modification of an existing water use permit for agricultural and landscape/recreation use. The annual average quantity has increased from 704,600 gallons per day (gpd) to 1,043,600 gpd, the drought average has increased from 726,100 gpd to 1,074,400 gpd, and the peak month has increased from 2,497,700 gpd to 2,627,900 gpd. The increase of these quantities is due to the addition of a second crop to the permit. This permit is located in Charlotte County within the Southern Water Use Caution Area (SWUCA).

Special conditions include those that require the Permittee to continue to record and report monthly meter readings, eliminate off-site discharge of lower quality irrigation water to the greatest extent practicable, immediately implement the District-approved water conservation plan, submit annual crop reports, submit seasonal crop reports, submit meter accuracy tests every five years, submit an overpumpage report upon District request, and adhere to the SWUCA Recovery Strategy.

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

b. **WUP No. 20010420.010 - Peace River Water Treatment Plant Facility/Peace River/Manasota Regional Water Supply Authority, et al (DeSoto County)**

This is a modification with renewal of an existing water use permit for public supply. The Peace River Manasota Regional Water Supply Authority (PRMRWSA) is a regional utility that relies exclusively on surface water withdrawals from the lower Peace River. This modification acknowledges the primary role of storage and flow-based withdrawals for this utility by removing artificial limits imposed by the previous annual average and peak month quantities to enable use of the Peace River Facility (PRF) to the greatest degree practicable to meet regional water supply needs consistent with the SWUCA Recovery Strategy. In addition, this modification authorizes an increase in the maximum daily withdrawal, from 120 MGD to 258 MGD, to enhance the capture of excess flows during the wet season and in support of planned facility expansion of both storage and treatment capacity. Withdrawals from the lower Peace River remain limited by the Minimum Flow established for the lower Peace River and the previously authorized block diversion schedule, which are unchanged at this time. There is no change in Use Type from the previous revision. This permit is located within the Southern Water Use Caution Area (SWUCA) and relies exclusively on an alternative water source (AWS). The renewal is issued with a permit duration of 50 years for this AWS facility as provided for by Florida Statute 373.236(5).

Special Conditions include those that require the Permittee to submit all required reports; to report monthly meter readings; to perform meter accuracy checks every five years; to cap withdrawals not in use; to comply with the Minimum Flow for the lower Peace River; to comply with the approved diversion schedule; to immediately implement the approved Peace River Hydrobiological Monitoring Plan 2018 Update; to provide annual reports regarding the Permittee's individual and regional efforts to cooperatively develop and manage water supplies on a regional basis as envisioned by the SWUCA Recovery Strategy; to collect monthly water quality samples and weekly water level data from aquifer storage & recovery (ASR) wells; to construct proposed ASR wells according to approved specifications; to submit the Public Supply Annual Report by June 1 each year; and to comply with the SWUCA Recovery Strategy.

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

General Counsel's Report

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

a. Approval of Consent Order – Unauthorized Construction – Antonio A. Santos, Jr. and Maria A. Santos – Pasco County

On February 16, 2005, the District issued Consolidated Environmental Resource Permit (ERP) No. 44027144.000 ("Permit") to Ski Lakes, LLG for the construction of a surface water management system to serve the Lake Thomas Pointe subdivision ("Project"). The Project is located adjacent to Lake Thomas, which is a sovereign and submerged land. On September 23, 2015, the Permit was transferred to Lake Thomas Point Estates Property Owner's Association, Inc. ("POA"). Antonio A. Santos, Jr. and Maria A. Santos ("Owners") own Lot 15 ("Property") within the Project.

Specific Condition No. 19 of the Permit provided that any dock constructed would require a permit from the District, unless expressly exempted by law or District Rule. On December 12, 2012, March 20, 2014, June 6, 2014, July 17, 2014, and March 27, 2015, District staff visited the Project and observed several deviations from the permitted plans for the Project, including an unpermitted dock on the Property. By letters dated February 13, 2015 and April 9, 2015, the District notified the POA of the deviations and requested that the POA take corrective action, including notifying the Owners of the unpermitted dock and requesting that they obtain either an ERP or an exemption for the dock. The Owners did not obtain an ERP and did not obtain an exemption for the dock. On March 7, 2018, the District sent the Owners a Notice of Violation and proposed Consent Order. The Consent Order includes a penalty in the amount of \$500.00 and requires that the Owners either obtain an ERP and proprietary authorization or an exemption for the dock within sixty (60) days of approval of the Consent Order by the Governing Board. On April 19, 2018 the Owners signed the Consent Order.

Staff recommends the Board approve the Consent Order and authorize the initiation of litigation against Antonio A. Santos, Jr. and Maria A. Santos and any other necessary parties to obtain compliance with the terms of the Consent Order, recover an administrative fine, civil penalty, and recover District enforcement costs, litigation costs and attorneys' fees, if it becomes necessary.

23. Rulemaking - None

Executive Director's Report

24. Approve CFI Heartland Region Meeting Minutes – April 5, 2018

Staff recommends the Board approve the minutes as presented.

25. Approve CFI Northern Region Meeting Minutes – April 6, 2018

Staff recommends the Board approve the minutes as presented.

26. Approve CFI Southern Region Meeting Minutes – April 11, 2018

Staff recommends the Board approve the minutes as presented.

27. Approve CFI Tampa Bay Region Meeting Minutes - April 12, 2018

Staff recommends the Board approve the minutes as presented.

28. Approve Governing Board Meeting Minutes – April 24, 2018

Staff recommends the Board approve the minutes as presented.

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB C)

Discussion

29. Consent Item(s) Moved for Discussion

30. Springs Community Partner Award

This is the fifth year the District has recognized springs community partners for joining us in the community effort to improve the five first-magnitude springs in Citrus, Hernando and Marion counties.

The District would like to recognize Earnie Olsen for his efforts to help improve our first-magnitude spring systems in Citrus County. Olsen is the Supervisor of the Marine Science Station in Crystal River. He has been in this position since 2014 but has taught at the center since 2008. Olsen and his dedicated staff lead daily field trips, taking Citrus County students by boat to experience the Crystal River/Kings Bay springs and the local riverine, coastal and estuarine ecosystems. Olsen has a passion for connecting students to these natural systems and educating them on the human influences as well as the environmental concerns facing the systems. Olsen also leads an annual District-sponsored summer camp program that focuses on springs and connects the local community with his environmental education efforts through camp sponsorships and media coverage. Olsen is a valued partner of the District, teaching students and adults in his community about the District's mission to protect the local springs.

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

31. Fiscal Year 2018-19 Ad Valorem New Growth Projections

The general budget assumptions were presented and approved at the October 24, 2017 Governing Board meeting for development of the fiscal year (FY) 2018-19 Preliminary Budget. This included the millage rate based on a rolled-back millage model and revenue based on 2.3 percent increase in new unit construction.

The New Construction Ad Valorem Model has been updated with the most recent market trends and the results will be presented today. The ad valorem rolled-back millage rate will be adjusted in July based on the new construction values provided by the 16-County Property Appraisers for preparation of the District's FY2018-19 Tentative Budget.

Staff recommends the Board approve the ad valorem tax revenue based on the updated new unit construction projection for development of the Recommended Annual Service Budget.

32. ePermitting System Replacement Project Update

The WMIS ePermitting system has entered its eleventh year as the District's ePermitting platform. It was designed to have a life expectancy of 15 to 20 years, and as part of the long-range planning efforts the Information Technology and Regulatory Support Bureaus (ITB/RSB) researched future options for supporting ePermitting activities.

All technology systems have an "end-of-life" that is typically defined by answering the following:

1. Are the underlying technologies viable and supported by the vendors?
2. Can the system be maintained and extended to meet new business needs?

While the underlying technologies appear to be sound through 2027 there are significant concerns regarding the maintainability and extensibility of the WMIS ePermitting system until then. These include:

1. Inability to support existing and future tablet and smart phones devices.
2. Insufficient BPM functionality, particularly with managing and changing automated workflows.
3. A complex data design that is difficult to modify and to report on.
4. The highly customized and homegrown WMIS ePermitting system will be difficult to modify to support new technologies and business trends that are likely to impact the District.
5. The inability to adequately support business intelligences capabilities that could improve reporting, support monitoring of key performance indicator metrics, and provide analytics to support process improvement.
6. There is a large backlog of enhancement requests that, if completed, would lead to significant productivity improvements for the Resource Regulation Division. It will be difficult and costly to implement these in the current system.

In FY2019, a multi-year project to replace the existing WMIS ePermitting system with a new system based on a Business Process Management (BPM) architecture will begin. The project would be completed in roughly four years, at which time WMIS ePermitting will be decommissioned. In October of 2017 staff presented the ePermitting System Replacement project to the Governing Board. As part of that presentation staff included four next steps for the project:

1. Replace WMIS and include 1st year cost estimate in preliminary budget
2. ITB and RSB continue analysis of the project
3. Determine specific application to procure
4. Return with a project update in the Spring of 2018.

This item is information only, no action required.

33. Options for the Sarasota Office

The District acquired the property for the Sarasota Office in 2000 and constructed the office in 2001. This location replaced the leased office space in Venice located at 115 Corporation Way. The Sarasota Office is located on a 4.6-acre site and has approximately 19,540 gross square feet of office and storage space. The facility has a land-to-building ratio of 10.25:1. A higher land-to-building ratio is necessary for this facility to accommodate the storage of District vehicles and equipment, together with employee and visitor parking areas. The Sarasota County property appraiser has placed the total current just value on the property at \$2,875,300, with the land being \$951,400 (\$4.75 sq. ft.) and the improvements being \$1,923,900.

During 2009, the District reorganized its business functions to better serve the public's water resource needs. As a result of this reorganization, the current Sarasota Office exceeds the size requirements necessary for the 36 staff that operate out of that office. Similarly, in 2014 the District's Bartow Office faced a comparable situation that ultimately resulted in the sale of that property with a leaseback of a small portion of the main building. In conjunction with the sale of the Bartow Office, the District also performed renovations to the existing facilities at the Lake Hancock Field Office in order to store heavy equipment. Unlike the Bartow Office, the facilities on the Sarasota campus are located and configured on the site in a manner that is not cost-effective for conversion to multi-tenant use.

Options:

- (1) Remain in the building without any changes to the facility.
- (2) Remain in the current facility as the Owner and lease a portion of the main building to a Tenant. This option will require extensive modification to the existing facility including access, security, electrical, mechanical and plumbing modifications to convert the building to multi-tenant use. The District would be responsible for the leasing, management and operational costs of a multi-tenant facility. Although this option would generate income and enhance the efficient use of the building, it may prove difficult to find tenants with no perceived conflict of interest.
- (3) Constructing a new facility in the Manatee/Sarasota region. This option would allow staff to remain at the existing office while a site is acquired, a building design is approved, and construction of the facilities are completed. The biggest challenge with this option will be the amount of time necessary to complete this action.
- (4) Leasing office space at a new location. The most challenging aspect of this option will be finding a suitable location with a building on a site having the physical characteristics and land-to-building ratio needed to meet the District's operational needs. During the search for a new location the Sarasota Office would be offered for sale.
- (5) Purchasing a replacement building would require identification of suitable properties having the existing improvements and physical characteristics required by the District. The challenge with this option is the limited inventory in the commercial real estate market. The potential to incur additional costs for building modifications and moving expenses is also associated with this option.

Each of the options have a potential budgetary impact on either the FY18 or FY19 budget. Based on preliminary cost projections, it is anticipated that Options 1-4 could be accomplished by a budget transfer submitted to the Board for consideration. If the Board elects to surplus the Sarasota Office and proceed with Option 5 (purchase a new facility), it is anticipated that the expenditure would exceed \$1 million and may require a Budget amendment in accordance with Fla. Stat. §373.536(4)(a). Budget amendments in excess of \$1 million must be submitted to the Executive Office of the Governor for approval. If the Executive Office of the Governor approves the Budget amendment, staff will proceed with the public noticing and public meeting requirements of Fla. Stat. §120.525 to ensure the public has an opportunity to review and comment on the proposed Budget amendment.

The size of the existing Sarasota Office exceeds the District's current business needs. Surplus this facility will allow for the relocation of staff to a right-sized facility that is more efficient and cost-effective to operate. The District will also be able to position its physical presence in the area to better serve the growing water resource needs of the Manatee/Sarasota region.

Staff recommends the Governing Board approve of the following items:

- In accordance with Fla. Stat. §373.089, declare the Sarasota Office as surplus.
- Authorize the Executive Director, with the concurrence of the Office of General Counsel, to deliver a Letter of Intent to an owner or representative for the potential lease or purchase of a candidate property, before bringing a Lease or Purchase and Sale Agreements to the Governing Board for consideration.
- Payment of a refundable deposit of not more than 5% of the advertised price, if necessary, to secure a property before Governing Board consideration of a lease or Purchase and Sale Agreement.
- Authorize Staff to prepare a budget amendment in an amount not to exceed \$2.3 million and submit the Budget amendment to the Florida Department of Environmental Protection for review and approval by the Executive Office of the Governor.

Submit & File Reports**34. Purchase Card Audit – Data Collection Bureau****35. Purchase Card Audit – District-Wide****Routine Reports**

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

36. Treasurer's Report and Payment Register**37. Monthly Financial Statement****38. Monthly Cash Balances by Fiscal Year****39. Comprehensive Plan Amendment and Related Reviews Report****40. Development of Regional Impact Activity Report****RESOURCE MANAGEMENT COMMITTEE (TAB D)****Discussion****41. Consent Item(s) Moved for Discussion****42. Florida Department of Environmental Protection BMAP Update**

The Florida Department of Environmental Protection (FDEP) is responsible for identifying impaired waters that do not meet water quality standards and for developing and adopting Total Maximum Daily Loads (TMDL) for those waterbodies. For each impaired waterbody, the FDEP develops and adopts a scientifically derived restoration target, known as a Total Maximum Daily Load (TMDL). In order to meet these restoration goals, the FDEP, working with stakeholders, develops BMAPs which describe the management strategies and schedule to achieve reductions in pollutant loading. When the BMAP is adopted, the management strategies and schedule become the compliance plan for the responsible entities. The 2016 Florida Springs and Aquifer Protection Act requires that BMAPs be completed for all impaired Outstanding Florida Springs by July 1, 2018.

Mr. Tom Frick, FDEP Environmental Assessment and Restoration Division director, will update the Board on the BMAPs currently being developed for the five Outstanding Florida Springs systems in the District: Crystal River/Kings Bay, Homosassa River, Chassahowitzka River, Weeki Wachee River and the Rainbow River.

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

43. Fiscal Year 2018-19 Cooperative Funding Update

The Cooperative Funding Initiative application deadline was Friday, October 6, 2017 and 148 applications were initially received. Staff evaluated 148 applications totaling \$118 million in District funding requests. Eight Regional Subcommittee meetings have been completed to review these projects. During the first round of Subcommittee meetings held in February, staff presented preliminary project evaluations and rankings. Additional information requested by Subcommittee members was provided during the second round of Subcommittee meetings held in April.

A compilation of evaluations for the projects recommended by all four Regional Subcommittees has been developed and has been provided to the Governing Board. This has been done to allow Board members an opportunity to review projects approved by the other Subcommittees prior to the presentation of the Recommended Annual Service Budget (RASB) in June. The Tampa Bay and Southern Regional Subcommittees requested a full board discussion of N492 - Lower Hillsborough River Dam Control Gates Facilities and N842 - DAR City of Bradenton Aquifer Protection Recharge Well, respectively. The Tampa Bay Regional Subcommittee requested that the ranking for Q021 - Reclaimed Water Pasco County Cypress Preserve Ph. 2 Grand Live Oak Reclaimed Water

Transmission be increased to a High and be recommended for funding. Staff will provide an overview of these three projects as a part of this presentation. A summary of the proposed funding for projects recommended by the Regional Subcommittees, including projects N842, N492, and Q021 is listed below.

| PLANNING REGION | RECOMMENDED |
|-----------------|----------------|
| Northern | \$2.5 M (19) |
| Tampa Bay | 26.2 M (53) |
| Heartland | \$4.4 M (18) |
| Southern | \$19.7 M (21) |
| Total | \$52.8 M (111) |

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

Submit & File Reports - None

Routine Reports

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

44. **Minimum Flows and Levels Status Report**

45. **Significant Water Resource and Development Projects**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE (TAB E)

Discussion

46. **Consent Item(s) Moved for Discussion**

47. **2018 Hurricane Preparedness**

Water Management Districts are members of the SERT and serve as support agencies to the Department of Transportation and the Department of Environmental Protection during statewide emergency activations. Statewide communication and coordination is achieved through the State Emergency Operations Center. The District is a party to the Statewide Mutual Aid Agreement and the Florida Water Management Districts Mutual Aid Agreement for Catastrophic Emergency Response/Recovery. These agreements provide reciprocal emergency aid and assistance during an emergency. The District has also signed memorandums of understanding with Hernando County and Tampa Bay Water that would allow the use of their Emergency Operations Centers (EOCs) by District personnel, if needed. The EOC is the facility through which the District provides direction and control prior to, during, and in the aftermath of an event.

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

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

48. **Hydrologic Conditions Report**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the current month to comparable data from the historical record.

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

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

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

- 49. **Surplus Lands Update**
- 50. **Structure Operations**
- 51. **Significant Activities**

REGULATION COMMITTEE (TAB F)**Discussion****52. Consent Item(s) Moved for Discussion****53. Denials Referred to the Governing Board**

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

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

54. Consider Water Shortage Order(s) as Necessary

Staff continues to monitor water resource and supply conditions to determine if any actions would be prudent. Since Board-issued water shortage orders must be discussed in a noticed public meeting prior to implementation, this agenda item is included as a contingency provision. It allows the Governing Board to immediately consider any action that staff may recommend based on regional data to be reviewed on March 19, 2018.

Staff recommendations, if any, will be presented at the Governing Board meeting based on then-current conditions and predictions.

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

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

- 55. **Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update**
- 56. **Overpumpage Report**
- 57. **Individual Permits Issued by District Staff**

GENERAL COUNSEL'S REPORT (TAB G)

Discussion

58. Consent Item(s) Moved for Discussion

Submit & File Reports – None

Routine Reports

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

59. May 2018 – Litigation Report
 60. May 2018 – Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

61. Industrial Advisory Committee
 62. Public Supply Advisory Committee
 63. Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

64. Executive Director's Report

CHAIR'S REPORT (TAB J)

65. Chair's Report
 66. Other
 67. Employee Milestones

★ ★ ★ **RECESS PUBLIC HEARING** ★ ★ ★

ANNOUNCEMENTS

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

- Governing Board Meetings Schedule

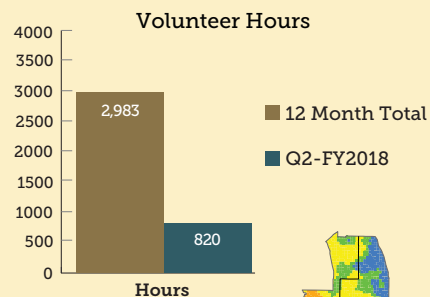
| | |
|---|--------------------|
| Meeting – Brooksville | June 26, 2018 |
| Meeting – Clearwater, Tampa Bay Water | July 24, 2018 |
| Meeting – Tampa | August 28, 2018 |
| Meeting – Tampa | September 25, 2018 |
- Governing Board Public Budget Hearings Schedule:

| | |
|--------------------------------|--------------------|
| Tentative Budget – Tampa | September 11, 2018 |
| Final Budget – Tampa | September 25, 2018 |
- Advisory Committee Meeting Schedule:

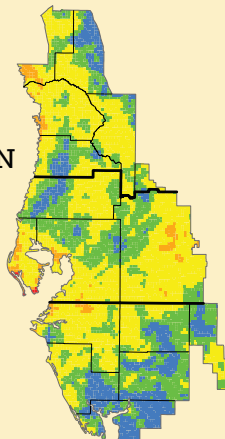
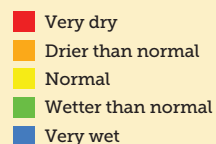
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| Agricultural & Green Industry – Tampa | June 7, 2018 |
| Environmental – Tampa | July 10, 2018 |
| Well Drillers – Tampa | July 11, 2018 |
| Industrial & Public Supply – Tampa | August 14, 2018 |

ADJOURNMENT

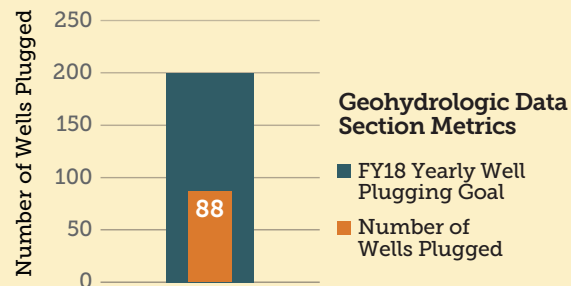
OPERATIONS, LANDS AND RESOURCE MONITORING



RAINFALL DISTRIBUTION May 2017 – Apr 2018

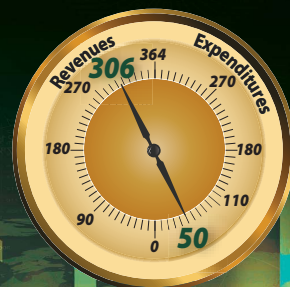


QWIP Wells Plugged For Fiscal Year 2018



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Monthly Dashboard April 2018

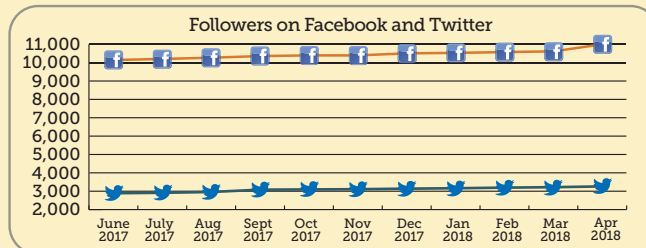


\$363.4 million
(current budget)

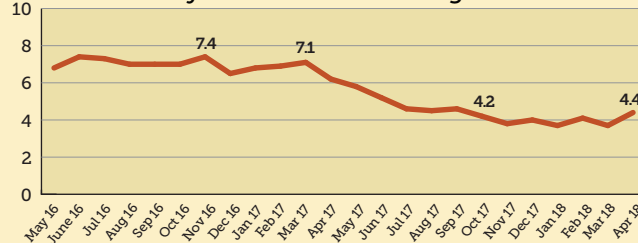
Days Without an At-Fault Accident 353
Days Without a Lost-Time Injury 518

EXTERNAL & EMPLOYEE RELATIONS

Social Media



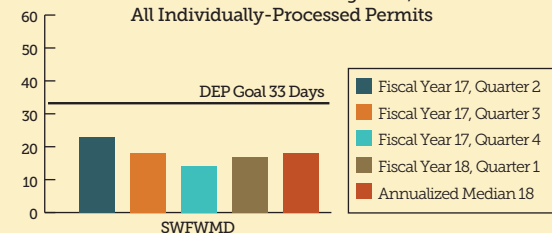
Voluntary Turnover – Rolling 12 Months



REGULATION

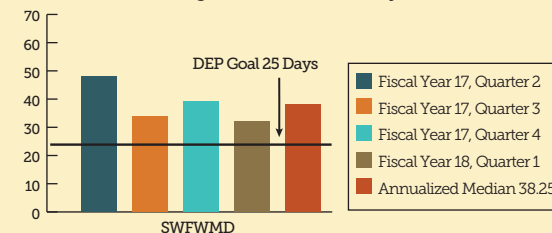
Consumptive Use Permitting

*Active Staff Processing Time,
All Individually-Processed Permits



Environmental Resource Permitting

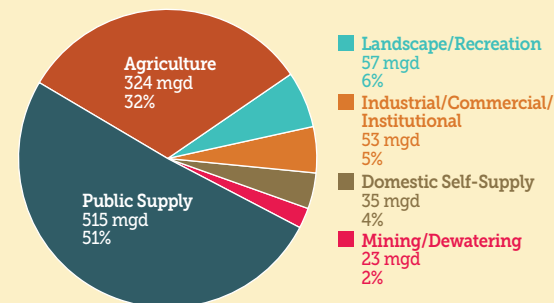
*Active Staff Processing Time, All Individually-Processed Permits



*Excludes time awaiting response from applicant, legal challenges, etc.

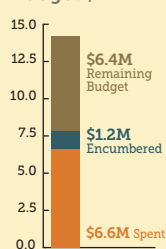
RESOURCE MANAGEMENT

SWFWMD 2016 Water Use by Sector

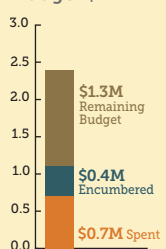


FINANCIAL SUMMARY

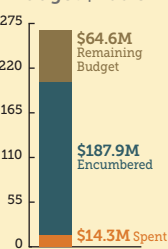
Regulation Budget \$14.2M



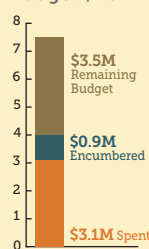
General Counsel Budget \$2.4M



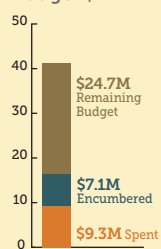
Resource Management Budget \$266.8M



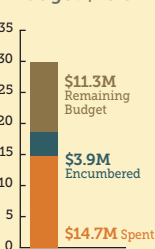
Emp. & Ext. Relations Budget \$7.5M



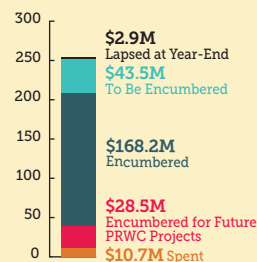
Operations, Lands & Resource Monitoring Budget \$41.1M



Management Services Budget \$29.9M

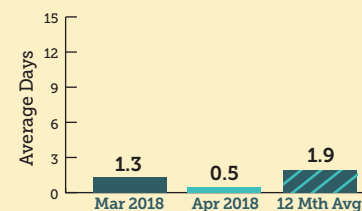


Total Number of Projects: 372 Resource Management Project Budget: \$253.8M



FINANCIAL SUMMARY

PURCHASE ORDERS (Received to Execution)



Percent of Purchase Orders Executed in Compliance (within 3 days) for Current Month: 100%

Governing Board Meeting

May 22, 2018

9:00 a.m.

**★ ★ ★ CONVENE *MEETING OF THE GOVERNING BOARD* ★ ★ ★
*AND PUBLIC HEARING***

| |
|-----------------------------------|
| PUBLIC HEARING AND MEETING |
|-----------------------------------|

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Employee Recognition
4. Outgoing Chair's Transition Items
5. Election of Governing Board Officers
6. Additions/Deletions to Agenda
7. Public Input for Issues Not Listed on the Published Agenda

Governing Board Meeting May 22, 2018

1. **Call to Order**

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

2. **Invocation and Pledge of Allegiance**

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

3. **Employee Recognition**

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

- 25 years – Lynn Nipper, Senior Heavy Equipment Operator
- 35 years – Susie Holton, Senior Administrative Assistant

Presenter: Randall S. Maggard, Chair

4. **Outgoing Chair's Transition Items**

According to Board Policy 110-8 -1(g), prior to presiding over the annual elections, the Board Chair will disclose during such meeting, at a minimum, (1) the priorities of the Governing Board that were not met during his or her term, status of such priorities and the plan to satisfy such priorities; (2) status report for ongoing projects; (3) lessons learned; and (4) issues/matters that will require attention within the next year.

Presenter: Randall S. Maggard, Chair

5. **Election of Governing Board Officers**

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

6. **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

7. **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: Randall S. Maggard, Chair

Governing Board Meeting

May 22, 2018

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.

Finance/Outreach & Planning Committee

8. Budget Transfer Report 6

Resource Management Committee

9. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Duck Lake Watershed in Pasco County to the Federal Emergency Management Agency (L737) 8
10. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Double Hammock Creek Watershed in Pasco County to the Federal Emergency Management Agency (L841)... 10
11. Authorize Scope Change for Pearce Drain/Gap Creek Watershed Management Plan 12
12. Authorize Scope Change for Bowlees Creek Watershed Management Plan (N809)..... 14
13. FARMS – Bethel Farms, LLLP – Hog Bay Farm (H770), DeSoto County 16
14. FARMS – 734 LMC Groves, LLC – Lily Grove (H771), Hardee County 18

Operations, Lands and Resource Monitoring Committee

15. Acceptance of a Property Donation– Alafia River Corridor Project, the Estate of J. Crayton Pruitt, Deceased, SWF Parcel No. 11-709-153 20
16. Acceptance of a Property Donation – Two Mile Prairie Project, Citrus County Board of County Commissioners, SWF Parcel No. 19-707-108 24
17. Acceptance of Easement Donation – Central Florida Water Initiative (CFWI) Project, Crystal Lake, SWF Parcel No. 20-020-144 28
18. Acceptance of Easement Donation – ROMP 34 OCAL-AVPK FLDN, SWF Parcel No. 21-020-024 32
19. Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Dinner Lake, SWF Parcel No. 20-020-139 36
20. Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Green Swamp East Project, Polk County, SWF Parcel No. 10-200-1218C..... 44

Regulation Committee

21. Individual Water Use Permits Referred to the Governing Board

- a. WUP No. 20002588.012 – Kelly Farms / Kelly Family Holdings, LLC (Charlotte County) 48
- b. WUP No. 20010420.010 – Peace River Water Treatment Plant Facility / Peace River / Manasota Regional Water Supply Authority, et al (DeSoto County)..... 60

General Counsel's Report

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

- a. Approval of Constent Order – Unathorized Construction – Antonio A. Santos, Jr. and Maria A. Santos – Pasco County 111

23. Rulemaking – None

Executive Director's Report

24. Approve CFI Heartland Region Meeting Minutes – April 5, 2018120
25. Approve CFI Northern Region Meeting Minutes – April 6, 2018.....123
26. Approve CFI Southern Region Meeting Minutes – April 11, 2018127
27. Approve CFI Tampa Bay Region Meeting Minutes – April 12, 2018130
28. Approve Governing Board Meeting Minutes – April 24, 2018.....134

FINANCE/OUTREACH & PLANNING COMMITTEE

May 22, 2018

Consent Agenda

Budget Transfer Report

Purpose

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

Background

In accordance with Board Policy No. 130-8, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for April 2018.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
April 2018

| --- TRANSFERRED FROM --- | | --- TRANSFERRED TO --- | | |
|---|---|--|--|----------------------|
| Item No. | Bureau / Expenditure Category | Bureau / Expenditure Category | Reason For Transfer | Transfer Amount |
| <u>Executive Approved</u> | | | | |
| 1 | Water Resources Grant - Financial Assistance | Information Technology Equipment - Non-Capital Outlay | Transfer of funds originally budgeted for the Pasco County Riverside Village Drainage Improvement Fiscal Year 2018 Cooperative Funding Initiative (CFI) project. The funds are no longer needed due to the withdrawal of the project by the County. Funds are needed to replace equipment at 102 near real-time (NRT) stations using 3rd Generation (3G) internet protocol (IP) data modems to transfer data from the field to the office with 4G IP data modems. The data are critical for effective operations of water conservation and flood control structures, emergency response and hydrologic conditions reporting. | \$ 50,000.00 |
| Total Executive Approved | | | | \$ 50,000.00 |
| <u>Finance Bureau Chief Approved</u> | | | | |
| 1 | Water Resources Consultant Services | Operations & Land Management Various Expenditure Categories | Transfer of budgeted funds to the appropriate bureau and expenditure categories for Orange State Canal Conveyance Improvements to be completed in-house, resulting in a cost savings to the District. | \$ 120,000.00 |
| 2 | General Services Parts and Supplies | General Services Equipment - Outside | Transfer of funds originally budgeted for Fleet parts and supplies. Expenditures will be less than anticipated. The funds are needed for the replacement of an 18 year-old plasma cutter for Fleet Services that has unexpectedly stopped working. | 1,841.52 |
| 3 | Operations & Land Management Appraisal Services - Non-Land Acq | Operations & Land Management Land Recording and Court Costs Abstracts and Title Fees | Transfer of funds originally budgeted for appraisal services of non-conservation land acquisition requests for projects, structures and facilities outside of the Florida Forever Work Plan. Expenditures will be less than anticipated. Funds are needed for title insurance and recording fees for the closing of a donated easement for access to the District's Nettles Structure. Acceptance of the easement was approved by the Governing Board on March 27, 2018. | 1,191.20 |
| Total Finance Bureau Chief Approved | | | | \$ 123,032.72 |
| Total Transfers for Governing Board Ratification | | | | \$ 173,032.72 |

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director or designee or the Finance Bureau Chief consistent with Board Policy 130-8, and are presented for Governing Board approval for ratification on the Consent Agenda. Executive Director or designee approved transfers are made for a purpose other than the original budget intent, but are limited to individual transfer amounts greater than \$5,000 not to exceed \$50,000. Finance Bureau Chief approved transfers are up to \$5,000 or accounting reallocations consistent with original budget intent.

RESOURCE MANAGEMENT COMMITTEE

May 22, 2018

Consent Agenda

Authorize Submission of Preliminary Flood Insurance Rate Maps for the Duck Lake Watershed in Pasco County to the Federal Emergency Management Agency (L737)

Purpose

Request the Board's authorization to submit the preliminary Flood Insurance Rate Maps (FIRMs) for the Duck Lake watershed in Pasco County to the Federal Emergency Management Agency (FEMA). The detailed watershed management model for the Duck Lake watershed is the basis for updating the FIRMs. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. Floodplain analysis information for the watershed was presented for review and comment during a public workshop held on November 16, 2017. Pasco County will coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Background/History

The District has partnered with FEMA and local governments to modernize FIRMs as part of its Watershed Management Program (WMP). Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local government's understanding of their flood protection level of service, the District has been reaching out to local governments and implementing the WMP for the past two decades. Since November 2008, the Governing Board has authorized staff to submit preliminary FIRMs to FEMA for nineteen watersheds in Hernando County, six watersheds in Pasco County, seven watersheds in Citrus County, four watersheds in Manatee County, six watersheds in Sarasota County, four watersheds in Polk County, two watersheds in DeSoto County, five watersheds in Hardee County, three watersheds in Highlands County, one watershed in Pinellas County, two watersheds in Sumter County, twelve watersheds in Marion County and three watersheds in Hillsborough County.

The updated floodplain information for the Duck Lake watershed in Pasco County was prepared by a District hired consultant (Engineering Firm of Record), reviewed by District and County staff, and then reviewed by the District's independent peer review consultant (see table below). The watershed models and floodplain data were built using 2004 topography and land use information. For the public workshop held on November 16, 2017, affected property owners were notified of the workshop by print advertisement and media release with 48 people in attendance. The watershed models and preliminary floodplain data reasonably reflect the verification storm event and represent best floodplain information available for the watershed.

| Watershed | Engineering Firm of Record | Peer Review |
|---------------------------|----------------------------------|--------------------|
| Duck Lake in Pasco County | Inwood Consulting Engineers, Inc | Brown and Caldwell |

Item 9

Staff Recommendation:

Authorize submittal of the preliminary FIRMs for the Duck Lake watershed in Pasco County to FEMA.

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

RESOURCE MANAGEMENT COMMITTEE

May 22, 2018

Consent Agenda

Authorize Submission of Preliminary Flood Insurance Rate Maps for the Double Hammock Creek Watershed in Pasco County to the Federal Emergency Management Agency (L841)

Purpose

Request the Board's authorization to submit the preliminary Flood Insurance Rate Maps (FIRMs) for the Double Hammock Creek watershed in Pasco County (County) to the Federal Emergency Management Agency (FEMA). The detailed watershed management model for the Double Hammock Creek watershed is the basis for updating the FIRMs. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. Floodplain analysis information for the watershed was presented for review and comment during a public workshop held on June 26, 2017. The County will coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Background/History

The District has partnered with FEMA and local governments to modernize FIRMs as part of its Watershed Management Program (WMP). Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local government's understanding of their flood protection level of service, the District has been reaching out to local governments and implementing the WMP for the past two decades. Since November 2008, the Governing Board has authorized staff to submit preliminary FIRMs to FEMA for nineteen watersheds in Hernando County, six watersheds in Pasco County, seven watersheds in Citrus County, four watersheds in Manatee County, six watersheds in Sarasota County, four watersheds in Polk County, two watersheds in DeSoto County, five watersheds in Hardee County, three watersheds in Highlands County, one watershed in Pinellas County, two watersheds in Sumter County, twelve watersheds in Marion County and three watersheds in Hillsborough County.

The updated floodplain information for the Double Hammock Creek watershed in Pasco County was prepared by a District hired consultant (Engineering Firm of Record), reviewed by District and County staff, and then reviewed by the District's independent peer review consultant (see table below). The watershed models and floodplain data were built using 2004/2007 topography and land use information. For the public workshop held on June 26, 2017, affected property owners were notified of the workshop by print advertisement and media release with 100 people in attendance. The watershed models and preliminary floodplain data reasonably reflect the verification storm event and represent best floodplain information available for the watershed.

| Watershed | Engineering Firm of Record | Peer Review |
|--------------------------------------|----------------------------|-------------|
| Double Hammock Creek in Pasco County | CH2M HILL Engineers, Inc | CDM Smith |

Item 10

Staff Recommendation:

Authorize submittal of the preliminary FIRMs for the Double Hammock Creek watershed in Pasco County to FEMA.

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

RESOURCE MANAGEMENT COMMITTEE

May 22, 2018

Consent Agenda

Authorize Scope Change for Pearce Drain/Gap Creek Watershed Management Plan

Purpose

The purpose of this item is to request approval to revise the scope of work and benefits for the Pearce Drain/Gap Creek (N759) Watershed Management Plan (WMP).

Background/History

The District Governing Board approved this Cooperative Funding Initiative (CFI) project with Manatee County (County) for fiscal year (FY) 2017 and FY2018 funding to develop a watershed management plan for the Pearce Drain/Gap Creek watershed. The project was included in the FY2017 and FY2018 District Annual Service Budgets. The original scope included the completion of a watershed management plan including floodplain analysis, Surface Water Resource Assessment and Best Management Practices for this watershed located in western Manatee County.

During the 2017 rainy season, Pearce Drain experienced 9.67 inches of rain in 24 hours (from August 26th to August 27th). The heavy rain caused severe flooding in some areas such as Centre Lakes subdivision, Whitfield Avenue, and Tallevast Road.

The County's original focus for this project was to develop pollutant load reduction strategies. After the recent flooding, however, the County now believes that flood protection alternatives should be the priority for the watershed. They have requested to postpone the water quality component of the study (the Surface Water Resource Assessment) and shift the Surface Water Resource Assessment budget to development of flood protection project alternative analysis. The County also requested an accelerated schedule to complete the analysis of flood protection alternatives by the end of December 2018. This accelerated schedule will provide time for the feasible flood protection alternatives to be presented to their Board of County Commissioners, allocate the appropriate funds in the County's FY2019 and FY2020 budgets, and submit CFI applications for funding to the District by October 2019. The County has proposed to also submit a separate CFI application by October 2019 for the completion of the Surface Water Resource Assessment for Pearce Drain/Gap Creek.

Benefits/Costs

With the change in the priority from water quality to flood protection alternatives, the measurable benefit of the project will be to complete a watershed model, floodplain analysis, and flood protection alternative analysis. This eliminates the Surface Water Resource Assessment and specifies completion of flood protection alternative analysis. The project funds for the Surface Water Resource Assessment will be utilized to complete flood protection alternative analysis and the rest of the approved scope in an accelerated schedule.

The project cost of \$672,000 and the District's share of \$336,000 have not changed. The cost effectiveness has not changed and is still favorable. The staff evaluation of the project remains high.

Item 11

Staff Recommendation:

Approve the revised project scope and benefits to remove the Surface Water Resource Assessment from the project scope and specify completion of flood protection alternative analysis for the Pearce Drain/Gap Creek (N759) Watershed Management Plan with no change in cost.

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

RESOURCE MANAGEMENT COMMITTEE

May 22, 2018

Consent Agenda

Authorize Scope Change for Bowlees Creek Watershed Management Plan (N809)

Purpose

The purpose of this item is to request approval to revise the scope of work and benefits for the Bowlees Creek (N809) Watershed Management Plan (WMP).

Background/History

The District Governing Board approved this Cooperative Funding Initiative (CFI) project with Manatee County (County) for the fiscal year (FY) 2017 and 2018 funding to develop a watershed management plan for the Bowlees Creek watershed. The project was included in the FY2017 and FY2018 District Annual Service Budgets. The original scope included the completion of a watershed management plan including floodplain analysis, Surface Water Resource Assessment and Best Management Practices for this watershed located in western Manatee County.

During the 2017 rainy season, Bowlees Creek experienced 11.9 inches of rain in 24 hours (from August 26th to August 27th). The heavy rain caused severe flooding in some areas such as Oakwood Apartments, Magellan Drive, and Whitfield Avenue.

The County's original focus for this project was to develop pollutant load reduction strategies. After the recent flooding, however, the County now believes that flood protection alternatives should be the priority for the watershed. They have requested to postpone the water quality component of the study (the Surface Water Resource Assessment) and shift the Surface Water Resource Assessment budget to development of flood protection project alternative analysis. The County also requested an accelerated schedule to complete the analysis of flood protection alternatives by the end of December 2018. This accelerated schedule will provide time for the feasible flood protection alternatives to be presented to their Board of County Commissioners, allocate the appropriate funds in the County's FY2019 and FY2020 budgets, and submit CFI applications for funding to the District by October 2019. The County has proposed to also submit a separate CFI application by October 2019 for the completion of the Surface Water Resource Assessment for Bowlees Creek.

Benefits/Costs

With the change in the priority from water quality to flood protection alternatives, the measurable benefit of the project will be to complete a watershed model, floodplain analysis, and flood protection alternative analysis. This eliminates the Surface Water Resource Assessment and specifies completion of flood protection alternative analysis. The project funds for the Surface Water Resource Assessment will be utilized to complete flood protection alternative analysis and the rest of the approved scope in an accelerated schedule.

The project cost of \$432,000 and the District's share of \$216,000 have not changed. The cost effectiveness has not changed and is still favorable. The staff evaluation of the project remains high.

Item 12

Staff Recommendation:

Approve the revised project scope and benefits to remove the Surface Water Resource Assessment from the project scope and specify completion of flood protection alternative analysis for the Bowlees Creek (N809) Watershed Management Plan with no change in cost.

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

RESOURCE MANAGEMENT COMMITTEE**May 22, 2018*****Consent Agenda*****FARMS – Bethel Farms, LLLP – Hog Bay Farm (H770), DeSoto County*****Purpose***

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Bethel Farms, LLLP - Hog Bay Farm and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$191,662 (68 percent of total project costs - 100 percent of FARMS eligible costs). Of this amount, \$191,662 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$280,552.

Project Proposal

The District received a project proposal from Bethel Farms, LLLP for their 360-acre sod farm located three miles southeast of Arcadia, in central DeSoto County, within the Southern Water Use Caution Area (SWUCA) and the Shell, Prairie, and Joshua Creek watersheds (SPJC). This project will involve the construction and operation of a 2-acre reservoir to collect tailwater and surface water from the property and surrounding watershed to offset the use of groundwater from the Upper Floridan aquifer for supplemental irrigation of 60 acres of sod. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 743,900 gallons per day (gpd). FARMS project components consist of a surface water pump station and lateral irrigation system, tailwater control structures, and the piping necessary to interconnect the irrigation system.

Benefits/Costs

The proposed project involves water quantity and water quality best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated eight percent savings of permitted quantities, or 60,100 gpd, yields a daily cost of \$2.78 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 water supplies for sod operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval, the Governing Board will have \$3,653,861 remaining in its FARMS Program budget.

Staff Recommendation:

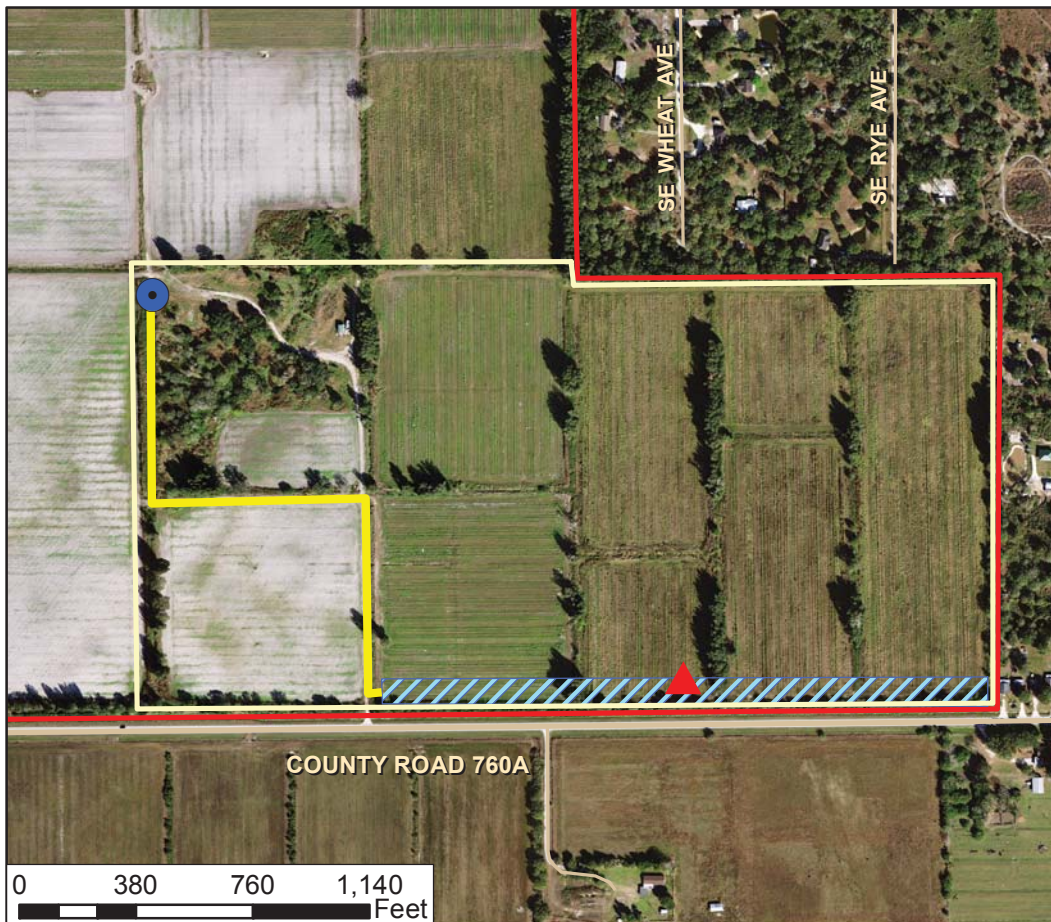
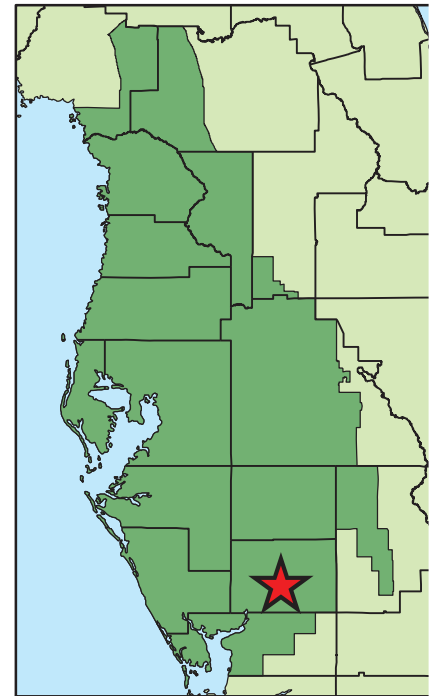
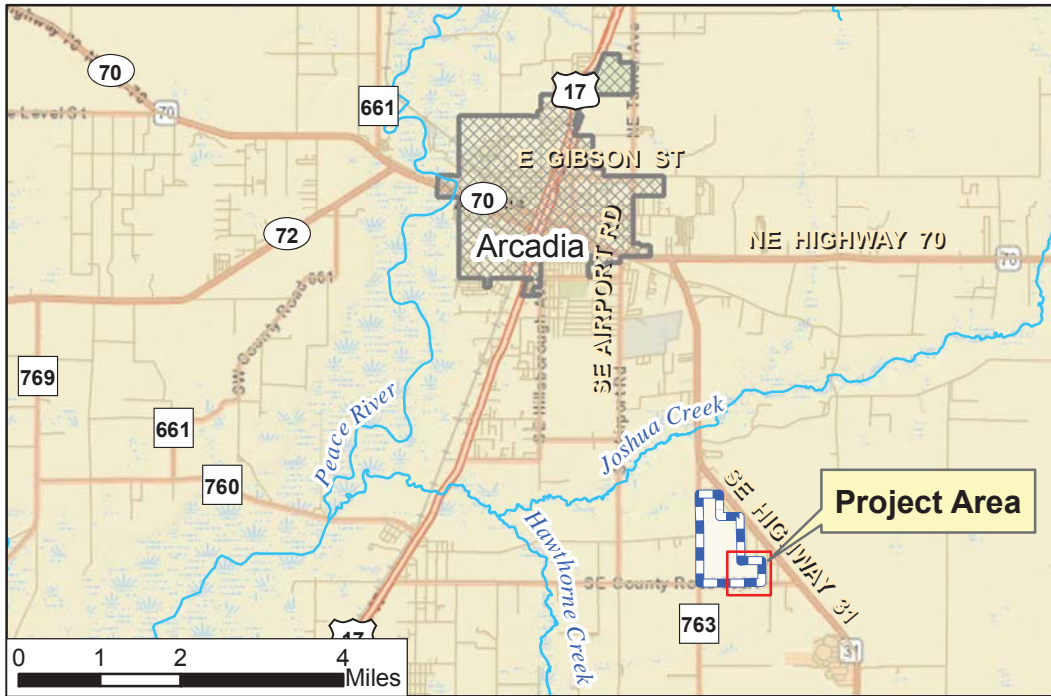
- 1) Approve the Bethel Farms, LLLP - Hog Bay Farm project for a not-to-exceed project reimbursement of \$191,662 with \$191,662 provided by the Governing Board;
- 2) Authorize the transfer of \$191,662 from fund 010 H017 Governing Board FARMS Fund to the H770 Bethel Farms, LLLP - Hog Bay Farm project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

Presenter: Chris Zajac, FARMS Manager, Natural Systems and Restoration

Location Map

Bethel Farms, LLLP - Hog Bay Farm

FARMS Project - H770



Legend

- Existing Irrigation Wells
- Proposed SW Pump Station
- Proposed Mainline
- Project Area
- Proposed Reservoir
- WUP 20007331.006

DeSoto County



Southwest Florida
Water Management District

ERP, 04/06/2012
2017 Aerial
2012 NAVTEQ

RESOURCE MANAGEMENT COMMITTEE

May 22, 2018

Consent Agenda

FARMS - 734 LMC Groves, LLC - Lily Grove (H771), Hardee County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with 734 LMC Groves, LLC - Lily Grove and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$74,184 (71 percent of total project costs - 100 percent of FARMS eligible costs). Of this amount, \$74,184 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$104,389.

Project Proposal

The District received a project proposal from 734 LMC Groves, LLC for their 553-acre citrus operation in southwestern Hardee county, within the Southern Water Use Caution Area (SWUCA) and the Horse Creek watershed. This project will involve implementation of a precision irrigation system to offset Upper Floridan aquifer groundwater used for supplemental irrigation and cold protection of 418 acres of citrus. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 354,000 gallons per day (gpd). FARMS project components consist of four pump station automations, hydraulic field valves, rainfall sensors, and soil moisture sensors.

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 eight percent savings of permitted quantities for daily irrigation, or 26,900 gpd, yields a daily cost of \$1.71 per thousand gallons of groundwater reduced over the proposed seven-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of improved irrigation techniques for citrus operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval, the Governing Board will have \$3,653,861 remaining in its FARMS Program budget.

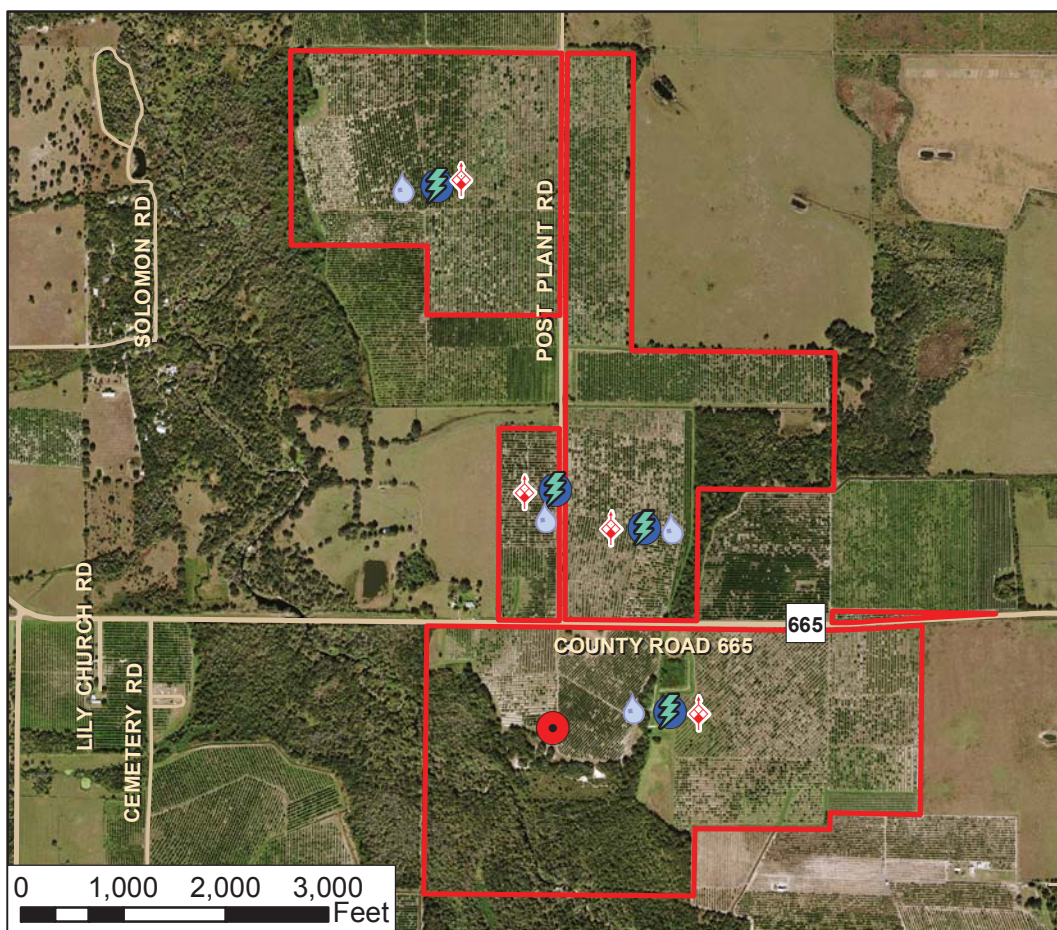
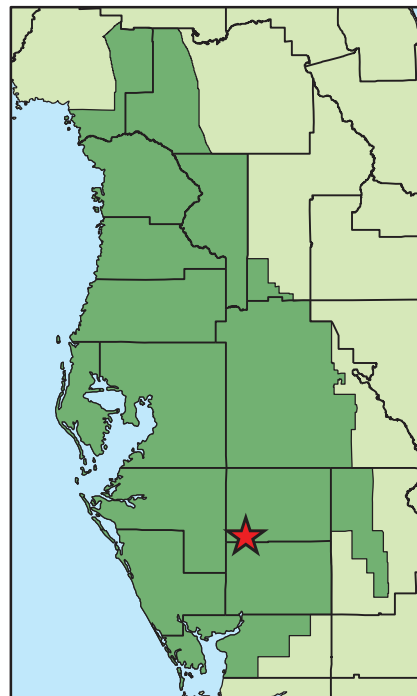
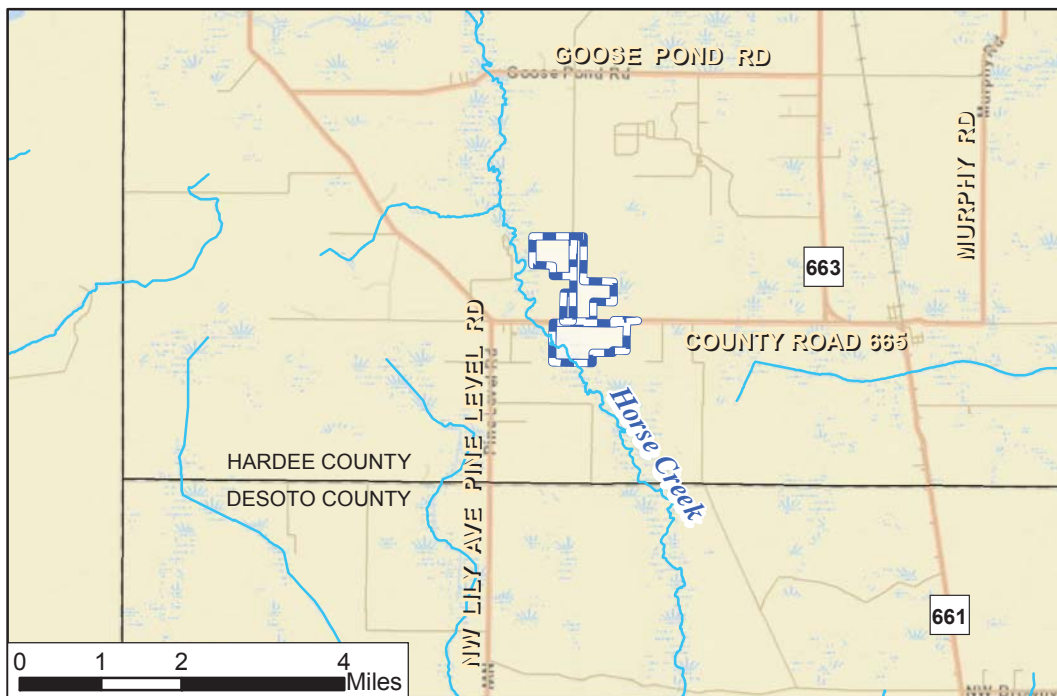
Staff Recommendation:

- 1) Approve the 734 LMC Groves, LLC - Lily Grove project for a not-to-exceed project reimbursement of \$74,184 with \$74,184 provided by the Governing Board;
- 2) Authorize the transfer of \$74,184 from fund 010 H017 Governing Board FARMS Fund to the H771 734 LMC Groves, LLC - Lily Grove project fund;
- 3) Authorize Division Director to sign the agreement.

Presenter: Chris Zajac, FARMS Manager, Natural Systems and Restoration

Location Map

734 LMC Groves, LLC - Lily Grove FARMS Project - H771



Legend

- Soil Moisture Probes
- Rain Sensors
- Well Automations
- Non-Irrigation Wells
- Irrigation Wells
- WUP 20002626.010

Hardee County



Southwest Florida
Water Management District

ERP, 04/16/2017
2017 Aerial
2012 NAVTEQ

Packet Pg. 19

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 22, 2018

Consent Agenda

Acceptance of a Property Donation - Alafia River Corridor Project, the Estate of J. Crayton Pruitt, Deceased, SWF Parcel No. 11-709-153

Purpose

The purpose of this item is to recommend the Governing Board accept a donation of fee simple interest in real property for an approximate .84-acre parcel of land. The property is owned by the Trustees of the Estate of J. Crayton Pruitt and is located in Hillsborough County adjacent to property owned by the District and managed by Hillsborough County. The estimated value of this donation is \$17,751. A general location and site map are included in the Board packet as Exhibits 1 and 2.

Background and History

The District began acquiring parcels within the Alafia River Corridor Project in 1994 and has acquired over 6,500 acres to date. The donation property is a remnant parcel created when the District and Hillsborough County jointly acquired approximately 1,277 acres from the J. Crayton Pruitt Trust. The County has property management responsibility as a result of the acquisition agreement between the District and the County.

Property Description

The donation property is an approximate .84-acre (55 feet by 661 feet) parcel and is adjacent to the District's Alafia River Corridor Project. The northern portion of the property is wooded, and fenced on its eastern, southern and western boundaries. The property is located at the eastern end of Old Welcome Road.

Land Use/Zoning

The property is designated as Agriculture (A) by Hillsborough County.

Valuation

An appraisal of the property was not obtained because it is being offered as a donation. The 2017 Hillsborough County Property Appraiser's assessed value of the parcel is \$17,751.

Donation Terms

- Donation of fee interest in .84 acres of real property.
- The property will be conveyed free and clear of all encumbrances objectionable to the District.
- The landowner may request the District to acknowledge this donation on an IRS Form 8283.
- The District will pay all transactional closing costs.

Benefit/Costs

Acceptance of this donation will contribute to water quality and natural systems and reduce the chance of potential ownership ambiguities and encroachments as a result of its configuration and location. Given the small size and contiguity with the District's existing ownership, ongoing management costs will not increase.

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Staff Recommendation:

- Accept the donation;
- Designate SWF Parcel No. 11-709-153 as having been acquired for conservation purposes;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms; and
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes would be subject to Governing Board review and approval.

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

Exhibit 1
Donation Parcel within Alafia River Corridor Project

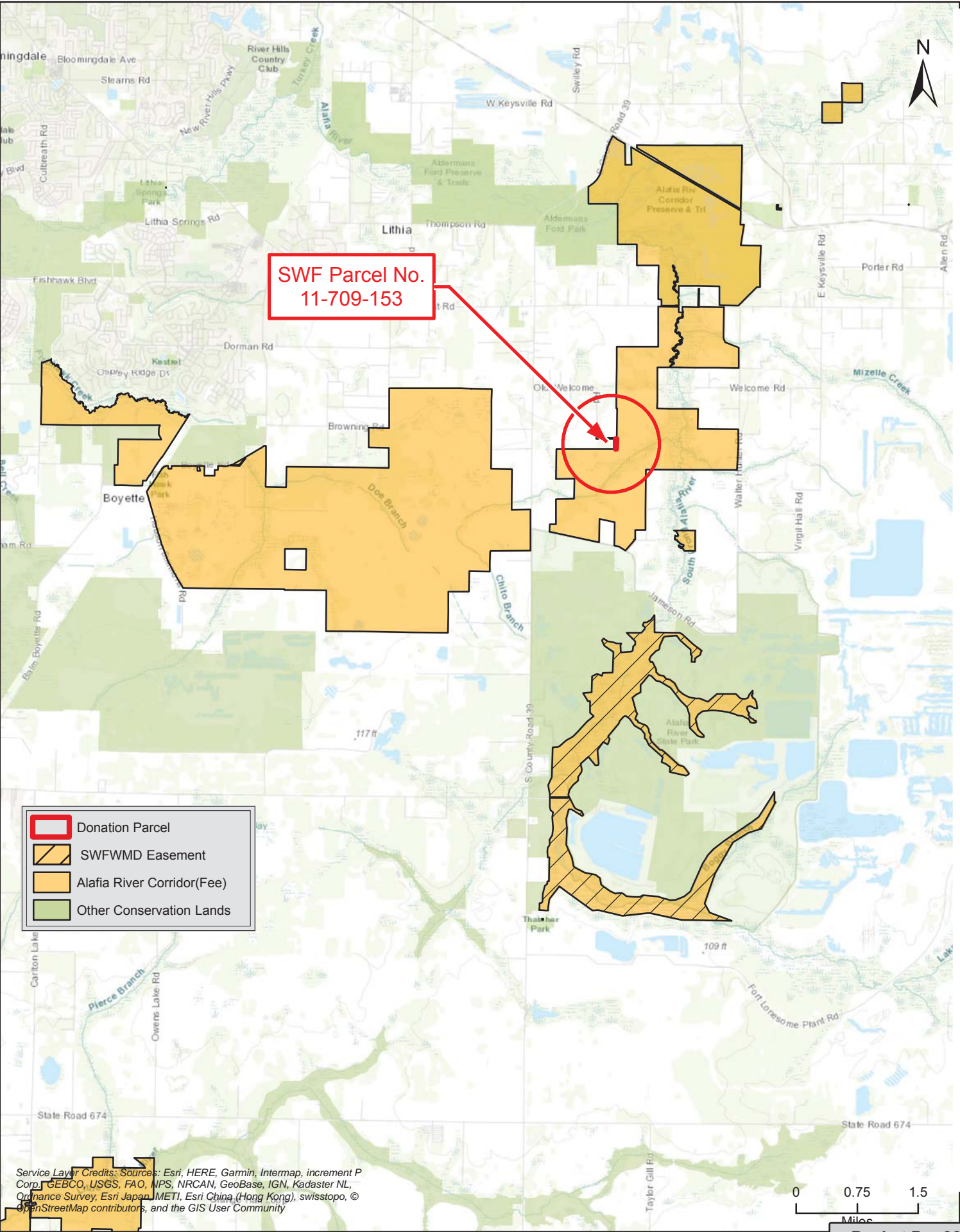


Exhibit 2
Donation Parcel Site Map



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 22, 2018

Consent Agenda

Acceptance of a Property Donation – Two Mile Prairie Project, Citrus County Board of County Commissioners, SWF Parcel No. 19-707-108

Purpose

The purpose of this item is to recommend the Governing Board accept a donation of fee simple interest in real property for an approximate .93-acre parcel of land owned by the Citrus County Board of County Commissioners (BOCC), located in Citrus County. The property has an estimated value of \$5,630. A general location and site map are included in the Board packet as Exhibits 1 and 2.

Background and History

The BOCC acquired this property via an Escheatment Tax Deed in 2016. The property is located within the acquisition boundary of the District's Tsala Apopka/Two-Mile Prairie Connector project and is contiguous with the District's and State of Florida's jointly owned Two-Mile Prairie Tract within the Withlacoochee State Forest.

Property Description

The property is an approximate .93-acre (135 feet by 300 feet) parcel and is a "notch" at the southwest corner of District property. The property is mostly wooded and shares a fence line with the District's ownership along its northern and eastern boundaries. The property is located at the southern terminus of Clark Point Road, which is a one-lane dirt road that is privately owned and maintained.

Land Use/Zoning

The property is designated for rural mobile homes (RURMH) by Citrus County.

Valuation

An appraisal of the property was not obtained because it is being offered as a donation. The 2017 Citrus County Property Appraiser's assessed value of the property is \$5,630.

Donation Terms

- Donation of fee interest in .93 acres of real property.
- The property will be conveyed as-is and the BOCC makes no warranties about the property.
- The County will not provide marketable title.
- The County Deed will include a provision for the property to revert if a public purpose ceases to exist or combined with nonpublic interests.
- The District will pay all transactional closing costs.

Benefit/Costs

Acceptance of the property will contribute to water quality and natural systems, remove a notch at the District's southwest property corner and reduce potential ownership ambiguities along this boundary. Given the small size and contiguity with the District's existing ownership, ongoing management costs should not increase. Some fencing will be required and an existing fence will

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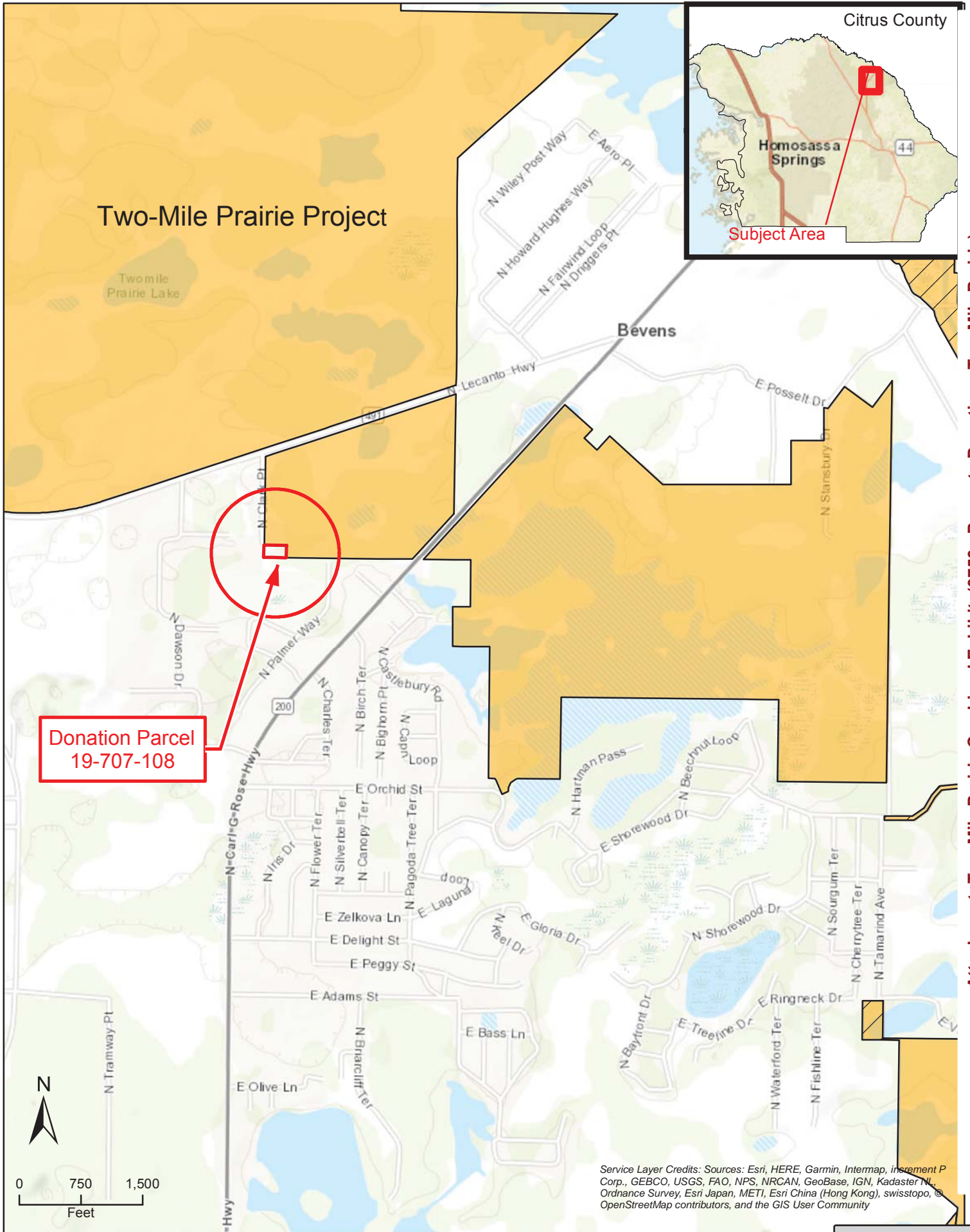
be relocated, costs are not expected to exceed \$1,000.

Staff Recommendation:

- Accept the donation;
- Designate SWF Parcel No. 19-707-108 as having been acquired for conservation purposes;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms, and
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes would be subject to Governing Board review and approval.

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

Exhibit 1
Donation Parcel within Two-Mile Prairie/Tsala Apopka Connector



Attachment: Two Mile Prairie Combined Exhibit (3756 : Property Donation - Two Mile Prairie)

Exhibit 2
Donation Parcel within Two-Mile Prairie/ Tsala Apopka Connector



Attachment: Two Mile Prairie Combined Exhibit (3756 : Property Donation - Two Mile Prairie)

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 22, 2018

Consent Agenda

Acceptance of Easement Donation – Central Florida Water Initiative (CFWI) Project, Crystal Lake, SWF Parcel No. 20-020-144

Purpose

Crystal Lake has minimum lake levels adopted in Rule (40D-8.624, F.A.C.), is within the Southern Water Use Caution Area (SWUCA), and the Central Florida Water Initiative (CFWI) planning area. Therefore, a monitoring well adjacent to the lake is necessary to support modeling efforts. The purpose of this item is to recommend the Governing Board accept a donation of a perpetual easement of a 150-square foot (10 feet by 15 feet) area to be used as a monitoring well site. General location and site maps of the property are included in the Board packet as Exhibits 1 and 2.

Background and History

The minimum lake levels for Crystal Lake became effective in December of 2010. Data from this monitoring well site will improve the District's ability to assess the annual lake level status relative to its adopted minimum lake levels. The minimum lake level assessments allow for the determination of the sustainable limits of traditional groundwater that can be used without causing unacceptable harm to the water resources and associated natural systems. As such, this site is used by the District to make regulatory decisions and conduct regional water supply planning such as the CFWI efforts.

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District's understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals. Such data is necessary to ensure compliance with adopted minimum lake levels, such as Crystal Lake, making the installation of monitoring wells adjacent to the lake necessary.

Property Description

The donated easement area is approximate 150-square-foot area which will be accessed from the right of way after construction is complete. The property is owned by the Woman's Club of Lake Wales and is located in southeastern Polk County.

Negotiations

Staff first explores the requested area for property owners that are more apt to donate a parcel. This includes parcels that are not on the tax roll (state and local government, non-profits, etc.) and non-residential tracts of more than one-acre where a wellsite may be inconsequential. Staff also considers city, county, or state right-of-ways, when the cost to install a well is less than \$20,000. In this instance the Woman's Club of Lake Wales agreed to donate the easement.

Summary of Appraisals and Value Comparisons

An appraisal of the easement was not obtained as it is being offered as a donation.

Donation Terms

- The Woman's Club of Lake Wales has approved conveyance of a perpetual easement for a 150-square-foot area.
- This easement allows for construction, maintenance and monitoring of the proposed well site.
- The easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The Woman's Club of Lake Wales has approved a license agreement for an additional .05-acre area necessary for temporary access, construction, and related activities.
- The District will pay transactional costs for closing, including the title search and recording fees.

Benefit/Costs

Data from the Crystal Lake wells will improve the District's understanding of the hydrologic conditions and provide for improved assessments of potential withdrawal-related impacts to water resources within the SWUCA and the CFWI areas. Acceptance of this donation will reduce the time and cost of acquisition by allowing the District to immediately access, construct, maintain and monitor the wells at this location. The District's transactional costs have been estimated to be approximately \$325. Capital improvements are not expected to exceed \$16,000 and operation and maintenance of the site is not expected to exceed \$1,000 per year.

Staff Recommendation:

- Accept the Easement;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

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

Exhibit 1

Crystal Lake Data Collection Site (SWF Parcel No. 20-020-144)



Attachment: Crystal Lake Complete Exhibit (3753 : Easement Donation - Crystal Lake CFWI)

Exhibit 2
Crystal Lake Data Collection Site



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 22, 2018

Consent Agenda

Acceptance of Easement Donation – ROMP 34 OCAL-AVPK FLDN, SWF Parcel No. 21-020-024

Purpose

ROMP 34 is an existing well site located in the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA). The purpose of this item is to recommend the Governing Board accept a donation, consisting of a perpetual easement for a 200-square foot (20 feet by 20 feet) monitoring well site and related access within a parcel of land owned by Manatee County (County). The monitoring well is existing at this site. General location and site maps of the property are included in the Board packet as Exhibits 1 and 2.

Background and History

Manatee County granted an easement to the District in August 1979 for well construction and access to the ROMP 34 SURFICIAL well and the ROMP 34 OCAL-AVPK FLDN well. The FDEP permitting regulations required the County to take over the monitoring of the ROMP 34 OCAL-AVPK FLDN well as part of their operating permit for the Lake Manatee Water Treatment Plant. In 1984, at the request of the County, the District quitclaimed an easement to the County for the ROMP 34 OCAL-AVPK FLDN well. The District still holds the perpetual easement for the ROMP 34 SURFICIAL well. When issuing the new operating permit to the County for Aquifer Storage and Recovery wells, the FDEP indicated that the County will not be required to continue the monitoring at the ROMP 34 OCAL-AVPK FLDN well. As a result, the County requested the District resume monitoring efforts or abandon the well. The reacquisition of the ROMP 34 OCAL-AVPK FLDN well is requested so the well can continue to be monitored. The existing well will be re-configured to provide water quality along with water level monitoring by the District.

Property Description

The easement area is an approximate 400-square foot well site and associated access. The property is owned by Manatee County.

Summary of Appraisals and Value Comparisons

An appraisal of the easement was not obtained as it is being offered as a donation.

Donation Terms

- The County has approved conveyance of a perpetual easement for a 400-square foot well site and access necessary for construction, maintenance and monitoring activities on the site.
- The easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The District will pay transactional costs for closing, including the title search, documentary stamp tax and recording fees.

Benefit/Costs

Data gathered from the ROMP 34 well will allow the District to better monitor the water level recovery in the MIA of the SWUCA. The data from this site will also support groundwater

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modeling and provide for assessment of potential withdrawal-related impacts to water resources within this region. The District has already obtained all historical water-level and water-quality data from Manatee County collected through their monitoring efforts. The District's transactional costs have been estimated to be approximately \$400, capital improvements costs are not necessary, and operation and maintenance of the site is not expected to exceed \$1,000 per year.

Staff Recommendation:

Staff recommendation:

- Accept the Easement;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

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

Exhibit 1
ROMP 34 Data Collection Site (SWF Parcel No. 21-020-024)

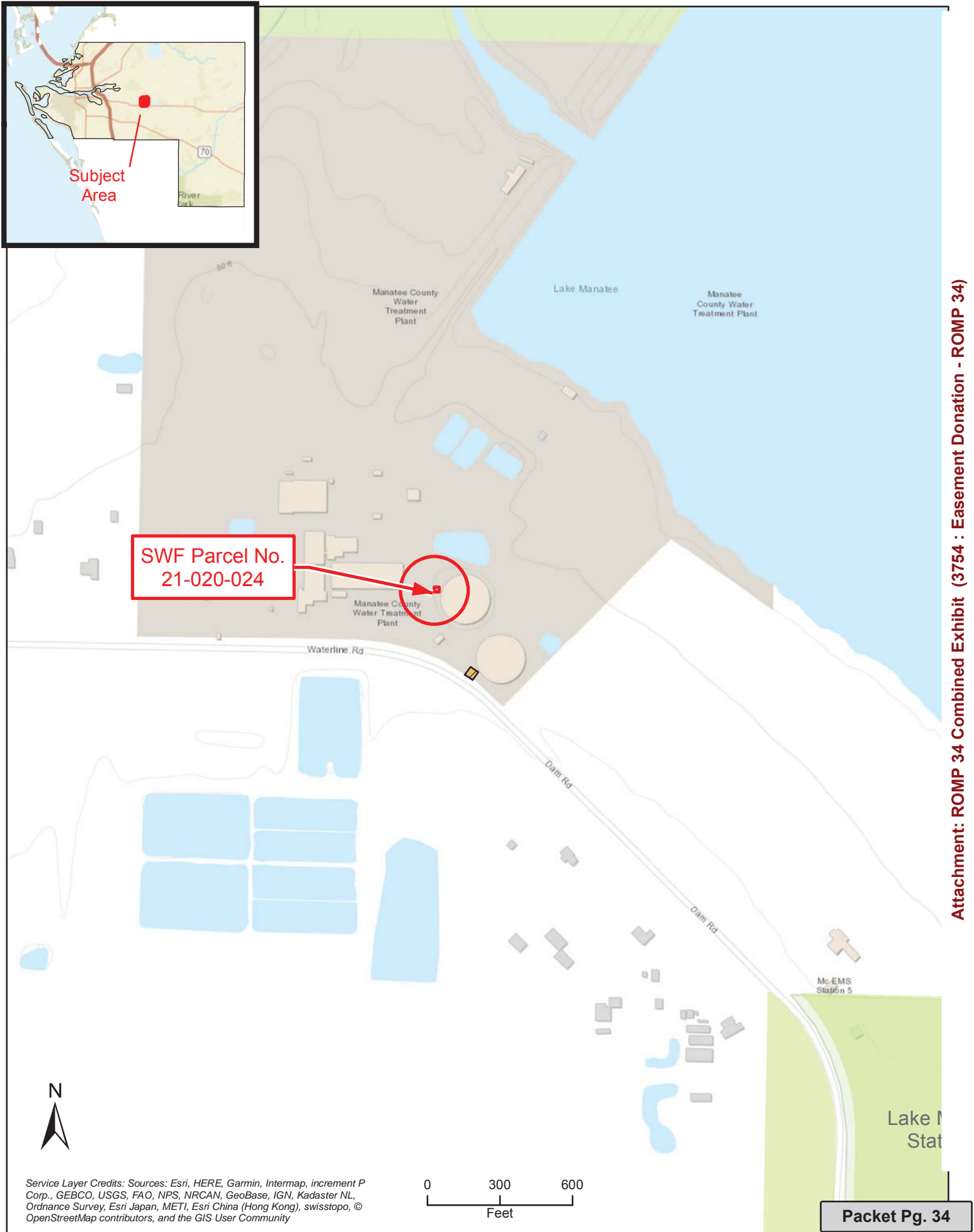
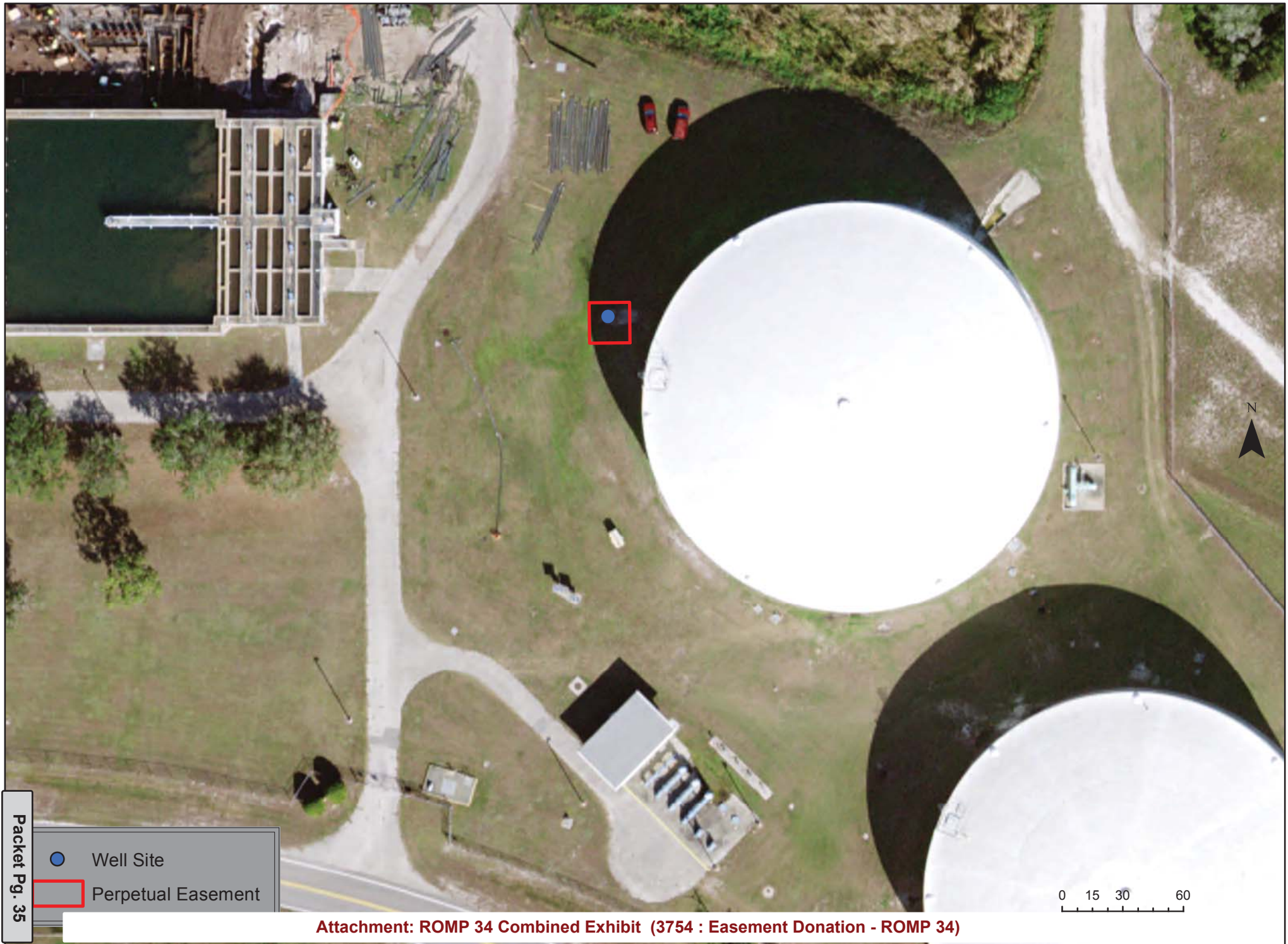


Exhibit 2
ROMP 34 Data Collection Site



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 22, 2018

Consent Agenda

Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Dinner Lake, SWF Parcel No. 20-020-139

Purpose

Dinner Lake has minimum lake levels adopted in Rule (40D-8.624, F.A.C.), is within the Southern Water Use Caution Area (SWUCA), and the Central Florida Water Initiative (CFWI) planning area. Therefore, monitoring wells adjacent to the lake are necessary to support modeling efforts. The purpose of this item is to recommend the Governing Board approve the Purchase and Sale Agreement, included as Exhibit 1, of fee simple interest of a 0.18+/- acre parcel, to be used as a monitoring well site, in the amount of \$5,130. General location and site maps of the property are included in the Board packet as Exhibit 2 and 3.

Background and History

The minimum lake levels for Dinner Lake became effective in 2008. Data from this monitoring well site will improve the District's ability to assess the annual lake level status relative to its adopted minimum lake levels. The minimum lake level assessments allow for the determination of the sustainable limits of traditional groundwater that can be used without causing unacceptable harm to the water resources and associated natural systems. As such, this site is used by the District to make regulatory decisions and conduct regional water supply planning such as the CFWI efforts.

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District's understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals. Such data is necessary to ensure compliance with adopted minimum lake levels, such as Dinner Lake, making the installation of monitoring wells adjacent to the lake necessary.

Property Description

The parcel is approximate 0.18-acre. The subject property has frontage on C.F. Kinney Road which will provide access to the parcel. The property is owned by Wheeler Waverly Grove, LLC, and is located in southeastern Polk County.

Negotiations

Staff first explores the requested area for property owners that are more apt to donate a parcel. This includes parcels that are not on the tax roll (state and local government, non-profits, etc.) and non-residential tracts of more than one-acre where a wellsite may be inconsequential. Staff also considers city, county, or state right-of-way, when the cost to install a well is less than \$20,000. Staff contacted five property owners, and all declined to donate land. In this instance the only viable parcel was a large tract of land owned by Wheeler

Waverly Grove, LLC. The property owner was unwilling to entertain a perpetual easement but was willing to sell and convey fee simple interest in a remnant parcel.

Summary of Appraisals and Value Comparisons

A valuation appraisal of the acquisition was completed by a State Certified General Appraiser, with the negotiated amount of \$5,130 within the range of acceptable compensation at ten percent below the appraised value. The owner's representative indicated that an offer below \$5,000 would not be given consideration.

Acquisition Terms

- Wheeler Waverly Grove, LLC, has agreed to the sale and conveyance of in fee simple interest of a parcel necessary for construction, maintenance and monitoring activities on the site.
- The Deed will be conveyed free and clear of all encumbrances objectionable to the District.
- The District will pay transactional costs for closing, including the title insurance and recording fees.

Benefit/Costs

Data from the Dinner Lake wells will improve the District's understanding of the hydrologic conditions and provide for improved assessments of potential withdrawal-related impacts to water resources within the SWUCA and the CFWI areas. The purchase of this site will ensure the CFWI data collection proceeds as planned by allowing the District to immediately access, construct, maintain and monitor the wells at this location. Transactional costs to the District for closing, including the title insurance and recording fees are expected to be approximately \$425 and capital improvements are not expected to exceed \$16,000 and operation and maintenance of the site is not expected to exceed \$1,000 per year.

Staff Recommendation:

Staff recommendation:

- Accept the valuation appraisal;
- Approve the Purchase/Sale Agreement and authorize the Executive Director or Division Director to sign on behalf of the District;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

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

Exhibit 1

Lake Dinner CFWI Data Collection Site
SWF Parcel No. 20-020-139
Approved by Attorney: _____
Tax I.D. No(s). 27-29-10-000000-024020

PURCHASE/SALE AGREEMENT

This Agreement, made and entered into by and between Wheeler Waverly Grove, LLC, a Florida Limited Liability Corporation, having an address of Post Office Box 2715, Lake Placid, Florida 33826, hereinafter referred to as the "Seller," and the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "District" and collectively the "Parties".

WITNESSETH:

WHEREAS, the District desires to acquire Seller's property for the Lake Dinner CFWI Data Collection Site (SWF Parcel No. 20-020-139) project, that will support the data collection part of an authorized project known as the Central Florida Water Initiative.

NOW THEREFORE, in consideration of ten dollars and no cents (\$10.00) paid by the District to the Seller and the mutual covenants contained herein, together with other good and valuable consideration, the receipt of which is acknowledged, the Seller hereby agrees to sell to the District, and the District hereby agrees to purchase from the Seller, certain real property situated in Polk County, Florida, upon the following terms and conditions:

1. **PROPERTY.** Subject to the terms, covenants and conditions set forth in this Agreement, the Seller agrees to sell to the District, and the District agrees to purchase from the Seller, that certain real property situated in Polk County, Florida (hereinafter referred to as "Property"), more specifically described in Exhibit "A" attached hereto and incorporated herein by this reference.
2. **EFFECTIVE DATE.** If this Agreement is not executed by the Seller on or before April 22, 2018, the District's offer contained in this Agreement is withdrawn and is thereafter null and void. The effective date of this Agreement will be on the day and year the last of the Parties has signed below.
3. **APPROVAL.** This Agreement is subject to approval by the District's Governing Board. If the District's Governing Board does not approve this Agreement and all the terms and conditions hereof, the District will notify the Seller thereof in writing and this Agreement will be null and void and all rights and liabilities arising hereunder will terminate.
4. **PURCHASE PRICE.** The total purchase price will be \$5,130 payable in cash by the District to the Seller at closing.
5. **TITLE.** The Seller will deliver to the District, at the closing, marketable title to the Property, free and clear of all leases, liens, mortgages, and other encumbrances not acceptable to the District. The District, at its expense, will obtain a title insurance policy, insuring the District's interest in the Property in the full amount of the purchase price upon closing the transaction. If the District finds the title to be unmarketable, or if the District cannot obtain a commitment for a title insurance policy, the District may terminate this Agreement and all rights

Dinner Lake CFWI Data Collection Site
SWF Parcel No. 20-020-139

and liabilities arising hereunder, or may close the sale in the same manner as if no such defect had been found, or may adjust the purchase price to reflect any decrease in value due to such defect.

6. ENVIRONMENTAL.

A. If at any time between execution hereof and the closing the District determines in its sole discretion that there are hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, including but not limited to those as defined by the Comprehensive Environmental Resource Compensation and Liability Act, 42 U.S.C. 9601 et. seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et. seq., or any Florida Statute defining hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, hereinafter collectively referred to as "Contaminants", on the Property, the District may terminate this Agreement and all rights and liabilities arising hereunder or may close the sale in the same manner as if no Contaminants had been found.

B. The Seller warrants and represents to the District that it is not aware of any Contaminants as defined herein deposited, located, placed or released on the Property.

7. CLOSING. The sale will be closed on or before October 1, 2018, unless extended by mutual Agreement of the Parties in writing. During the period from the Seller's execution of this Agreement until closing, neither the Seller nor anyone under the Seller's control or direction will commit or allow to be committed any act which diminishes the value of the Property.

8. TAXES AND ASSESSMENTS. Taxes and assessments on the property will be prorated through the date of closing. The proceeds will be increased or decreased as may be required by the proration of said items. If the amount of taxes and assessments for the year in which the closing occurs cannot be ascertained, rates, millages and assessed valuations of the previous year, with known charges, will be used, with allowance for homestead or other exemptions if allowed for either year. It is understood and agreed to by the Parties that the Seller is responsible for all prorated assessments and taxes that are, in fact, more than the estimate that is based on valuation of previous years, and such will be promptly paid by Seller to the District. All real estate taxes and assessments which are, or which may become a lien against the Property will be satisfied by the Seller at closing. In the event the District acquires fee title to the Property between January 1 and November 1, Seller will, in accordance with Section 196.295, Florida Statutes, place in escrow with the County Tax Collector an amount equal to the current taxes prorated to the date of closing. In the event the District acquires fee title to the Property on or after November 1, Seller will pay to the County Tax Collector an amount equal to the taxes that are determined to be legally due and payable by the County Tax Collector.

9. DEED. Upon payment of the purchase price as provided in paragraph 4, the Seller will convey fee simple title to the Property to the District or its assigns by Warranty Deed free and clear of all leases, liens, mortgages and other encumbrances not acceptable to District except taxes for the year in which the closing occurs. The documentary stamp tax on the deed and costs for recording the deed will be paid by the Seller.

10. SURVEY. Prior to closing, the Property will be surveyed at the expense of the District. The survey will be attached hereto and incorporated herein by this reference as Exhibit "B". If the survey shows any encroachments on the Property or that any improvements located on the Property encroach on other lands, the District, at its option, may terminate this Agreement and

Dinner Lake CFWI Data Collection Site
SWF Parcel No. 20-020-139

all rights and liabilities arising hereunder or may close the sale in the same manner as if no such defect had been found; or may adjust the purchase price.

11. **ENCROACHMENTS AND ENCUMBRANCES.** After the Seller's execution of this Agreement until the Seller delivers the exclusive occupancy and possession of the Property to the District, neither the Seller nor anyone under the Seller's control or direction will cause or allow any encroachments or encumbrances on the Property not existing on the date of the Seller's execution hereof. At the closing, the Seller will furnish the District with the Seller's affidavit, stating that neither the Seller nor anyone under the Seller's control or direction have taken any action to encumber the Property or otherwise adversely affect the status of the title thereto, or diminish the value of the interest in the Property to be acquired by the District. If the Seller is a corporation or other business entity, the Seller will also furnish the District with the Seller's Non-Foreign Corporate Affidavit at or before the closing as required by Section 1445(b)(2) of the United States Revenue Code to relieve the District from withholding any income or capital gains taxes on the purchase price.

12. **DISCLOSURE.** The Seller will comply with the disclosure requirements pursuant to Section 286.23, F.S., real property conveyed to public agency; disclosure of beneficial interests, if applicable.

13. **PROCEEDS.** At closing, the distribution of the purchase amount will be made by the District to the title company in the form of a check or wire transfer. Final distribution of the Seller's proceeds will be made to the Seller by the title company.

14. **OTHER AGREEMENTS.** No Agreement or understanding, verbal or in writing, unless incorporated herein, will be binding upon the Parties.

15. **BINDING EFFECT.** The covenants herein contained will bind, and the benefits and advantages hereof will inure to, the respective heirs, personal representatives, successors and assigns of the Parties hereto; whenever used herein, the singular will include the plural, the plural will include the singular, and the use of any gender will include the other.

16. **SURVIVAL OF CONTRACT TERMS.** The terms and conditions of this Agreement will survive the closing of the sale of the Property.

17. **NOTICE.** Any notice which must or may be given under this Agreement or by law will be in writing and will be deemed to have been given when delivered by personal delivery or when deposited in the United States mail, certified, return receipt requested, full postage prepaid to the District or to the Seller at the addresses set forth above.

18. **CONSTRUCTION.** The Seller and the District acknowledge that each party and its counsel have reviewed and revised this Agreement and that the rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this Agreement.

19. **HEADINGS.** The paragraph headings are inserted herein for convenience and reference only, and in no way define, limit, or otherwise describe the scope or intent of any provisions hereof.

Dinner Lake CFWI Data Collection Site
SWF Parcel No. 20-020-139

20. **SEVERABILITY.** Should any section or any part of any section of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such determination will not render void, invalid or unenforceable any other section or any part of any section of this Agreement.

21. **WAIVER.** No act of omission or commission of either party, including without limitation, any failure to exercise any right, remedy, or recourse, will be deemed to be a waiver, release, or modification of the same. Such a waiver, release, or modification is to be effected only through a written modification to this Agreement.

22. **PUBLIC RECORDS.** All records and documents generated or received by the Parties in relation to this Agreement are subject to the Public Records Act, Chapter 119, F.S., except that appraiser reports, offers and counteroffers are confidential and exempt from the provisions of Section 119.07(1), F.S., until an option contract is executed, or if no option contract is executed, until thirty (30) days before a contract or Agreement for purchase is considered for approval by the District Governing Board pursuant to Section 373.139(3)(a), F.S.

IN WITNESS WHEREOF, the Parties and the lawful representatives of the Parties hereto have caused these presents to be executed in their respective names upon the day and year entered below their respective signatures.

Seller: Wheeler Waverly Grove, LLC

By: _____

David Paul Wheeler, Manager

Date: _____

4/18/2018

Buyer: Southwest Florida Water Management District

By: _____

Ken Frink, Operations, Lands & Resource Monitoring
Division Director

Date: _____

Exhibit 2
Dinner Lake CFWI Data Collection Site

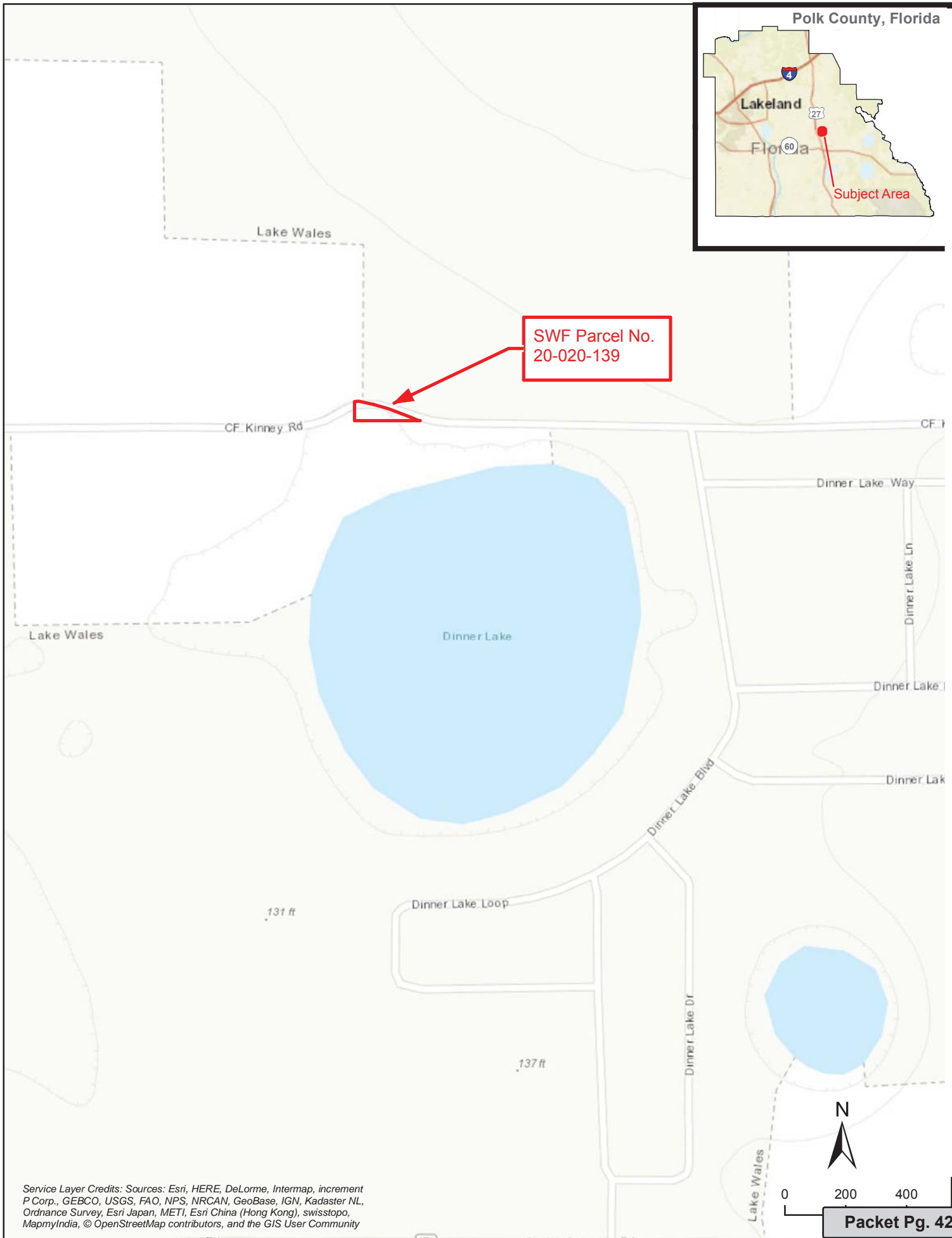


Exhibit 3 Dinner Lake CFWI Potential Data Collection Site



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 22, 2018

Consent Agenda

Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Green Swamp East Project, Polk County, SWF Parcel No. 10-200-1218C

Purpose

The purpose of this item is to recommend the Governing Board decline the right of first refusal to purchase the remainder fee interest for a parcel encumbered by a District conservation easement. The property encumbered by this conservation easement is in Polk County within the Green Swamp East Project. A general location and site map of the property are included in the Board packet as Exhibits 1 and 2.

Background and History

The District identifies lands eligible for acquisition through the Board-approved Florida Forever Work Plan. In the work plan, lands are identified for acquisition as fee simple acquisition or acquisition of less-than-fee rights (conservation easement). Less-than-fee acquisitions consist of the purchase of certain rights, including development rights, to protect the natural systems and water resources of a property and to ensure in perpetuity they remain in their existing state.

Typically, the negotiations for acquisition of a less-than-fee involve the District obtaining a “right of first refusal” (RoFR) to have an option to acquire the encumbered fee title. The RoFRs are intended to give the District a time-limited opportunity to consider an offer to purchase the remainder fee interest. The conditions of a RoFR vary depending on the time of acquisition and negotiation (e.g., some may require a bona fide offer while others simply require notification of intent to sell, some have a 45-day response while others allow longer time periods). The RoFRs are perpetual rights that run with the land and remain in effect regardless of the change in underlying fee simple ownership or if the District declines an offer.

SWF Parcel No. 10-200-1218C - The Wilson Trust

The District originally acquired a conservation easement in December 1999 over this property which is comprised of approximately 76.95 acres at cost of \$365.65 per gross acre. The RoFR in the conservation easement requires notification of the Grantor’s intent to sell the property, or any portion thereof, and further requires that an offer be extended to sell the property to the District. Pursuant to the terms of the conservation easement, the District has a reasonable period to respond, in this instance not to exceed 45 days, from the receipt of a notice of a pending contract to sell the property. Declining the RoFR does not extinguish this right for future owners because it is a right that runs with the land.

On May 3, 2018, the District received notice of the pending sale from the current owner. The contract provided by the owners is a five-year lease with an option to purchase, with the tenant exercising his option to purchase the property. The contract price is for \$350,000 or \$4,548 per gross acre.

The request for Board action on this item is necessary because it involves a real estate interest held by the District and is also required so that the purchaser can have the title insurance policy exception for the RoFR removed for this transaction.

District staff evaluated the opportunity to purchase the remainder fee interest and determined that the existing conservation easement is sufficient for the continued land and water resource protections intended through this acquisition.

The existing conservation easement terms include:

- No additional buildings other than existing structures are allowed.
- May be divided.
- No mining.
- Areas improved for agricultural activities as identified in the Baseline Report may continue.
- Silviculture is allowed with best management practices (BMPs), although no harvesting can be conducted in wetlands.
- Cattle operations in upland areas can continue in accordance with United States Department of Agriculture Natural Resources Conservation Service guidelines.
- No conversion of native range or natural lands as established in the baseline inventory.
- All hunting and fishing rights are retained by grantor.

Benefit/Costs

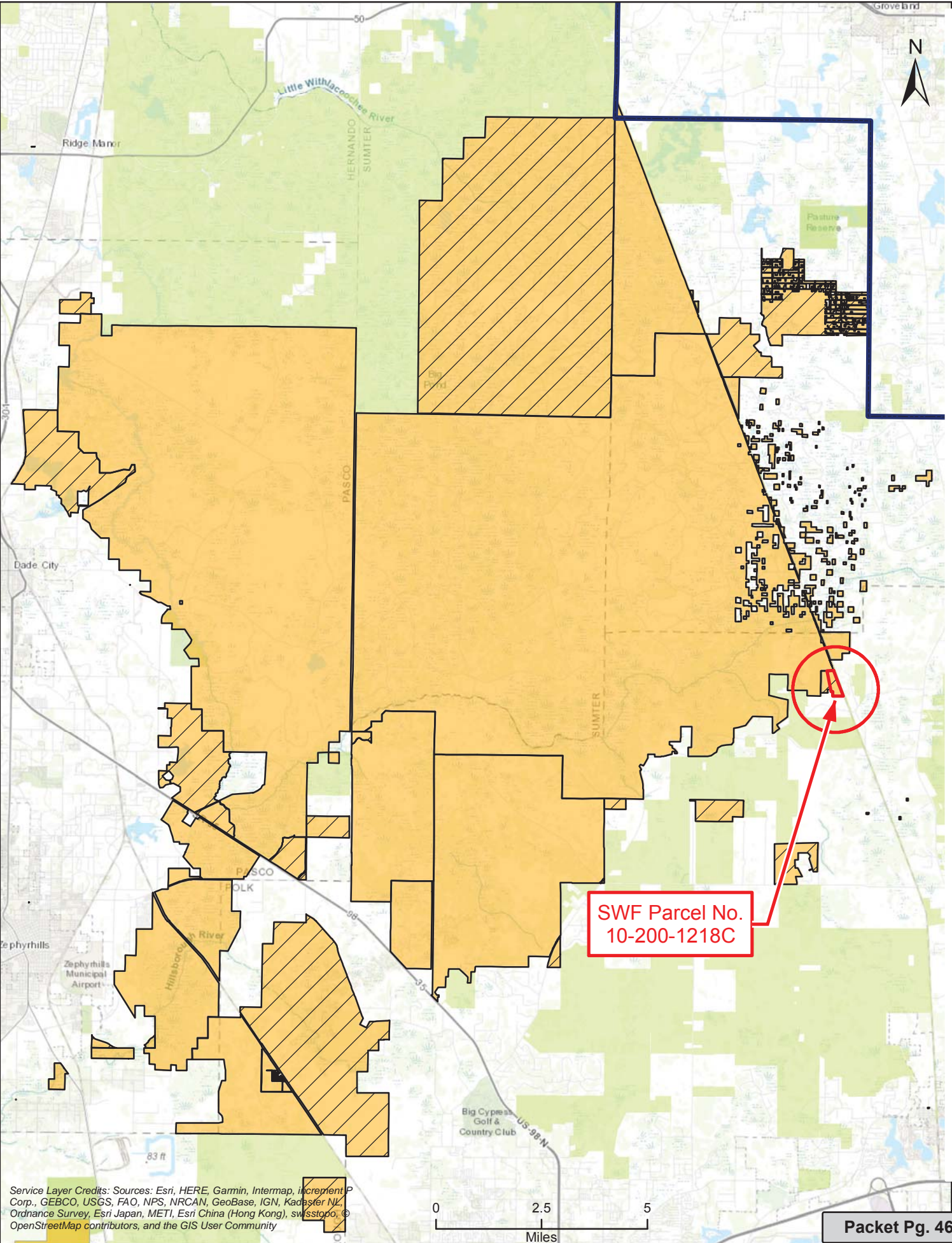
The restrictions placed on the property by the existing conservation easement currently are adequate to protect the natural and water resources of the property, therefore, the benefits of acquiring the remainder fee interest would be minimal at this time.

Staff Recommendation:

- Authorize the Executive Director to decline the Right of First Refusal on SWF Parcel 10-200-1218C.

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

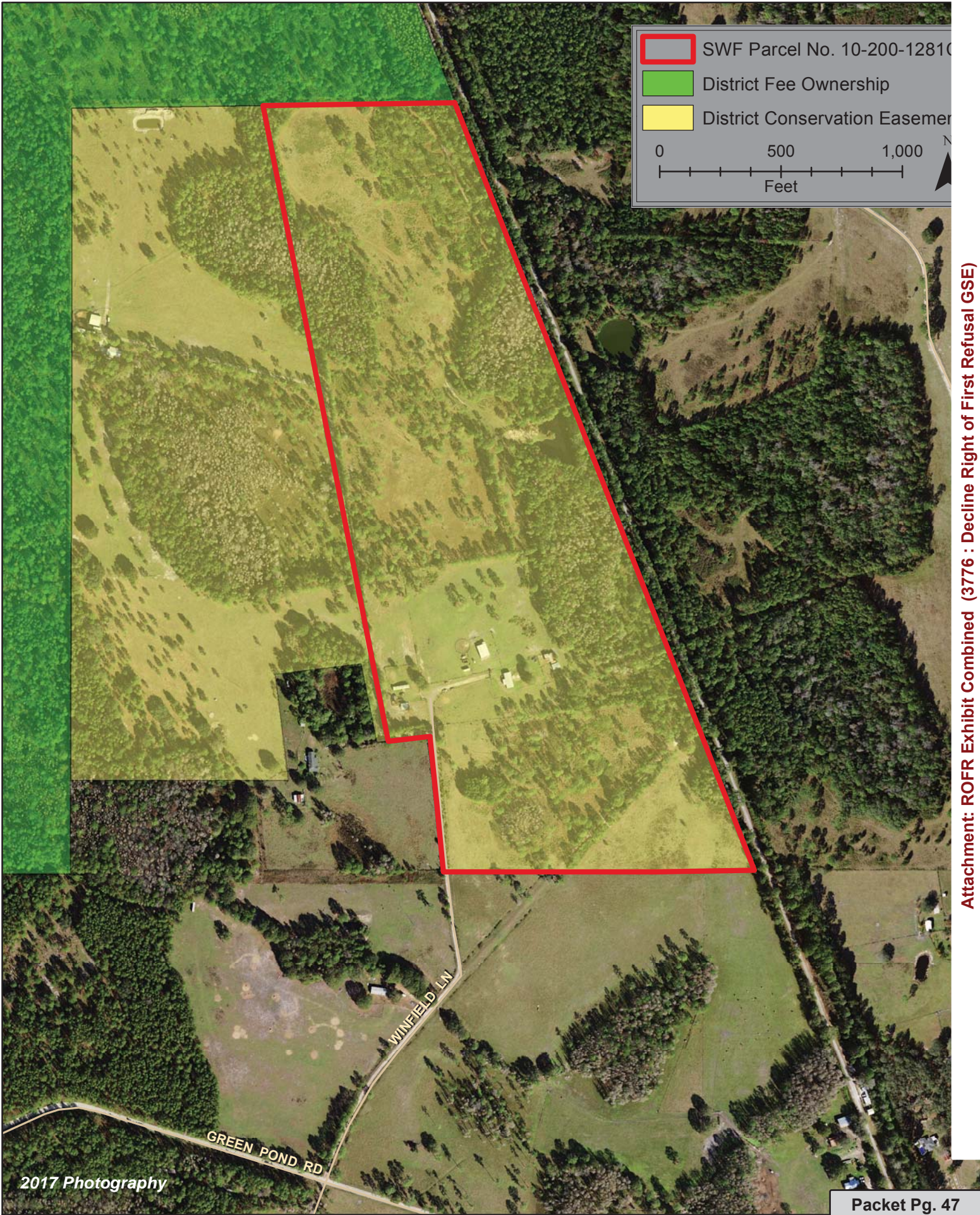
Exhibit 1
District Conservation Easement SWF No. 10-200-1218C



Attachment: ROFR Exhibit Combined (3776 : Decline Right of First Refusal GSE)

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community

Exhibit 2
District Conservation Easement SWF No. 10-200-1281C



Attachment: ROFR Exhibit Combined (3776 : Decline Right of First Refusal GSE)

REGULATION COMMITTEE

May 22, 2018

Consent Agenda

WUP No. 20002588.012 - Kelly Farms / Kelly Family Holdings, LLC (Charlotte County)

This is a modification of an existing water use permit for agricultural and landscape/recreation use. The authorized quantities have changed from those previously permitted. The annual average quantity has increased from 704,600 gallons per day (gpd) to 1,043,600 gpd, the drought average has increased from 726,100 gpd to 1,074,400 gpd, and the peak month has increased from 2,497,700 gpd to 2,627,900 gpd. The increase of these quantities is due to the addition of a second crop to the permit. Quantities are based on the district's irrigation allotment calculation program, AGMOD and information submitted by the Applicant. This permit is located in Charlotte County within the Southern Water Use Caution Area (SWUCA). The Permittee currently utilizes surface water to meet some of the irrigation needs.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings on Districts ID Nos. 3, 4, 6, 7, 9, and 10, eliminate off-site discharge of lower quality irrigation water to the greatest extent practicable, immediately implement the District-approved water conservation plan dated February 18, 2018, submit annual crop reports on District ID No. 3, submit seasonal crop reports on District ID Nos. 3, 4, 7, and 9, submit meter accuracy tests for District ID Nos. 3, 4, 6, 7, 9, and 10 every five (5) years (next reports due: June 1, 2021), submit an overpumpage report upon District request, and adhere to the SWUCA Recovery Strategy.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 002588.012**

PERMIT ISSUE DATE: May 22, 2018

EXPIRATION DATE: January 31, 2022

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

TYPE OF APPLICATION: Modification
GRANTED TO: Kelly Family Holdings, LLC
15775 Pine Ridge Road
Fort Myers, FL 33908

PROJECT NAME: Kelly Farms
WATER USE CAUTION AREA(S): SOUTHERN WATER USE CAUTION AREA
COUNTY: Charlotte

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

| | |
|-------------------------------------|---------------|
| ANNUAL AVERAGE | 1,043,600 gpd |
| PEAK MONTH ¹ | 2,627,900 gpd |
| DROUGHT ANNUAL AVERAGE ² | 1,074,400 gpd |

1. Peak Month: Average daily use during the highest water use month.
2. Drought Annual Average: Annual average limit when less than historical average rainfall if sufficient Water Conservation credits exist in the Permittee's account.

ABSTRACT:

This is a modification of an existing water use permit for agricultural and landscape/recreation use. The authorized quantities have changed from those previously permitted. The annual average quantity has increased from 704,600 gallons per day (gpd) to 1,043,600 gpd, the drought average has increased from 726,100 gpd to 1,074,400 gpd, and the peak month has increased from 2,497,700 gpd to 2,627,900 gpd. The increase of these quantities is due to the addition of a second crop to the permit. Quantities are based on the district's irrigation allotment calculation program, AGMOD and information submitted by the Applicant. This permit is located in Charlotte County within the Southern Water Use Caution Area (SWUCA). The Permittee currently utilizes surface water to meet some of the irrigation needs.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings on Districts ID Nos. 3, 4, 6, 7, 9, and 10, eliminate off-site discharge of lower quality irrigation water to the greatest extent practicable, immediately implement the District-approved water conservation plan dated February 18, 2018, submit annual crop reports on District ID No. 3, submit seasonal crop reports on District ID Nos. 3, 4, 7, and 9, submit meter accuracy tests for District ID Nos. 3, 4, 6, 7, 9, and 10 every five (5) years (next reports due: June 1, 2021), submit an overpumpage report upon District request, and adhere to the SWUCA Recovery Strategy.

Attachment: May18 WUP 20002588_012 Recap Permit (3765 : WUP No. 20002588.012 - Kelly Farms)

WATER USE TABLE (in gpd)

| <u>USE</u> | <u>ANNUAL AVERAGE</u> | <u>PEAK MONTH</u> | <u>DROUGHT ANNUAL AVERAGE</u> |
|----------------------|----------------------------------|------------------------------|--|
| Agricultural | 866,100 | 2,248,900 | 896,900 |
| Landscape/Recreation | 177,500 | 379,000 | 177,500 |

USES AND IRRIGATION ALLOCATION RATE TABLE

| <u>CROP/USE TYPE</u> | <u>IRRIGATED ACRES</u> | <u>IRRIGATION METHOD</u> | <u>STANDARD IRRIGATION RATE</u> | <u>DROUGHT IRRIGATION RATE</u> |
|-----------------------------|-----------------------------------|-------------------------------------|--|---|
| Corn, Silage | 351.00 | Seepage Without Plastic | 18.50"/yr. | 18.97"/yr. |
| Pasture | 77.00 | Seepage Without Plastic | 12.60"/yr. | 12.57"/yr. |
| Potatoes | 351.00 | Seepage Without Plastic | 11.90"/yr. | 12.62"/yr. |
| Water-Based Recreation | | | | |

WITHDRAWAL POINT QUANTITY TABLE

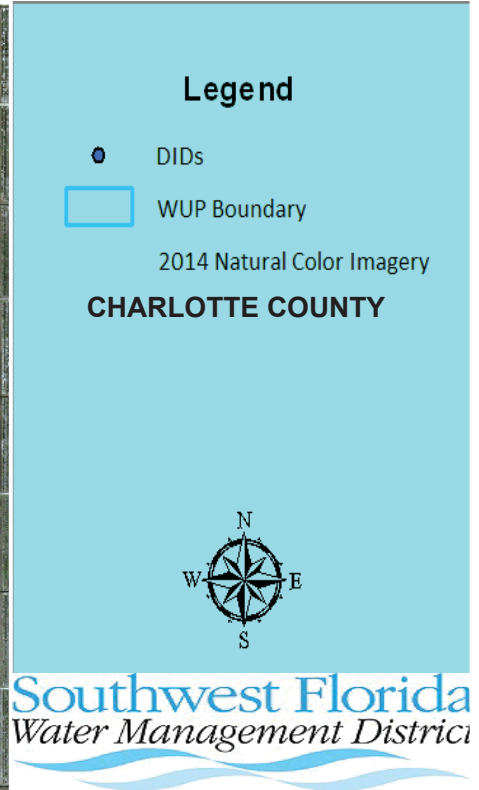
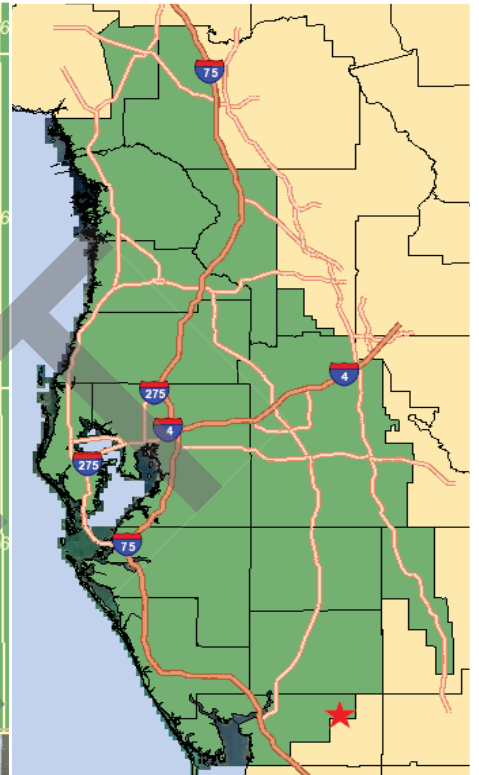
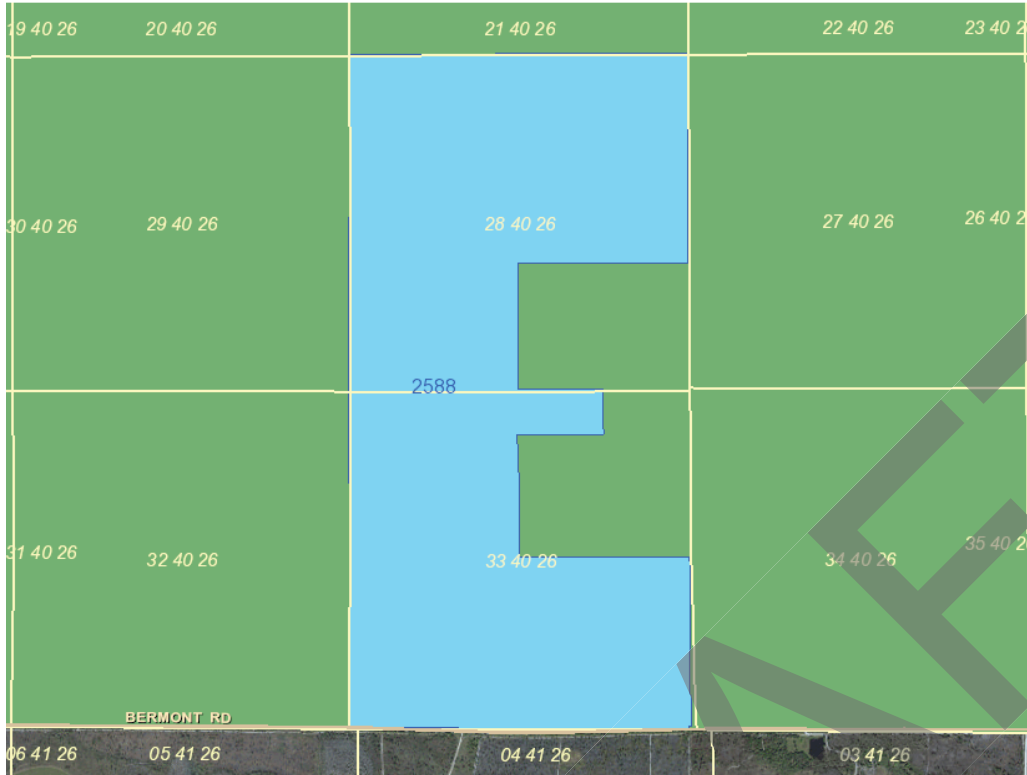
Water use from these withdrawal points are restricted to the quantities given below :

| <u>I.D. NO. PERMITTEE/ DISTRICT</u> | <u>DIAM (in.)</u> | <u>DEPTH TTL./CSD.FT. (feet bls)</u> | <u>USE DESCRIPTION</u> | <u>AVERAGE (gpd)</u> | <u>PEAK MONTH (gpd)</u> |
|--|------------------------------|---|-------------------------------|---------------------------------|--|
| 3 / 3 | 14 | 391 / 299 | Irrigation | 216,600 | 562,300 |
| 4 / 4 | 12 | 420 / 210 | Irrigation | 216,500 | 562,200 |
| 6 / 6 | 12 | 340 / 213 | General Recreational | 177,500 | 379,000 |
| 7 / 7 | 12 | 540 / 210 | Irrigation | 216,500 | 562,200 |
| 9 / 9 | 10 | 450 / 210 | Irrigation | 216,500 | 562,200 |
| 10 / 10 | 4 | N/A / N/A | Re-Pump | 177,500 | 379,000 |

WITHDRAWAL POINT LOCATION TABLE

| <u>DISTRICT I.D. NO.</u> | <u>LATITUDE/LONGITUDE</u> |
|---------------------------------|----------------------------------|
| 3 | 26° 58' 17.31"/81° 42' 44.07" |
| 4 | 26° 58' 15.87"/81° 43' 13.27" |
| 6 | 26° 57' 38.16"/81° 43' 17.74" |
| 7 | 26° 56' 56.97"/81° 43' 12.84" |
| 9 | 26° 56' 56.44"/81° 42' 56.71" |
| 10 | 26° 57' 38.15"/81° 43' 17.62" |

Location Map
Kelly Family Holdings, LLC
WUP No. 20 002588.012



Attachment: May18 WUP 20002588_012 Recap Permit (3765 : WUP No. 20002588.012 - Kelly Farms)

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

2. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)
3. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
4. This specific permit is issued with the understanding that the Permittee shall implement Best Management Practices (BMPs), which will result in elimination of off-site discharge of lower quality irrigation water to the greatest extent practicable. This is required to avoid contribution by this permitted site to the water quality degradation within the Shell Creek and Prairie Creek watersheds, and to assist in improvement in water quality of the City of Punta Gorda's Shell Creek Reservoir.(322)
5. The District has determined that direct and indirect run-off of irrigation water into Shell Creek and Prairie Creek have contributed to water quality degradation in a Class I waterway that serves as a public supply source for an existing legal water user, the City of Punta Gorda. Degradation of the City's reservoir has occurred to such an extent that the concentration of several constituents has exceeded secondary drinking water standards in the past. To avoid further degradation of the reservoir and to improve water quality, such that it is consistent with Class I water quality standards, the Permittee shall continue to improve the management of irrigation water by reducing or eliminating off-site discharge of lower quality irrigation water. At the time of issuance of this permit the District is addressing off-site discharge and attempting to resolve the aforementioned adverse impacts through cooperative and collaborative measures with Permittees, changes in irrigation management practices, and other methods. If the effectiveness of these measures is determined to be insufficient to resolve these adverse impacts and irrigation management practices on this site appear to contribute to these continued impacts, the District may seek to modify this permit in accordance with applicable law.(327)
6. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop

protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)

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

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

8. The Permittee shall immediately implement the District-approved water conservation plan dated February 18, 2018, that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. (449)
9. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for annual crops for each permitted irrigation withdrawal point, District ID. No(s). 3, Permittee ID No(s). 3:

1. Crop type,
2. Irrigated acres,
3. Irrigation method (NTBWUCA only),
4. Dominant soil type per crop or the number of acres per crop on that dominant soil type, and
5. If used, quantities used for crop protection.

This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year. (474)

10. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for seasonal crops for each permitted irrigation withdrawal point, District ID. No(s). 3, 4, 7, and 9, Permittee ID No(s). 3, 4, 7, and 9:

1. Crop type
2. Irrigated acres per crop for the appropriate season,
3. Dominant soil type or acres by dominant soil type,
4. Irrigation method (NTBWUCA only),
5. Use or non-use of plastic mulch,
6. Planting dates, and
7. Season length.

This information shall be submitted by February 1 of each year documenting irrigation for the previous summer/fall seasonal crops, and by September 1 of each year documenting irrigation for the previous winter/spring crops. Strawberry irrigation information shall be submitted as a winter/spring crop. (476)

11. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit. (651)

12. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy,

which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)

13. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID No(s). 3, 4, 6, 7, 9, and 10, Permittee ID No(s). 3, 4, 6, 7, 9, and 10. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)

DRAFT

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

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

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

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

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

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

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

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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

Attachment: May18 WUP 20002588_012 Recap Permit (3765 : WUP No. 20002588.012 - Kelly Farms)

REGULATION COMMITTEE

May 22, 2018

Consent Agenda

WUP No. 20010420.010 - Peace River Water Treatment Plant Facility/Peace River/Manasota Regional Water Supply Authority, et al (DeSoto County)

This is a modification with renewal of an existing water use permit for public supply. The Peace River Manasota Regional Water Supply Authority (PRMRWSA) is a regional utility that relies exclusively on surface water withdrawals from the lower Peace River. This modification acknowledges the primary role of storage and flow-based withdrawals for this utility by removing artificial limits imposed by the previous annual average and peak month quantities in order to enable use of the Peace River Facility (PRF) to the greatest degree practicable to meet regional water supply needs consistent with the SWUCA Recovery Strategy. In addition, this modification authorizes an increase in the maximum daily withdrawal, from 120 MGD to 258 MGD, to enhance the capture of excess flows during the wet season and in support of planned facility expansion of both storage and treatment capacity. Withdrawals from the lower Peace River remain limited by the Minimum Flow established for the lower Peace River and the previously authorized block diversion schedule, which are unchanged at this time. There is no change in Use Type from the previous revision. This permit is located within the Southern Water Use Caution Area (SWUCA) and relies exclusively on an alternative water source (AWS). The renewal is issued with a permit duration of 50 years for this AWS facility as provided for by Florida Statute 373.236(5).

Special Conditions include those that require the Permittee to submit all required reports; to report monthly meter readings; to perform meter accuracy checks every five years; to cap withdrawals not in use; to comply with the Minimum Flow for the lower Peace River; to comply with the approved diversion schedule; to immediately implement the approved Peace River Hydrobiological Monitoring Plan 2018 Update with reports due each year by October 1; to provide annual reports regarding the Permittee's individual and regional efforts to cooperatively develop and manage water supplies on a regional basis as envisioned by the SWUCA Recovery Strategy; to collect monthly water quality samples and weekly water level data from aquifer storage & recovery (ASR) wells; to construct proposed ASR wells according to approved specifications; to submit the Public Supply Annual Report by June 1 each year; and to comply with the SWUCA Recovery Strategy.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

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

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 010420.010

PERMIT ISSUE DATE: May 22, 2018

EXPIRATION DATE: May 22, 2068

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

TYPE OF APPLICATION: Renewal

GRANTED TO: Peace River/Manasota Regional Water Supply Authority
9415 Town Center Parkway
Lakewood Ranch, FL 34202

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

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

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

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

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

PROJECT NAME: Peace River Water Treatment Plant Facility

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

COUNTY: DeSoto

| TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day) | |
|--|-----------------|
| ANNUAL AVERAGE | 80,000,000 gpd |
| MAXIMUM | 258,000,000 gpd |

*The actual quantities authorized under the permit are based on flows in the lower Peace River as described in Special Condition No. 4. The annual average quantity shown above reflects a projected increase in water treatment plant capacity.

ABSTRACT:

This is a modification with renewal of an existing water use permit for public supply. The Peace River Manasota Regional Water Supply Authority (PRMRWSA) is a regional utility that relies exclusively on surface water withdrawals from the lower Peace River. This modification acknowledges the primary role of storage and flow-based withdrawals for this utility by removing artificial limits imposed by the previous annual average and peak month quantities in order to enable use of the Peace River Facility (PRF) to the greatest degree practicable to meet regional water supply needs consistent with the SWUCA Recovery Strategy. In addition, this modification authorizes an increase in the maximum daily withdrawal, from 120 MGD to 258 MGD, to enhance the capture of excess flows during the wet season and in support of planned facility expansion of both storage and treatment capacity. Withdrawals from the lower Peace River remain limited by the Minimum Flow established for the lower Peace River and the previously authorized block diversion schedule, which are unchanged at this time. There is no change in Use Type from the previous revision. This permit is located within the Southern Water Use Caution Area (SWUCA) and relies exclusively on an alternative water source (AWS). The renewal is issued with a permit duration of 50 years for this AWS facility as provided for by Florida Statute 373.236(5).

Special Conditions include those that require the Permittee to submit all required reports; to report monthly meter readings; to perform meter accuracy checks every five years; to cap withdrawals not in use; to comply with the Minimum Flow for the lower Peace River; to comply with the approved diversion schedule; to immediately implement the approved Peace River Hydrobiological Monitoring Plan 2018 Update with reports due each year by October 1; to provide annual reports, by June 1 each year, regarding the Permittee's individual and regional efforts to cooperatively develop and manage water supplies on a regional basis as envisioned by the SWUCA Recovery Strategy; to collect monthly water quality samples and weekly water level data from aquifer storage & recovery (ASR) wells; to construct proposed ASR wells according to approved specifications; and to comply with the SWUCA Recovery Strategy.

WATER USE TABLE (in gpd)

| <u>USE</u> | <u>ANNUAL AVERAGE</u> | <u>MAXIMUM</u> |
|-------------------|----------------------------------|-----------------------|
| Public Supply | 80,000,000 | 258,000,000 |

USE TYPE

Regional Public Supply
System

PUBLIC SUPPLY:

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

WITHDRAWAL POINT QUANTITY TABLE

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

| I.D. NO. PERMITTEE/ DISTRICT | DIAM (in.) | DEPTH TTL./CSD.FT. (feet bls) | USE DESCRIPTION | AVERAGE (gpd) | PEAK MONTH (gpd) | CROP PROTECTION (gpd) |
|---|-----------------------|--|----------------------------|--------------------------|---------------------------------|--------------------------------------|
| 14 / 14 | 30 | N/A / N/A | Public Supply | 80,000,000 | N/A | 258,000,000 |
| S-1 / 20 | 8 | 920 / 570 | Aquifer Storage & Recovery | 398,000 | 462,300 | N/A |
| S-2 / 21 | 12 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-3R / 22 | 16 | 769 / 580 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-4 / 23 | 12 | 905 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-6 / 25 | 12 | 910 / 580 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-7 / 26 | 12 | 915 / 575 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-8 / 27 | 12 | 623 / 510 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-9R / 28 | 16 | 800 / 580 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-10 / 29 | 16 | 905 / 620 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-11 / 30 | 16 | 908 / 585 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-12 / 31 | 16 | 900 / 600 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-13 / 32 | 16 | 898 / 621 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-14 / 33 | 16 | 900 / 568 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-15 / 34 | 16 | 900 / 583 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| T-1 / 35 | 12 | 482 / 380 | Aquifer Storage & Recovery | 298,000 | 346,200 | N/A |
| S-5R / 36 | 16 | 955 / 650 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-16 / 37 | 16 | 902 / 583 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-17 / 38 | 16 | 883 / 579 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-18 / 39 | 16 | 900 / 592 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-19 / 40 | 16 | 900 / 585 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-20 / 41 | 16 | 898 / 566 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-21 / 42 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-22 / 43 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-23 / 44 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-24 / 45 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-25 / 46 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-26 / 47 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-27 / 48 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-28 / 49 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-29 / 57 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-30 / 58 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-31 / 59 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-32 / 60 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-33 / 61 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-34 / 62 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-35 / 63 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-36 / 64 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-37 / 65 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-38 / 66 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-39 / 67 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-40 / 68 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-41 / 69 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |

Attachment: May18 WUP 20010420_010 Recap Permit (3766 : WUP No. 20010420.010 - Peace River Water Treatment Plant Facility)

| | | | | | | |
|-----------|----|-----------|----------------------------|---------|---------|-----|
| S-42 / 70 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-43 / 71 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-44 / 72 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-45 / 73 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| S-46 / 74 | 16 | 900 / 570 | Aquifer Storage & Recovery | 711,200 | 828,700 | N/A |
| DJ-1 / 78 | 10 | 590 / 108 | Public Supply | 77,500 | 504,000 | N/A |
| Standby | | | | | | |
| DJ-3 / 80 | 8 | 570 / 70 | Public Supply | 77,500 | 504,000 | N/A |
| Standby | | | | | | |

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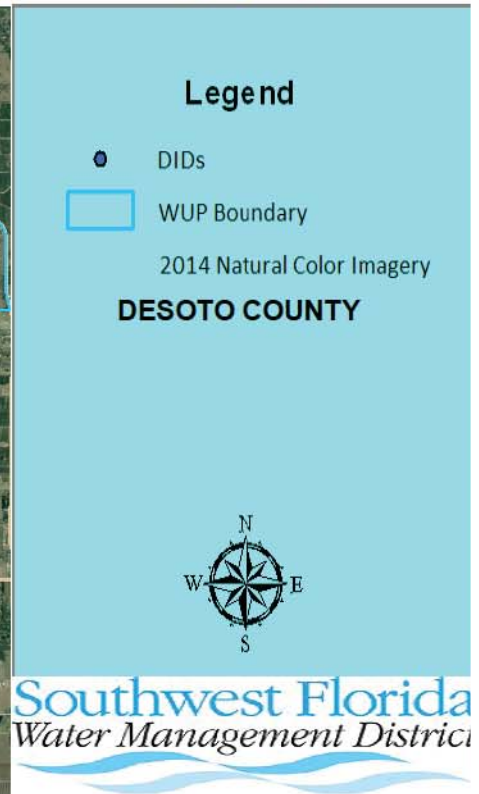
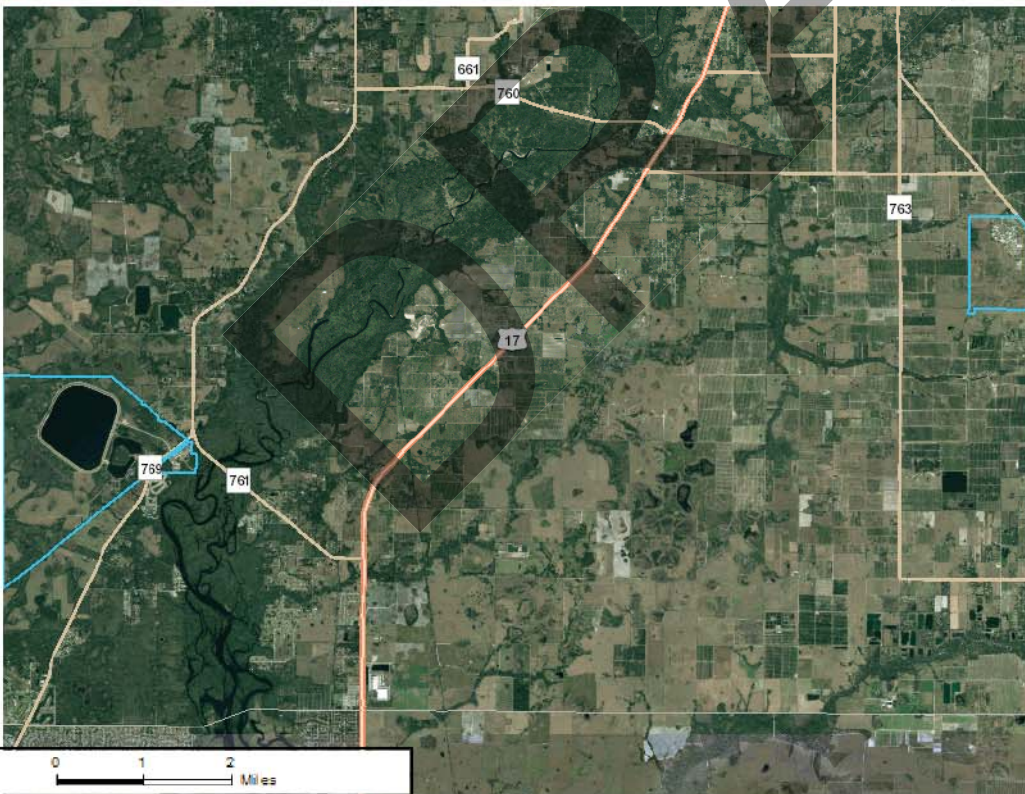
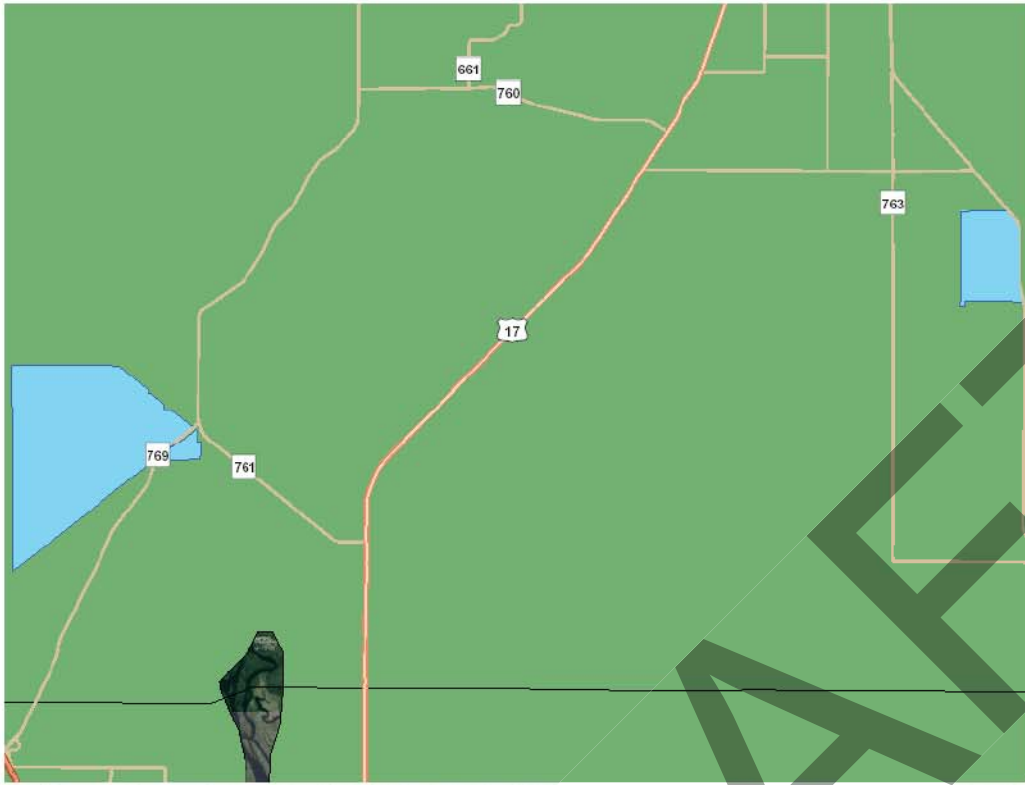
WITHDRAWAL POINT LOCATION TABLE**DISTRICT I.D. NO.****LATITUDE/LONGITUDE**

| | |
|----|-------------------------------|
| 14 | 27° 05' 12.45"/81° 59' 57.95" |
| 20 | 27° 05' 29.27"/82° 00' 07.96" |
| 21 | 27° 05' 29.20"/82° 00' 09.32" |
| 22 | 27° 05' 22.56"/82° 00' 08.23" |
| 23 | 27° 05' 05.44"/82° 01' 10.05" |
| 25 | 27° 05' 15.75"/82° 00' 28.10" |
| 26 | 27° 05' 12.10"/82° 00' 26.81" |
| 27 | 27° 05' 12.94"/82° 00' 38.42" |
| 28 | 27° 05' 16.05"/82° 00' 17.92" |
| 29 | 27° 04' 57.68"/82° 01' 06.56" |
| 30 | 27° 05' 00.30"/82° 01' 06.68" |
| 31 | 27° 04' 57.58"/82° 01' 09.77" |
| 32 | 27° 05' 00.09"/82° 01' 10.03" |
| 33 | 27° 04' 57.18"/82° 01' 13.12" |
| 34 | 27° 04' 59.77"/82° 01' 13.33" |
| 35 | 27° 05' 28.50"/82° 00' 09.30" |
| 36 | 27° 05' 22.49"/82° 00' 18.12" |
| 37 | 27° 05' 03.01"/82° 01' 06.60" |
| 38 | 27° 05' 06.04"/82° 01' 06.28" |
| 39 | 27° 05' 03.12"/82° 01' 09.73" |
| 40 | 27° 05' 02.91"/82° 01' 13.38" |
| 41 | 27° 05' 06.28"/82° 01' 13.50" |
| 42 | 27° 05' 15.14"/82° 02' 02.11" |
| 43 | 27° 05' 11.53"/82° 01' 51.25" |
| 44 | 27° 05' 11.79"/82° 02' 13.61" |
| 45 | 27° 05' 05.88"/82° 02' 03.06" |
| 46 | 27° 05' 00.85"/82° 01' 51.16" |
| 47 | 27° 04' 58.44"/82° 02' 02.94" |
| 48 | 27° 04' 50.88"/82° 01' 52.27" |
| 49 | 27° 04' 40.72"/82° 01' 51.75" |
| 57 | 27° 04' 36.96"/82° 01' 45.36" |
| 58 | 27° 04' 33.17"/82° 01' 35.30" |
| 59 | 27° 04' 26.68"/82° 01' 44.88" |
| 60 | 27° 04' 27.82"/82° 01' 50.57" |
| 61 | 27° 04' 33.30"/82° 01' 58.70" |
| 62 | 27° 04' 38.14"/82° 02' 06.80" |
| 63 | 27° 04' 42.88"/82° 02' 15.54" |
| 64 | 27° 04' 48.47"/82° 02' 16.76" |
| 65 | 27° 04' 52.20"/82° 02' 24.73" |
| 66 | 27° 05' 05.44"/82° 02' 36.38" |
| 67 | 27° 05' 24.55"/82° 02' 36.34" |

| | |
|----|-------------------------------|
| 68 | 27° 05' 15.87"/82° 02' 40.60" |
| 69 | 27° 04' 55.99"/82° 02' 39.77" |
| 70 | 27° 04' 50.51"/82° 02' 35.83" |
| 71 | 27° 04' 42.69"/82° 02' 26.75" |
| 72 | 27° 04' 33.68"/82° 02' 16.61" |
| 73 | 27° 04' 31.33"/82° 02' 06.78" |
| 74 | 27° 04' 22.54"/82° 02' 05.68" |
| 78 | 27° 08' 14.83"/81° 48' 13.24" |
| 80 | 27° 08' 12.54"/81° 48' 11.76" |

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Location Map
Peace River/Manasota Regional Water Supply Authority
WUP No. 20 010420.010



Attachment: May18 WUP 20010420_010 Recap Permit (3766 : WUP No. 20010420.010 - Peace River Water Treatment Plant Facility)

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

2. The annual average and peak month quantities for District ID Nos. 20 through 74, Permittee ID Nos. S-1 through S-46 (ASR Wellfields 1 and 2), shown in the withdrawal point quantity table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit. In all cases, the total annual average and peak month withdrawal from the ASR wellfields is limited to 32,700,000 gpd and 38,100,000 gpd, respectively.(221)
3. The Permittee shall construct the proposed wells according to the surface diameter, casing depth, and total depth specifications listed below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between different water bearing zones. The surface diameter and total depth specified are those proposed by the Permittee in the application process. However, it is the Permittee's responsibility to have the water in the well sampled during well construction before reaching the estimated minimum total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water intrusion. All depths given are in feet below land surface.(235)

District ID Nos. 42 through 49 and 57 through 74, Permittee ID Nos. S-21 through S-46, having a surface diameter of 16 inches, with a minimum casing depth of 570 feet, drilled to a minimum total depth of 900 feet.

4. The quantities withdrawn from the Peace River are limited by the adopted Minimum Flow; the diversion schedule described below; and the Maximum Daily quantity of 258 MGD.

Surface water withdrawals at DID No. 14 will be based on the previous day's combined average flow as measured in cubic feet per second (cfs) for the Peace River at the Arcadia Station, Joshua Creek at Nocatee, and Horse Creek near Arcadia:

Less than 130 cfs:

No diversion may occur (all blocks)

At least 130 cfs:

The amount of diversion shall not exceed 16% of the previous day's combined average flow (all blocks). In no case shall the diversion exceed the difference between 130 cfs and the previous day's combined flow.

At least 625 cfs:

Blocks 2 and 3 only (June 26 through April 19) – The amount of diversion shall not exceed 28% of the previous day's combined average flow. In no case shall the diversion exceed 400 cfs.(358)

5. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500,FAC.(568)
6. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)
7. By June 1 of each year the Permittee shall provide an Annual Report for the preceding Water Year (i.e. October 1 through September 30) regarding regional water supply conditions, planning and development for new supplies and interconnections, resource management, Alternative Water Supply (AWS), water conservation and demand management efforts within the Authority's four-county region, including those of the Authority, its member governments, customers, and water supply partners with whom water is shared. The Annual Report shall include an update on the following items for the preceding Water Year:
- Hydrologic conditions in the Authority's four-county service area including a summary of rainfall and flow in the Peace River at Arcadia, Horse Creek near Arcadia and Joshua Creek near Nocatee.
 - An annual summary of Authority withdrawals from the Peace River, reservoir and ASR storage, water treated and water delivered from the Peace River Facility.
 - An annual summary of regional and individual member, customer, and partner water supply demands, the sources and the quantities derived therefrom.
 - Projected regional water demands for the next 20 years and anticipated new supply capacity/source development schedule to reliably meet those projected demands.
 - The status of current water supply facilities, and of new supply/capacity and transmission system facilities in the planning, design or construction stage.
 - Schedule and status for updates to the Authority's Regional Water Supply Plan including an electronic copy of the latest Regional Water Supply Plan (unless provided with a previous annual report).
 - Regional efforts to coordinate, collaborate, and implement resource management measures that support the SWFWMD's SWUCA Recovery Strategy.
 - Status and update on resource management and Alternative Water Supply (AWS) development efforts in the region directly relating to beneficial reuse of reclaimed water, harvest and reuse of storm water, and other AWS sources
 - Status and update on water conservation and demand management efforts by Authority members, customers and partners including but not limited to meeting District per-capita water use targets for the SWUCA. Any updates to the respective Water Conservation Plans of members, customers, and partners shall also be provided (unless previously provided).(660)

8. Flow in the Peace River shall be read at the Arcadia Station, USGS gage 02296750 (District ID No. 16); Horse Creek near Arcadia, USGS gage 02297310 (District ID No. 75), and Joshua Creek at Nocatee, USGS gage 02297100 (District ID No. 76). The combined flow of the three gages will be reported as District ID No. 77. Flow shall be read on a daily basis and reported to the Water Use Permit Bureau (using District approved forms) on or before the tenth (10th) day of the following month. The recordings shall include daily average water flow in million gallons per day (MGD) and cubic feet per second (cfs).(667)
9. The Permittee shall immediately implement the Peace River Hydrobiological Monitoring Program 2018 Update (HBMP) dated January 2018 which is attached to and made part of this permit (Exhibit C). An Annual Data Report including raw data and satellite imagery will be submitted to the Water Use Permit Bureau Chief by October 1 each year for the preceding calendar year. Every fifth year, instead of the Annual Data Report, a comprehensive 5-Year Summary Report compiling the results, analysis, and conclusions of the HBMP for the five calendar years preceding will be submitted by October 1. The next comprehensive 5-Year Summary Report shall be submitted by October 1, 2022. Adaptive management changes to the HBMP, if any, shall generally be proposed within the 5-year reports.(676)
10. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID Nos. 42 through 49, and 57 through 74, Permittee ID Nos. S-21 through S-46. Monthly pumpage reporting, as well as meter accuracy checks every five years, shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)
11. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief:
- District ID No. 14, Permittee ID No. 14 (river intake to reservoir)
 District ID No. 15, Permittee ID No. RESV (raw water from reservoir to plant)
 District ID No. 17, Permittee ID No. PR WTP (river intake directly to plant)
 District ID No. 18, Permittee ID No. PR DIS (finished water from plant minus ASR recharge)
- Monthly pumpage reporting, as well as meter accuracy checks every five years, shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)
12. The following existing standby withdrawal facilities (those that provide back-up water for another withdrawal point in the event the other withdrawal point becomes unusable) shall continue to be metered: District ID Nos. 78 and 80, Permittee ID Nos. DJ-1 and DJ-3. Monthly meter reading and reporting, as well as meter accuracy checks every five years, shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(722)
13. During aquifer recharge and recovery operations, water quality samples from the withdrawal points listed below shall be collected after pumping the withdrawal point at its normal rate to a constant temperature, pH, and conductivity. Recharge water quality shall be reported as the finished water from the water treatment plant (DID 18). Water quality samples during recovery shall be collected at the sample tap for each ASR well. The frequency of sampling per water quality parameter is listed in the table according to the withdrawal point. The recording and reporting shall continue according to the schedule established below for existing wells, and shall begin within 90 days of completion of any proposed wells. Samples shall be collected whether or not the well is being used unless infeasible. If sampling is infeasible, the Permittee shall indicate the reason for not sampling on the water quality data form or in the space for comments in the WUP Portal for data submissions. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.(752)

Recharge (Finished Water from Plant):

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

Recovery:

Existing District ID Nos. 20 through 23, and 25 through 41, Permittee ID Nos. S-1 through S-15, T-1, S-5R, and S-16 through S-20, for TDS, sulfates, conductivity, chlorides and pH, on a monthly basis

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

Monitor Wells:

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

Existing District ID No. 50, Permittee ID No. I-1E, for chlorides, on a monthly basis

14. Background water quality samples shall be collected during construction of the proposed ASR wells. The samples shall be collected at intervals of 50 feet or less, from 600 feet below land surface to the bottom of the well, or as may otherwise be specified in the well construction permit in accordance with regulatory requirements in effect at that time. The Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. The results of the sampling program shall be due within 30 days of the completion of the well. For sampling, analysis and submittal requirements, see Exhibit B, attached to and made part of this permit.(753)

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

15. The Permittee shall continue to record and submit water levels for the following wells and report them to the District at the frequency listed. To the maximum extent possible, water levels shall be recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate to the frequency required. The readings shall be reported online via the WUP Portal at the District website or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau, on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource. The Permittee shall have the elevation of the measuring point on each well listed surveyed to NAVD 1988, and a copy of the certified survey report for the wells listed shall be included with the first data submittal.(758)

Existing District ID Nos. 20 through 23, 25 through 41, and 50, Permittee ID Nos. S-1 through S-15, T-1, S-5R, S-16 through S-20, and I-1E on a weekly basis

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

Proposed District ID Nos. 42 through 49, and 57 through 74, Permittee ID Nos. S-21 through S-46 on a weekly basis.

16. Total quantities and cumulative volumes of water stored and recovered for each ASR well shall be recorded and reported on a monthly basis. Pumpage reporting, as well as meter accuracy checks every five years, shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(830)

Existing District ID Nos. 20 through 22, 25 through 28, 35 and 36, Permittee ID Nos. S-1, S-2, S-3R, S-6 through S-8, S-9R, T-1 and S-5R (ASR Wellfield No. 1)

Existing District ID Nos. 23, 29 through 34, and 37 through 41, Permittee ID Nos. S-4, S-10 through S-19, and S-29 (ASR Wellfield No. 2).

Proposed District ID Nos. 42 through 49, and 57 through 74, Permittee ID Nos. S-21 through S-46.

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

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

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

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

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

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

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

WATER QUALITY INSTRUCTIONS

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

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

Frequency

Weekly
Quarterly
Semi-annually
Monthly

Timetable

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

WELL CONSTRUCTION INSTRUCTIONS

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

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

ANNUAL REPORT SUBMITTAL INSTRUCTIONS

The "Public Supply Water Use Annual Report Form" (Form No. LEG-R.023.00 (01/09)), is designed to assist the Permittee with the annual report requirements, but the final authority for what must be included in the Water Use Annual Report is in this condition and in these instructions. Two identical copies of the "Public Supply Water Use Annual Report Form" and two identical copies of all required supporting documentation shall be included if submitted in hard copy. "Identical copy" in this instance means that if the original is in color, then all copies shall also be printed in color. If submitted electronically, only one submittal is required; however, any part of the document that is in color shall be scanned in color.

1. **Per Capita Use Rate** - A per capita rate for the previous calendar year will be progressively calculated until a rate of 150 gpd per person or less is determined whether it is the unadjusted per capita, adjusted per capita, or compliance per capita. The calculations shall be performed as shown in Part A of the Form. The Permittee shall refer to and use the definitions and instructions for all components as provided on the Form and in the Water Use Permit Applicant's Handbook Part B. Permittees that have interconnected service areas and receive an annual average quantity of 100,000 gpd or more from another permittee are to include these quantities as imported quantities. Permittees in the Southern Water Use Caution Area (SWUCA) or the Northern Tampa Bay Water Use Caution Area (NTBWUCA), as it existed prior to October 1, 2007, shall achieve a per capita of 150 gpd or less, and those in these areas that cannot achieve a compliance per capita rate of 150 gpd or less shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance. Permittees not in a Water Use Caution Area that cannot achieve a compliance per capita rate of 150 gpd or less by December 31, 2019 shall submit this same report in the Annual Report due April 1, 2020.
2. **Residential Use** - Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:
 - A. Number of dwelling units per category,
 - B. Number of domestic metered connections per category,
 - C. Number of metered irrigation connections,
 - D. Annual average quantities in gallons per day provided to each category, and
 - E. Percentage of the total residential water use provided apportioned to each category.
3. **Non-Residential Use** - Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1 through 6 below, the number of metered connections shall be provided. These non-residential use categories are:
 - A. Industrial/commercial uses, including associated lawn and landscape irrigation use,

- B. Agricultural uses (e.g., irrigation of a nursery),
 - C. Recreation/Aesthetic, for example irrigation (excluding golf courses) of Common Areas, stadiums and school yards,
 - D. Golf course irrigation,
 - E. Fire fighting, system testing and other accounted uses,-
 - F. K-through-12 schools that do not serve any of the service area population, and
 - G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.
4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:
- A. Evaluation of:
 - 1) leakage associated with transmission and distribution mains,
 - 2) overflow and leakage from storage tanks,
 - 3) leakage near service connections,
 - 4) illegal connections,
 - 5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
 - 6) fire suppression,
 - 7) un-metered system testing,
 - 8) under-registration of meters, and
 - 9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C above, and
 - B. A schedule for a remedial action-plan to reduce the water losses to below 10%.
5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:
- A. Description of the type of Alternative Water Supply provided,
 - B. County where service is provided,
 - C. Customer name and contact information,
 - D. Customer's Water Use Permit number (if any),
 - E. Customer's meter location latitude and longitude,
 - F. Meter ownership information,
 - G. General customer use category,
 - H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
 - I. Customer cost per 1,000 gallons or flat rate information,
 - J. Delivery mode (e.g., pressurized or non-pressurized),
 - K. Interruptible Service Agreement (Y/N),
 - L. Month/year service began, and
 - M. Totals of monthly quantities supplied.
6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment plant, the Permittee shall submit information on reclaimed water supplied as follows:
- A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the "SWFWMD Annual Reclaimed Water Supplier Report" in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The "SWFWMD Annual Reclaimed Water Supplier Report" is described in Section 3.1 of Chapter 3, under the subheading "Reclaimed Water Supplier Report" and is described in detail in the Water Use Permit Applicant's Handbook Part B.
 - B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:
 - 1) Bulk customer information:
 - a) Name, address, telephone number,

- b) WUP number (if any),
 - c) General use category (residential, commercial, recreational, agricultural irrigation, mining),
 - d) Month/year first served,
 - e) Line size,
 - f) Meter information, including the ownership and latitude and longitude location,
 - g) Delivery mode (pressurized, non-pressurized).
- 2) Monthly flow in gallons per bulk customer.
 - 3) Total gallons per day (gpd) provided for metered residential irrigation.
 - 4) Disposal information:
 - a) Site name and location (latitude and longitude or as a reference to the service area map),
 - b) Contact name and telephone,
 - c) Disposal method, and
 - d) Annual average gpd disposed.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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

Peace River Hydrobiological Monitoring Program 2018 Update

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



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



January 2018

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1.0 INTRODUCTION

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

1.1 DOCUMENT ORGANIZATION

This document is organized as follows:

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

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

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

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

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

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

1.2 HBMP BACKGROUND

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

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

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

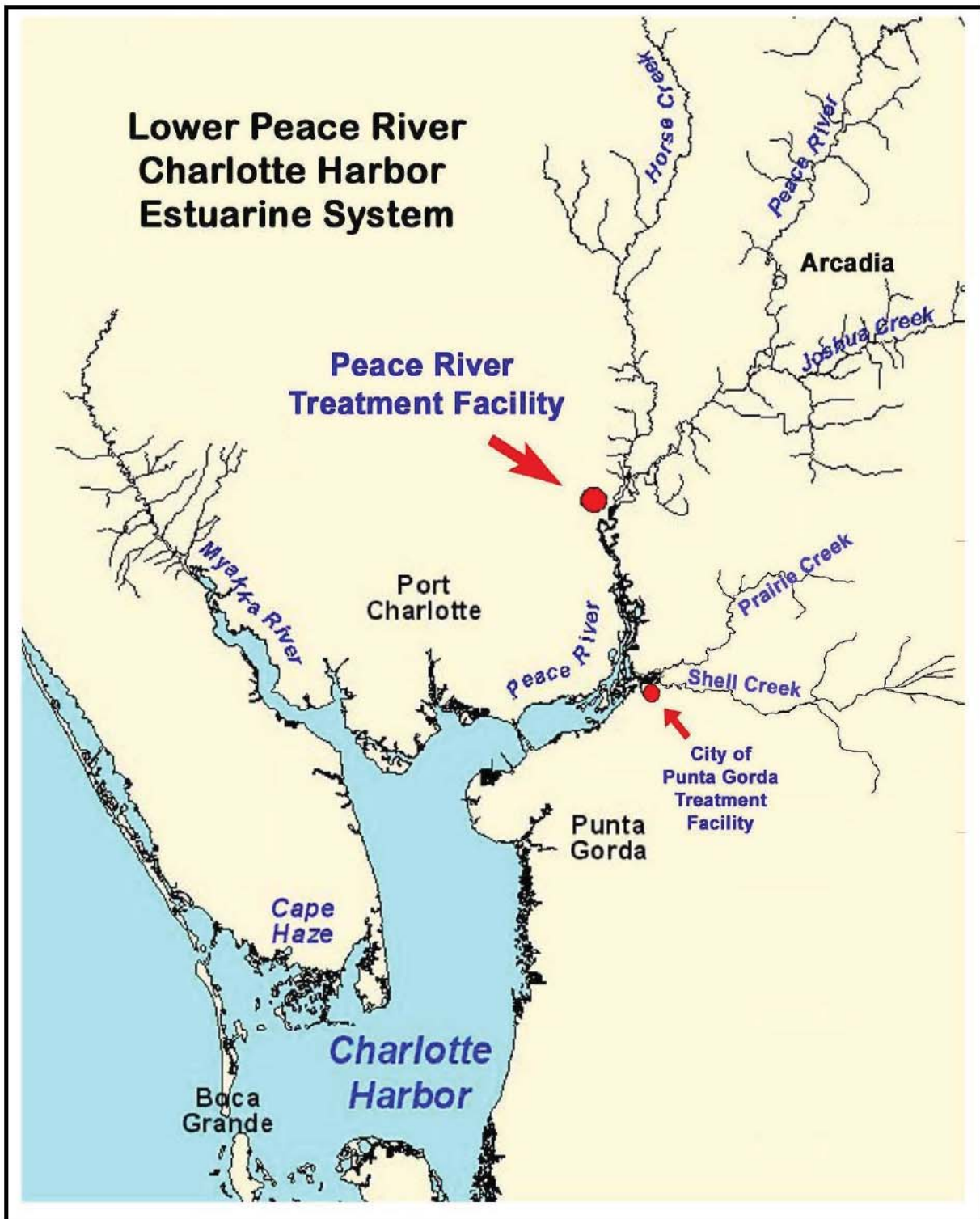


Figure 1.1 HMBP Study Area

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

Note: The station locations used in this table refer to the historically used numerical identifications, since not all of the sites in the lower/upper harbor were sampled along the current river kilometer centerline. Table 4.3 provides conversions to the currently used centerline identification system for stations 9 through 25.
 ↓ Includes *in situ* water column profile and surface water chemistry
 ↓↓ Includes both *in situ* water column profile, and top and bottom water chemistry

| Table 1.1 Historic time lines for both ongoing and previous major HBMP study elements | | | | | | | | | | | | | | | | | | | | | | | |
|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--|
| | 96 | 97 | 98 | 99 | 00 | 01 | 02 | 03 | 04 | 05 | 06 | 07 | 08 | 09 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | |
| Indicator Benthic Species | | | | | | | | | | | | | | | | | | | | | | | |
| Sea Star | | | | | | | | | | | | | | | | | | | | | | | |
| Upper Harbor Juvenile Fishes | | | | | | | | | | | | | | | | | | | | | | | |
| Vegetation - Aerial Photography | | | | | | | | | | | | | | | | | | | | | | | |
| Vegetation - First and Last | | | | | | | | | | | | | | | | | | | | | | | |
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| Isohaline Phytoplankton Primary Production | | | | | | | | | | | | | | | | | | | | | | | |
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| Zooplankton (Isohalines) | | | | | | | | | | | | | | | | | | | | | | | |
| Water Quality 12, 20 ppt Isohalines (0, 6, | | | | | | | | | | | | | | | | | | | | | | | |
| Water Quality Lower /Middle Harbor | | | | | | | | | | | | | | | | | | | | | | | |
| Stations 1, 3, 5, 6 | | | | | | | | | | | | | | | | | | | | | | | |
| Stations 2, 4, 7 | | | | | | | | | | | | | | | | | | | | | | | |
| Water Quality Upper Harbor | | | | | | | | | | | | | | | | | | | | | | | |
| Stations 9 | | | | | | | | | | | | | | | | | | | | | | | |
| Water Quality Lower River | | | | | | | | | | | | | | | | | | | | | | | |
| Stations 10, 12, 14, 18 | | | | | | | | | | | | | | | | | | | | | | | |
| Stations 16, 20 | | | | | | | | | | | | | | | | | | | | | | | |
| Stations 11, 13, 15, 17, 19 | | | | | | | | | | | | | | | | | | | | | | | |
| Stations 21, 22, 23, 24, 25 | | | | | | | | | | | | | | | | | | | | | | | |
| Continuous Recorders | | | | | | | | | | | | | | | | | | | | | | | |
| Benthic Invertebrates & Mollusc | | | | | | | | | | | | | | | | | | | | | | | |
| Larval Fish/Plankton | | | | | | | | | | | | | | | | | | | | | | | |

Note: The station locations used in this table refer to the historically used numerical identifications, since not all of the sites in the lower/upper harbor were sampled along the current river kilometer centerline. Table 4.3 provides conversions to the currently used centerline identification system for stations 9 through 25.
 Includes *in situ* water column profile and surface water chemistry
 Includes both *in situ* water column profile, and top and bottom water chemistry

1.3 HBMP GOALS AND OBJECTIVES

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

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

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

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

Current monitoring elements are detailed in Chapter 4.

2.0 HBMP REGULATORY CONTEXT

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

2.1 WATER USE PERMIT REQUIREMENTS

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

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

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

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

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

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

2.2 DISTRICT MINIMUM FLOWS AND LEVELS (MFLs)

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

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

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

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

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

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

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

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

3.0 RESOURCE MANAGEMENT GOALS

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

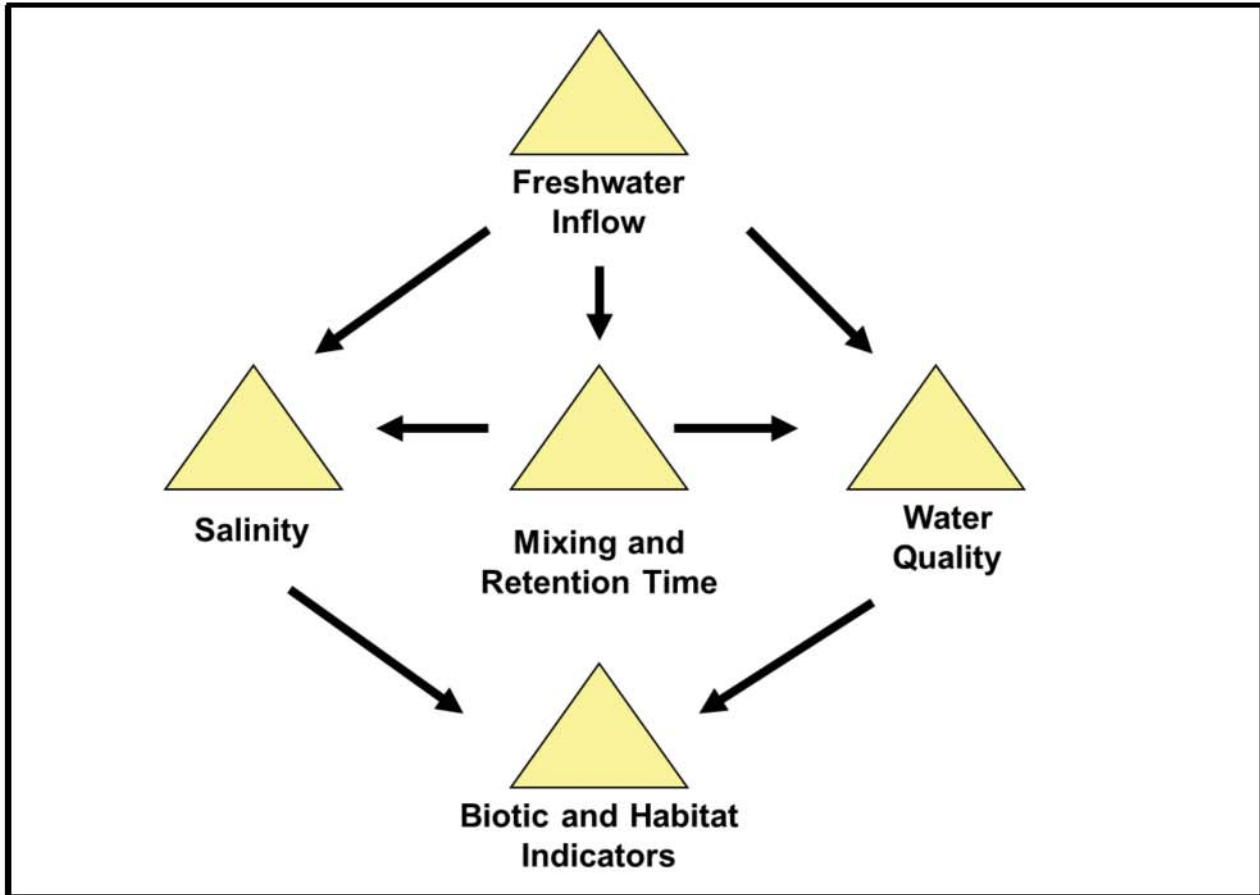


Figure 3.1 Basic conceptual model of potential impact mechanisms of surface water withdrawals

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

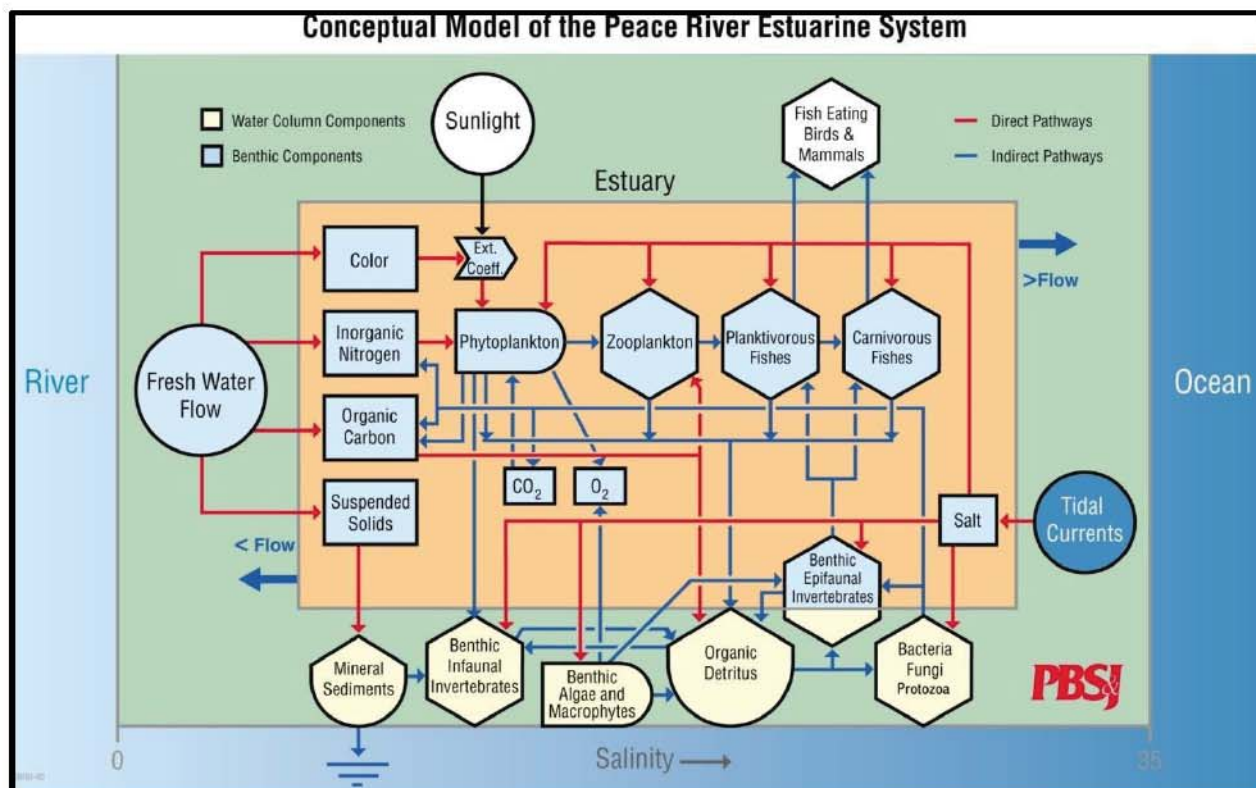


Figure 3.2 HBMP conceptual model of primary impact mechanisms of facility surface water withdrawals

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

3.1 HBMP MONITORING OBJECTIVES

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

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

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

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

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

3.2 HBMP DESIGN CRITERIA

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

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

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

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

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

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

4.0 MONITORING ELEMENTS OF THE PEACE RIVER HBMP

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

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

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

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

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

4.1 PHYSICAL MONITORING

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

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

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

4.2 WATER CHEMISTRY AND WATER COLUMN PHYSICAL PROFILES

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

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

4.2.1 Moving Isohaline-Based Sampling

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

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

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

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

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

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

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

4.2.2 Fixed-Station Sampling

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

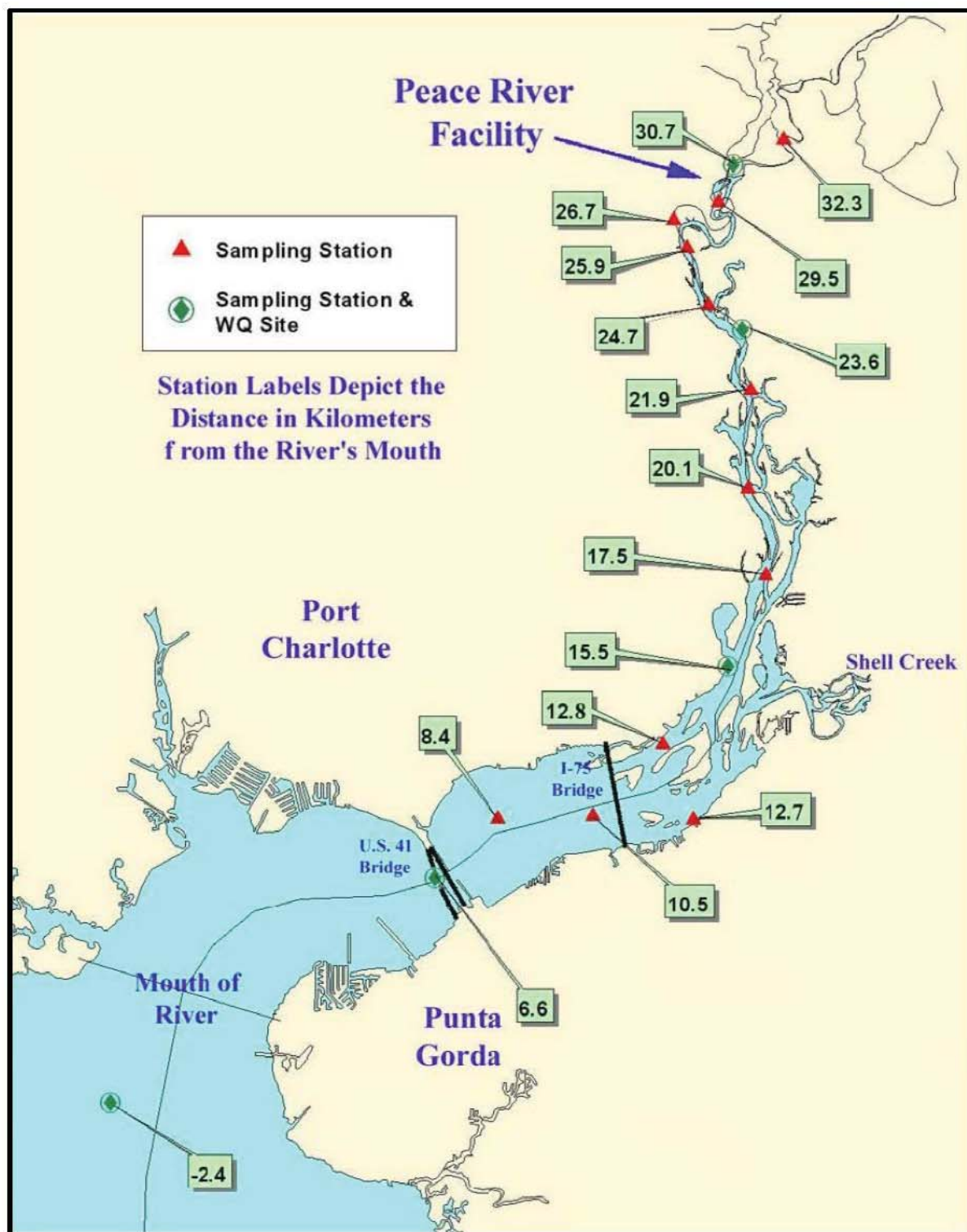


Figure 4.1 Fixed Station Locations

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

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

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

4.3 CONTINUOUS RECORDERS (USGS AND AUTHORITY)

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

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

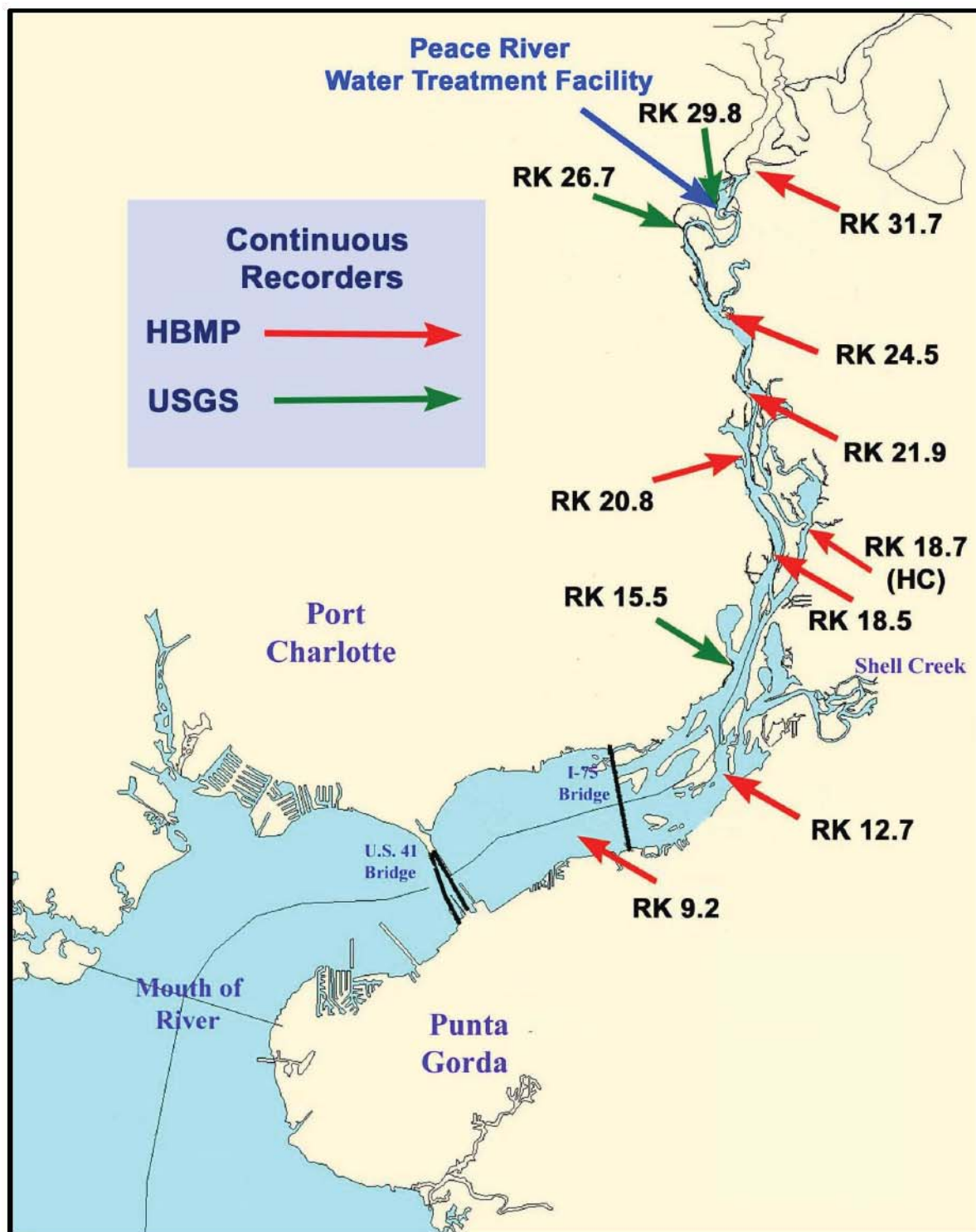


Figure 4.2 Current locations of USGS and Authority (HBMP) continuous recorders

| Table 4.3 HBMP continuous recorder locations | | | | | | | |
|--|--------------------|-------------------|------------|------------------|------------------|-------------------|-------------------|
| Station ID | Agency | Structure Type | Year Began | Latitude Degrees | Latitude Minutes | Longitude Degrees | Longitude Minutes |
| RK 9.2 | Authority | Navigation Marker | 2011 | 26 | 57.182 | 82 | 2.127 |
| RK 12.7 | Authority | Manatee Sign | 2011 | 26 | 57.708 | 81 | 59.961 |
| RK 15.5 | USGS (02297460) | Dock | 1996 | 26 | 59.233 | 81 | 59.667 |
| RK 18.5 | Authority | Navigation Marker | 2011 | 27 | 0.831 | 81 | 58.998 |
| HC 18.7 (Hunter Creek) | Authority | Manatee Sign | 2011 | 27 | 0.904 | 81 | 58.629 |
| RK 20.8 | Authority | Navigation Marker | 2011 | 27 | 1.968 | 81 | 59.488 |
| RK 21.9 | Authority | Manatee Sign | 2005 | 27 | 2.581 | 81 | 59.357 |
| RK 24.5 | Authority | Manatee Sign | 2005 | 27 | 3.648 | 81 | 59.959 |
| RK 26.7 | USGS (02297350) | Dock | 1997 | 27 | 4.633 | 82 | 0.450 |
| RK 29.8 | USGS (02297345) | Facility Intake | 2009 | 27 | 5.200 | 81 | 59.967 |
| RK 31.7 | Authority | Railroad Bridge | 2008 | 27 | 5.374 | 81 | 58.840 |

4.4 REPORTING

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

Annual Data Reports

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

Comprehensive Summary Reports

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

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

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

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

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

5.0 MANAGEMENT RESPONSE PLAN

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

5.1 RATIONALE FOR DEFINING SIGNIFICANT ENVIRONMENTAL CHANGE

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

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

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

Significant Environmental Change

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

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

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

5.2 SALINITY AS THE PRIMARY INDICATOR

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

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

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

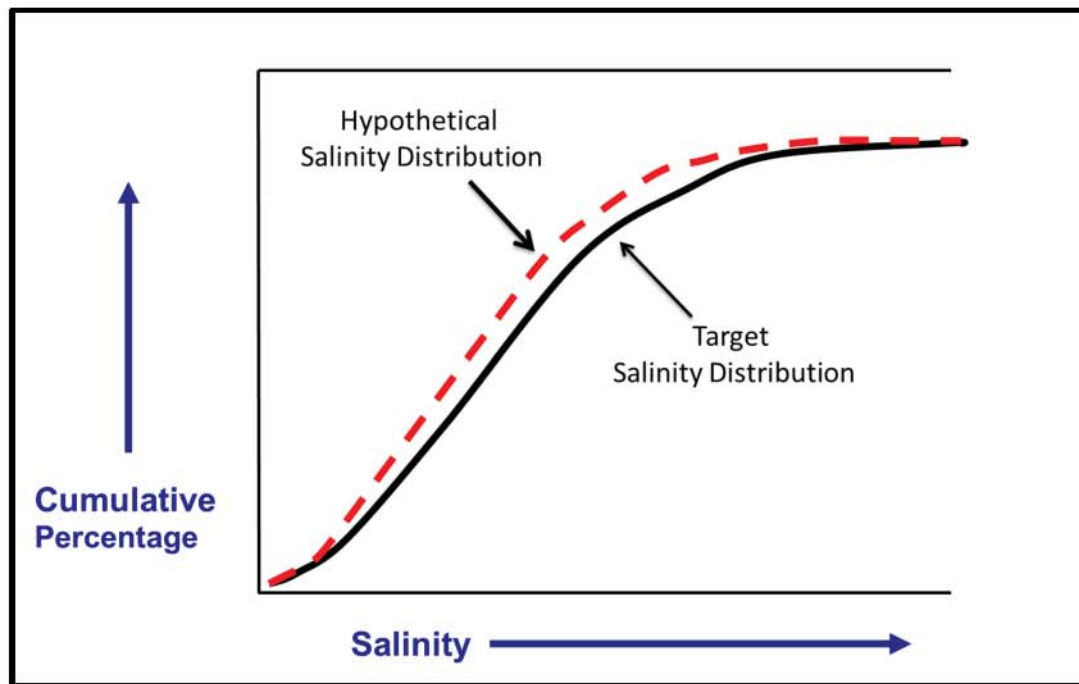


Figure 5.1 Conceptual illustration of a salinity target range (solid black line) relative to a hypothetical salinity distribution (dashed red line)

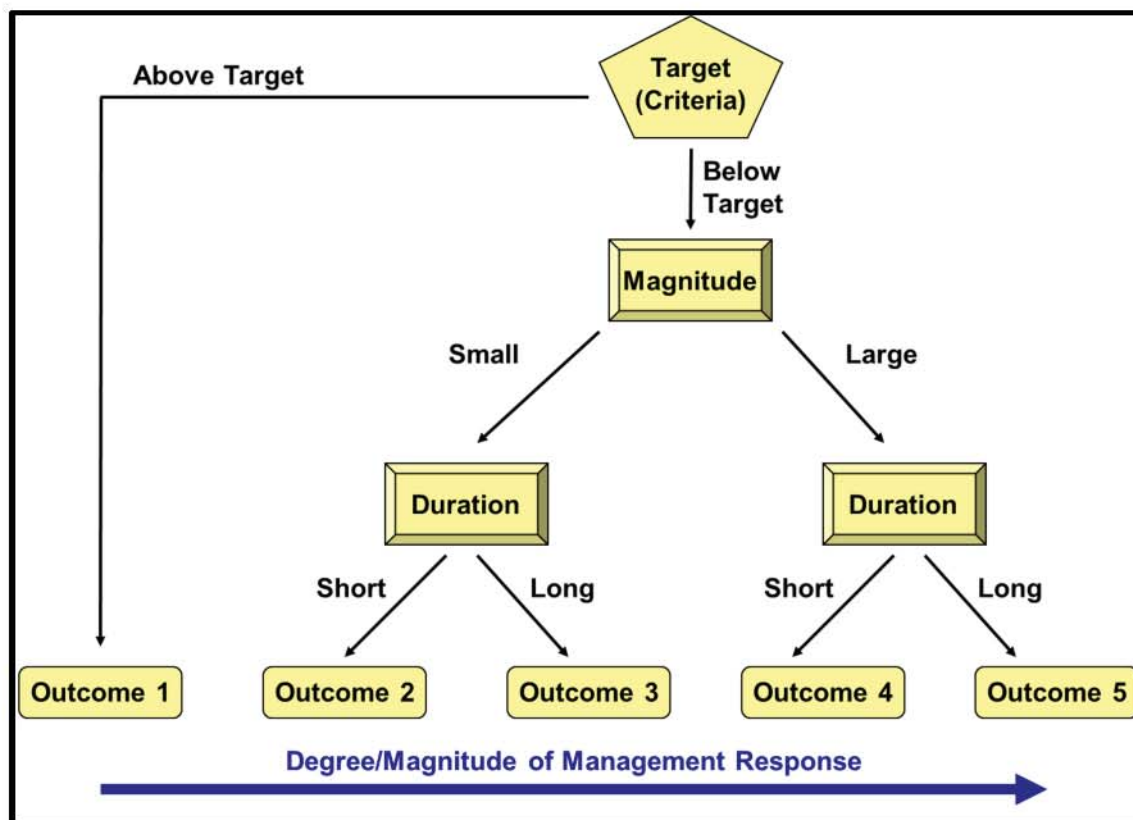


Figure 5.2 Conceptual design tree for evaluating change

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

5.3 MANAGEMENT ACTIONS

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

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

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

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

5.4 DEGREE OF CERTAINTY

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

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

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

6.0 HBMP SPECIAL STUDIES

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

6.1 IN SITU CHLOROPHYLL TRANSECT MONITORING

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

6.2 RIPARIAN VEGETATION

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

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

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

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

GENERAL COUNSEL'S REPORT

May 22, 2018

Consent Agenda

Approval of Consent Order-Unauthorized Construction-Antonio A. Santos, Jr. and Maria A. Santos-Pasco County

On February 16, 2005, the District issued Consolidated Environmental Resource Permit (ERP) No. 44027144.000 ("Permit") to Ski Lakes, LLG for the construction of a surface water management system to serve the Lake Thomas Pointe subdivision ("Project"). The Project is located adjacent to Lake Thomas, which is a sovereign and submerged land. On September 23, 2015, the Permit was transferred to Lake Thomas Point Estates Property Owner's Association, Inc. ("POA"). Antonio A. Santos, Jr. and Maria A. Santos ("Owners") own Lot 15 ("Property") within the Project.

Specific Condition No. 19 of the Permit provided that any dock constructed would require a permit from the District, unless expressly exempted by law or District Rule. On December 12, 2012, March 20, 2014, June 6, 2014, July 17, 2014, and March 27, 2015, District staff visited the Project and observed several deviations from the permitted plans for the Project, including an unpermitted dock on the Property. By letters dated February 13, 2015 and April 9, 2015, the District notified the POA of the deviations and requested that the POA take corrective action, including notifying the Owners of the unpermitted dock and requesting that they obtain either an ERP or an exemption for the dock. The Owners did not obtain an ERP and did not obtain an exemption for the dock.

On March 7, 2018, the District sent the Owners a Notice of Violation and proposed Consent Order. The Consent Order includes a penalty in the amount of \$500.00 and requires that the Owners either obtain an ERP and proprietary authorization or an exemption for the dock within sixty (60) days of approval of the Consent Order by the Governing Board. On April 19, 2018 the Owners signed the Consent Order.

Staff Recommendation:

Approve the Consent Order and authorize the initiation of litigation against Antonio A. Santos, Jr. and Maria A. Santos and any other necessary parties to obtain compliance with the terms of the Consent Order, recover an administrative fine, civil penalty, and recover District enforcement costs, litigation costs and attorneys' fees, if it becomes necessary.

Presenter: Vivian Arenas-Battles, Assistant General Counsel

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 18-

IN RE: ANTONIO A. SANTOS, JR.
MARIA ABRIGO SANTOS
PASCO COUNTY, FLORIDA
CT NOS. 376305 AND 377036

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes ("F.S."), this Consent Order is entered into between the Southwest Florida Water Management District ("District") and Antonio A. Santos, Jr. and Maria Abrigo Santos ("Owners") 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 Chapters 40D-40 and 62-330, Florida Administrative Code ("F.A.C.).

2. Owners own property located at 5516 Beamin Dew Loop, Land O'Lakes, Florida (referred to as the "Property" or "Lot 15"), within the Lake Thomas Pointe subdivision. The Property is improved with a house, a boat dock, and other accessory improvements. The Property is located adjacent to Lake Thomas, which is a sovereign and submerged land.

3. On February 16, 2005, the District issued Consolidated Environmental Resource Permit ("ERP") and Sovereign Submerged Land Authorization No. 44027144.000 ("Permit") to Ski Lakes, LLG for the construction of a surface water

management system to serve a 29.42-acre residential subdivision, known as Lake Thomas Pointe ("Project"). The Project consisted of 47 single family lots, including Lot 15, but the Permit did not authorize the construction of any docks within the Project. On September 23, 2015, the Permit was transferred to Lake Thomas Pointe Estates Property Owner's Association, Inc. ("POA").

4. Specific Condition No. 19 of the Permit provided that "[a]ny future dock or other piling supported structure construction will require a permit from the Southwest Florida Water Management District unless expressly exempt by law or District Rule."

5. On December 12, 2012, March 20, 2014, June 6, 2014, July 17, 2014, and March 27, 2015, District staff visited the Project and observed several deviations from the permitted plans, including an unpermitted boat dock located on the Property and extending into a preservation area and Lake Thomas.

6. On February 13, 2015 and April 9, 2015, the District notified the POA of the unpermitted boat dock on the Property, and requested that the POA take corrective action to correct the violation by notifying the Owners that they needed to obtain either a permit for the dock or an exemption.

7. On May 29, 2015, the POA was granted an extension of time until July 15, 2015 to notify the Owners of the unpermitted dock violation and obtain either an ERP for the dock or an exemption. On July 16, 2015, the District granted the POA a second extension of time until August 17, 2015. Based on knowledge and belief, Owners have not responded to the notices sent by the POA.

8. On December 12, 2017, the District notified Owners by letter that they needed to obtain an ERP and a proprietary authorization for the dock. To date, Owners

have not obtained an exemption or an ERP and proprietary authorization for the boat dock on the Property.

CONCLUSIONS OF LAW

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

10. The activities described herein in paragraph 5 constitutes a violation of Rule 62-330.010 (2), F.A.C. in that Owners have not obtained an ERP and proprietary authorization prior to constructing a boat dock on the Property.

11. The activities described herein in paragraph 5 constitutes a violation of Rule 62-330.051 in that Owners have not obtained an exemption for construction of the boat dock, located on the Property.

CORRECTIVE ACTIONS

12. In resolution of all disputed issues regarding the activities described in herein, the Parties agree to the following corrective actions:

13. Within sixty (60) days of approval of this Consent Order by the District Governing Board, Owners shall submit to the District an ERP application and an application for a proprietary authorization for a boat dock that complies with District Rules and the Florida Statutes or Owners shall submit to the District proof of an exemption from the Florida Department of Environmental Protection. In the event that Owners apply for an ERP permit and proprietary authorization, Owners shall comply with any District requests for additional information or clarification within the time frame specified in the requests. Owners shall obtain an ERP and proprietary authorization as expeditiously as possible as and, in any event no later than one hundred eighty (180) days after submittal

of the ERP application, Owners shall complete any corrective construction required by the ERP permit.

14. Owners shall pay the District a penalty in the amount of Five Hundred and 00/100 Dollars (\$500.00) by certified check or money order within ten (10) days of approval of this Consent Order by the District Governing Board. If mailed, the address for payment is:

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

15. Owners may apply in writing to the District for an extension of 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.

16. Owners hereby waive any right to an administrative hearing or judicial review of the terms of this Consent Order.

17. This Consent Order is not a license or a permit. Owners shall not undertake any further construction activities without the necessary District authorizations

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

19. Owners shall allow authorized District representatives to access the Property at all reasonable times without prior notice for the purpose of determining compliance with this Consent Order, Chapter 373, F.S., District rules, and the terms of any permit or restoration plan.

20. 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.

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

22. The District expressly reserves and retains the right to initiate appropriate legal action against Owners to prevent or prohibit the future violation of any applicable statutes, rules, orders or permit conditions, except as specifically addressed in this Consent Order. Owners acknowledge 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 Owners to administrative 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.

23. Owners hereby waive any right to an administrative hearing or judicial review of the terms of this Consent Order. Owners reserve the right to dispute any allegation of noncompliance with the Consent Order, or any permit or approval issued hereunder.

24. Any person who is not a party to this Consent Order whose substantial interests are affected by the District's action in this Consent Order may request an

administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address, any e-mail address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; 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 U.S. Highway 301 North, Tampa, Florida 33637; Phone: (813) 985-7481; Fax: (813) 367-9776 within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be

affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

25. The effectiveness of this Consent Order is subject to review and approval by the District Governing Board. In the event the District Governing Board shall not approve this Consent Order, this Consent Order shall be null, void and of no legal effect. After Owners have executed this Consent Order, Owners may not withdraw approval or terminate this Consent Order under any circumstances unless the District Governing Board fails to approve this Consent Order.

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

Nicole Marie Santos
Witness

[Signature]
Name: Antonio A. Santos, Jr.
Date: 4/19/18

Nicole Marie Santos
Witness

[Signature]
Name: Maria Abrigo Santos
Date: 4/19/18

Approved by the Governing Board of the Southwest Florida Water Management District
this _____ day of _____ 2018.

Approved as to Legal Form and Content

Vivian Arenas-Battles, Esq.
Assistant General Counsel

By: _____
Randall S. Maggard, Chair

Attest: _____
Bryan K. Beswick, Secretary

Filed this _____ day of _____ (Seal)
_____ 2018.

Deputy Agency Clerk

CONSENT ORDER
ANTONIO A. SANTOS, JR.
MARIA ABRIGO SANTOS
PASCO COUNTY, FLORIDA
CT NOS: 376305 AND 377036

EXECUTIVE DIRECTOR'S REPORT

May 22, 2018

Consent Agenda

Approve CFI Heartland Region Meeting Minutes - April 5, 2018

Staff Recommendation:

Approve minutes as presented.

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

HEARTLAND REGION COOPERATIVE FUNDING INITIATIVE PUBLIC MEETING GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BARTOW, FLORIDA

APRIL 5, 2018

The Heartland Region Cooperative Funding Initiative Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Thursday, April 5, 2018 at the Bartow City Hall/Commission Chambers, 450 North Wilson Avenue, Bartow, Florida.

Governing Board Members Present

Paul Senft, Committee Chair
Bryan Beswick *via phone
James Murphy *via phone

Recording Secretary

Cara Martin

Staff Members Present

Jennette Seachrist
Jay Hoecker
Eric DeHaven
J. P. Marchand
Jason Mickel
Randy Smith
Scott Letasi

A list of others who signed the attendance roster is filed in the permanent records of the District. Approved minutes can be found on the District's Web site (www.WaterMatters.org).

The numbers preceding the items below correspond with the published agenda.

1. **Call to Order and Pledge of Allegiance**

Committee Chair Senft called the meeting to order and led the pledge of allegiance.

2. **Introductions**

Committee Chair Senft introduced the other members of the committee.

3. **Approval of February 8, 2018 Meeting Minutes**

A motion was made to approve the February 8, 2018 minutes. The motion was seconded and passed unanimously.

4. **CFI Final Staff Rankings and Recommendations**

Mr. Jay Hoecker, project manager, provided a presentation that included: schedule for reviewing and ranking of requests; comparison of cooperative funding project requests with actual funded amounts; requests and final rankings; and a location map of applications within the Heartland Region.

Mr. Hoecker specifically addressed high ranked project Q022. He explained this project will be a construction only project and all funding will be requested for FY2019.

Mr. Hoecker specifically addressed medium project N898. He stated this was previously numbered Q002. This was a previously a low ranked project.

Mr. Hoecker specifically addressed medium ranked project N899. The Board requested staff to review this project to determine if the ranking was appropriate. Mr. Hoecker stated that a review was completed, and it was determined that the medium ranking is appropriate.

Ms. Linda Fisher, representing Haines City, addressed the Board regarding medium ranked project N898.

A motion was made to approve staff's recommendation to approve the project rankings for the Cooperative Funding projects in the Heartland Region ranked 1A, High, Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2018-19; and drop from consideration those projects ranked Low. The motion was seconded and carried unanimously.

5. **Receive Additional Public Comment**

No request to speak cards were received.

6. **Adjournment**

There being no further discussion, Committee Chair Senft thanked everyone who attended.

The meeting was adjourned at 10:14 a.m.

EXECUTIVE DIRECTOR'S REPORT

May 22, 2018

Consent Agenda

Approve CFI Northern Region Meeting Minutes - April 6, 2018

Staff Recommendation:

Approve minutes as presented.

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

NORTHERN REGION COOPERATIVE FUNDING INITIATIVE PUBLIC MEETING GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

APRIL 6, 2018

The Northern Region Cooperative Funding Initiative (CFI) Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Wednesday, April 6, 2018 at the Southwest Florida Water Management District Brooksville Headquarters, 2379 Broad Street, Brooksville, Florida 34604.

Governing Board Members Present

Kelly Rice, Committee Chair
Mark Taylor

Governing Board Members Absent

Randy Maggard

Recording Secretary

Lori Manuel

Staff Members Present

Jennette Seachrist
Eric DeHaven
Jay Hoecker
Cara Martin
Jason Mickel
J.P. Marchand
Scott Letasi
Mary Kassabaum

A list of others who signed the attendance roster is filed in the permanent records of the District. Approved minutes can be found on the District's Web site (www.WaterMatters.org).

The numbers preceding the items below correspond with the published agenda.

1. **Call to Order and Pledge of Allegiance**

Committee Chair Rice called the meeting to order and led the pledge of allegiance.

2. **Introductions**

Committee Chair Rice introduced the other members of the committee.

3. **Approval of February 7, 2018 Meeting Minutes**

A motion was made to approve the February 7, 2018 minutes. The motion was seconded and passed unanimously.

4. **CFI Final Staff Rankings and Recommendation**

Mr. Jay Hoecker, project manager, provided a presentation that included: schedule for reviewing and ranking of requests; comparison of cooperative funding project requests with actual funded amounts; requests and final rankings; and a location map of applications within the Northern region.

Mr. Hoecker stated that the following high ranked projects have been renumbered since the February meeting: N952 Citrus County Old Homosassa West septic to sewer is now WH04; N984, Crystal River Indian Waters septic to sewer Phase II is now W430; N985 Crystal River Southern Septic to Sewer is now W434; Q024 Hernando County US19/Hwy50 Septic to Sewer, Districts A and B is now WW07; and Q037 Citrus County Cambridge Greens Septic to Sewer is now W432. He highlighted specific updates regarding these projects. Mr. Hoecker also provided a revised hardcopy evaluation for W432 Citrus County Cambridge Greens Septic to Sewer.

Mr. Hoecker stated that medium ranked project Q017 has been withdrawn. He stated that the following low ranked projects indicated at the February meeting, have been withdrawn: N964 Ocala Rainbow/Timberwood septic to sewer; Q019 Ocala Rainbow/Fox Meadow septic to sewer; and Q025 Ocala Rainbow/Fairfield Village Package Plant.

Ms. Jennette Seachrist provided a presentation regarding the springs wastewater CFI projects. She outlined the draft requirements for projects to be considered for funding. Ms. Seachrist stated that for a project to be considered for funding, it must be in a Priority Focus Area (PFA) and be funded by the Florida Department of Environmental Protection (FDEP). The exception would be for the septic/package area conversion master plans, due to FDEP's inability to fund studies associated with those plans. Ms. Seachrist outlined local ordinances that have been met and those being proposed for the Northern Region. She explained that no CFI agreements will be executed until local ordinances are adopted.

Ms. Seachrist outlined the six high ranked springs projects within the Northern Region and the funding associated with them.

Board Member Taylor asked about the future funding for third-party review projects. Ms. Seachrist explained that potential future funding for third-party review projects is not included until it has been approved by the Board.

Committee Chair Rice asked if there has been clarification regarding the definition of an enhanced septic system. Ms. Seachrist responded in the affirmative. She stated the Department of Health (DOH) will be establishing rules by July 1, 2018 that may eliminate the need for local ordinances.

Committee Chair Rice asked about the funding assistance for home owners that will be required to retro fit to the advanced septic systems. Ms. Seachrist stated that the FDEP has requested each water management district include one million dollars in their budgets to assist homeowners with septic retro fits.

Committee Chair Rice stated he received one request to speak card from Mr. Rick Kirby regarding project N983. However, because he is a cooperator, he will be afforded the opportunity to speak during his presentation to the Board.

Ms. Debra Burden, representing Citrus County, spoke regarding the high ranked project N958. She provided background information on the pilot program and preliminary data.

Mr. Rick Kirby, representing Hernando County, spoke regarding high ranked project N983. He outlined the benefits of this project.

Mr. Scott Letasi, engineering & watershed management manager, provided an overview of presentations regarding high ranked projects N986 and N981.

Mr. Randall Olney, representing Citrus County, provided a presentation regarding project N986.

Mr. Clay Black, representing Hernando County, provided a presentation regarding project N983.

A motion was made to approve staff's recommendation to approve the project rankings for the Cooperative Funding projects in the Northern Region ranked 1A, High, Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2018-19; and drop from consideration those projects ranked Low. The motion carried unanimously.

5. **Receive Additional Public Comment**
No request to speak cards were received.

6. **Adjournment**
There being no further discussion, Committee Chair Rice thanked everyone who attended.

The meeting was adjourned at 11:02 a.m.

EXECUTIVE DIRECTOR'S REPORT

May 22, 2018

Consent Agenda

Approve CFI Southern Region Meeting Minutes - April 11, 2018

Staff Recommendation:

Approve minutes as presented.

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

SOUTHERN REGION COOPERATIVE FUNDING INITIATIVE PUBLIC MEETING GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SARASOTA, FLORIDA

APRIL 11, 2018

The Southern Region Cooperative Funding Initiative Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Wednesday, April 11, 2018 at the Southwest Florida Water Management District Sarasota Office, 6750 Fruitville Road, Sarasota, Florida.

Governing Board Members Present

Bryan Beswick, Committee Chair
John Henslick
Joel Schleicher

Recording Secretary

Cara Martin

Staff Members Present

Jennette Seachrist
Jay Hoecker
J.P. Marchand
Jason Mickel
Randy Smith

A list of others who signed the attendance roster is filed in the permanent records of the District. Approved minutes can be found on the District's Web site (www.WaterMatters.org).

The numbers preceding the items below correspond with the published agenda.

1. Call to Order and Pledge Allegiance

Committee Chair Beswick called the meeting to order and led the pledge of allegiance.

2. Introductions

Committee Chair Beswick introduced the other members of the committee.

3. Approval of February 14, 2018 Meeting Minutes

A motion was made to approve the February 14, 2018 minutes. The motion was seconded and passed unanimously.

4. CFI Final Staff Rankings and Recommendations (Project Presentation)

Mr. Jay Hoecker, project manager, provided a presentation that included: schedule for reviewing and ranking of requests; comparison of cooperative funding project requests with actual funded amounts; requests and final rankings; and a location map of applications within the Southern region.

Mr. Hoecker highlighted the high ranked projects N786 and N842.

Mr. Hoecker highlighted low ranked projects N974 and W213.

Mr. Hoecker stated high ranked project Q015 has been approved for out-of-cycle funding and will be removed from Fiscal Year 2019 funding requests.

Mr. Randy Smith, Natural Systems Restoration Bureau chief, provided a presentation on high ranked project N786.

Mr. Randy Smith provided a presentation on low ranked project W213.

Mr. Ken Kohn, representing Manatee County, spoke in favor of supporting funding for project W213.

Mr. John Perry, representing Manatee County, responded to the Board's questions regarding project W213.

Mr. JP Marchand, Water Resource Bureau chief, provided a presentation for high ranked project N842.

Mr. Mark McNeal, representing ASRus LCC, the City of Bradenton's consultant on this project, responded to the Board's questions regarding project N842.

Mr. JP Marchand provided a presentation for low ranked project N974.

A motion was made to approve staff's recommendation to approve the project rankings for the Cooperative Funding projects in the Southern Region ranked 1A, High, Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2018-19; and drop from consideration those projects ranked Low. The motion was not seconded.

An amended motion was made to approve the project rankings for the Cooperative Funding projects in the Southern Region ranked 1A, High, (excluding high ranked project N842) and Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2018-19; and drop from consideration those projects ranked Low. In addition, project N842 will be presented to the Governing Board for further consideration. The motion was seconded and passed unanimously.

5. Receive Additional Public Comments

No request to speak cards were received.

6. Adjournment

There being no further discussion, Committee Chair Beswick thanked everyone who attended.

The meeting was adjourned at 11:08 a.m.

EXECUTIVE DIRECTOR'S REPORT

May 22, 2018

Consent Agenda

Approve CFI Tampa Bay Region Meeting Minutes - April 12, 2018

Staff Recommendation:

Approve minutes as presented.

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

TAMPA BAY REGION COOPERATIVE FUNDING INITIATIVE PUBLIC MEETING GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

APRIL 12, 2018

The Tampa Bay Region Cooperative Funding Initiative Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Thursday, April 12, 2018 at the District's Tampa Office, 7601 Highway 301 North, Tampa, Florida.

Governing Board Members Present

Randy Maggard, Committee Chair
Jeff Adams
Ed Armstrong
Michelle Williamson

Board Members Absent

Michael Babb
Rebecca Smith

Recording Secretary

Lori Manuel

Staff Members Present

Jennette Seachrist
Michael Molligan
Jay Hoecker
Eric DeHaven
J. P. Marchand
Jason Mickel
Randy Smith
Scott Letasi
Joel Brown
Cara Martin

A list of others who signed the attendance roster is filed in the permanent records of the District. Approved minutes can be found on the District's Web site (www.WaterMatters.org).

The numbers preceding the items below correspond with the published agenda.

1. **Call to Order and Pledge of Allegiance**

Committee Chair Maggard called the meeting to order and led the pledge of allegiance.

2. **Introductions**

Committee Chair Maggard introduced the other members of the committee.

3. **Approval of February 15, 2018 Meeting Minutes**

A motion was made to approve the February 15, 2018 minutes. The motion was seconded and passed unanimously.

4. **CFI Final Staff Rankings and Recommendations (Project Presentations)**

Mr. Jay Hoecker, project manager, provided a presentation that included: schedule for reviewing and ranking of requests; comparison of cooperative funding project requests with actual funded amounts; requests and final rankings; and a location map of applications within the Tampa Bay region.

Mr. Hoecker highlighted the following high ranked projects N748, N855, N949, N961, N967, N975, and Q028.

Mr. Hoecker highlighted the following low ranked projects N492, N954, Q021 and Q033.

Mr. Scott Letasi, engineering and watershed management manager, provided a presentation explaining the low ranking for project Q033, Plantation Palms.

Mr. Dave DeLoach, representing DeLoach Engineering Science, provided a presentation on behalf of Pasco County to request funding for project Q033.

Mr. Donald Carey, representing Pasco County (County), spoke in support of funding project Q033 due to safety concerns.

Mr. Melvin Brunet, homeowner, spoke in favor of supporting funding for project Q033.

Committee Chair Maggard asked who would maintain the project since it was part of an Homeowners Association. Mr. Carey responded the County would provide the maintenance.

Chair Maggard stated his support in moving project Q033 from a low ranking to a high ranking.

Mr. JP Marchand, water resources bureau chief, provided a presentation regarding the low ranked project N492. Mr. Marchand stated the City of Tampa has requested additional funding or this project.

Mr. Chuck Weber, representing the City of Tampa, provided a presentation explaining the request for increased funding for project N492. Mr. Weber explained the increase in cost and the constraints involved.

Mr. Marchand provided a presentation regarding high ranked project N855. He stated this project was originally a low ranked project and explained the decision to move it to a high ranking.

Mr. Jason Mickel, water supply section manager, provided a presentation for low ranked project Q021.

Ms. Pam Lynch, representing Pasco County (County), spoke to the Board regarding the benefits of funding project Q021.

Mr. Michael Molligan, employee and external relations director, provided information to the Board regarding the development of the Florida Friendly Landscaping program.

Mr. Dave Bracciano, representing Tampa Bay Water, provided a presentation for low ranked project N954.

Ms. Chris Claus, representing City of St. Pete, provided a presentation for high ranked project N961.

Mr. David Glicksburg, representing Hillsborough County, provided a presentation for high ranked project N975.

Mr. Alex Awad, representing City of Tampa, provided a presentation for high ranked project N949.

Staff recommended the Board approve the project rankings for the Cooperative Funding projects in the Tampa Bay Region ranked 1A, High, Medium; recommended the Governing Board include these projects in the District's budget for Fiscal Year 2018-19; and drop from consideration those projects ranked Low.

A motion was made to approve staff's recommendation with the exception to move low ranked project Q021 to a high ranking.

An amendment to the motion was made to approve staff's recommendation with the exception to move low ranked project Q021 to a high ranking and forward N492 to the full Governing Board for consideration. The amendment was accepted and the motion was seconded. The motion passed with three in favor and one against.

5. Receive Additional Public Comments

No request to speak cards were received.

6. Adjournment

There being no further discussion, Committee Chair Maggard thanked everyone who attended.

The meeting was adjourned at 11:41 a.m.

EXECUTIVE DIRECTOR'S REPORT

May 22, 2018

Consent Agenda

Approve Governing Board Minutes - April 24, 2018

Staff Recommendation:

Approve minutes as presented.

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

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

APRIL 24, 2018

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 10:00 a.m., on April 24, 2018, at the Haines City Lake Eva Banquet Hall. The following persons were present:

Board Members Present

Randall S. Maggard, Chair
Jeffrey M. Adams, Vice Chair
Bryan Beswick, Secretary
Ed Armstrong, Treasurer
H. Paul Senft, Member
Michael A. Babb, Member
Michelle Williamson, Member
Mark Taylor, Member
Rebecca Smith, Ph.D., Member *Via Phone
James G. Murphy, Member

Board Members Absent

John Henslick, Member
Joel Schleicher, Member
Kelly S. Rice, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
Kurt P. Fritsch, Inspector General
Ken Frink, Division Director
John J. Campbell, Division Director
Alba E. Más, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director

Board's Administrative Support

Cara Martin, Board & Executive Services Manager
Lori Manuel, Administrative Assistant

A list of others in attendance who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's website (www.WaterMatters.org).

PUBLIC HEARING (Audio – 00:00)

1. Call to Order

Chair Maggard called the meeting to order and opened the public hearing. Secretary Beswick stated a quorum was present.

2. Invocation and Pledge of Allegiance

Mr. Deric Feacher, Haines City manager, offered the invocation and Chair Maggard led the Pledge of Allegiance to the Flag of the United States of America.

Chair Maggard introduced each member of the Governing Board. He noted that the Board meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Maggard stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Maggard stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair.

He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. Employee Recognition

Chair Maggard recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff was recognized: Brandt Henningson.

This item was provided for the Board's information and no action was required.

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated the following item was deleted from the agenda:

CONSENT AGENDA

Operations, Lands and Resource Monitoring Committee

14. Offer for Surplus Lands – Cypress Creek Preserve (CC-1), SWF Parcel No.13-500-396S

Mr. Armstrong stated the following item was moved to discussion:

Operations, Lands and Resource Monitoring Committee

15. Offer for Surplus Lands – Weekiwachee Preserve (WW-7), SWF Parcel No.15-773-234S

Chair Maggard said there is good cause to amend the published agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, as amended, which was seconded. The motion carried unanimously. (Audio 00:6:20)

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

Chair Maggard stated he received four Request to Speak cards.

Mr. David Ballard Geddis spoke regarding flooding issues and replenishing wetlands.

Mr. Chester Bradshaw spoke regarding a petition to review past and present hydrologic conditions of the Green Swamp.

Mr. John Scott spoke regarding flooding associated with the Christina Area Watershed in Polk County.

Mr. Wingate Jackson spoke regarding flooding associated with Christina Area Watershed in Polk County.

Ms. Jennette Seachrist, Resource Management director, stated the District will contact Polk County to address projects that may alleviate some of the concerns for this area. Chair Maggard asked to be kept apprised of this situation.

CONSENT AGENDA

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

Finance/Outreach & Planning Committee

6. Resolution No. 18-03 Declaring April 2018 as "Water Conservation Month"

Staff recommended the Board approve and execute Resolution No. 18-03 declaring April 2018 as "Water Conservation Month."

7. Resolution No. 18-04 Declaring May 13 – 19, 2018 as "Water Reuse Week"

Staff recommended the Board approve and execute Resolution No. 18-04 declaring May 13-19, 2018 as "Water Reuse Week."

8. Budget Transfer Report

Staff recommended the Board's approval of the Budget Transfer Report covering all budget transfers for March 2018.

Resource Management Committee

9. Hillsborough River West Bank Shoreline Restoration Project – Scope Change (W343)

Staff recommended the Board:

- 1) Approve the revision to decrease the linear feet of restored shoreline habitat for the Hillsborough River West Bank Shoreline Restoration Project (W343) from 750 linear feet to 232 linear feet, which will be the revised measurable benefit in the cooperative agreement.
- 2) Approve reducing the project budget in the cooperative funding agreement from \$1,000,000 to \$278,172, with the District and the City each contributing \$139,086 (50 percent).

10. Recommended FY2019 Springs Projects for FDEP Funding Consideration

Staff recommended the Board approve the list of 23 springs projects for submittal to the Florida Department of Environmental Protection.

11. FARMS – Reynolds Farms, Inc. – Anne's Block (H766), Highlands County

Staff recommended the Board:

- 1) Approve the Reynolds Farms, Inc. - Anne's Block project for a not-to-exceed project reimbursement of \$99,749 with \$99,749 provided by the Governing Board;
- 2) Authorize the transfer of \$99,749 from fund 010 H017 Governing Board FARMS Fund to the H766 Reynolds Farms, Inc. - Anne's Block project fund;
- 3) Authorize the Division Director to sign the agreement.

12. FARMS – Dixie Groves and Cattle Company – (H767), DeSoto County

Staff recommended the Board:

- 1) Approve the Dixie Groves and Cattle Company project for a not-to-exceed reimbursement of \$254,000, with \$254,000 provided by the Governing Board;
- 2) Authorize the transfer of \$254,000 from fund 010 H017 Governing Board FARMS Fund to the H767 Dixie Groves and Cattle Company project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

13. FARMS – Hi Hat Ranch, LLLP (H769), Sarasota County

Staff recommended the Board:

- 1) Approve the Hi Hat Ranch, LLLP project for a not-to-exceed project reimbursement of \$111,739 with \$111,739 provided by the Governing Board;
- 2) Authorize the transfer of \$111,739 from fund 010 H017 Governing Board FARMS Fund to the H769 Project Name project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

14. Offer for Surplus Lands – Cypress Creek Preserve (CC-1), SWF Parcel No. 13-500-396S

Staff recommended the Board:

- ~~Accept the offer of \$1,900,000;~~
- ~~Authorize the Executive Director to execute the Contract for Sale and Purchase on the behalf of the District;~~
- ~~Approve 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; and~~

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

15. Offer for Surplus Lands – Weekiwachee Preserve (WW-7), SWF Parcel No. 15-773-234S

Staff recommended the Board:

- ~~• Accept the offer of \$115,000;~~
- ~~• Authorize the Executive Director to execute the Contract for Sale and Purchase on the behalf of the District;~~
- ~~• Approve 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; and~~
- ~~• Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.~~

16. Purchase and Sale Agreement and Resolution Requesting Funds from the Florida Forever Trust Fund

Staff recommended the Board:

- Accept the appraisals;
- Approve the Purchase and Sale Agreement and authorize the Executive Director or designee to sign on the behalf of the District;
- Approve the resolution requesting funds from the Florida Forever Trust Fund for SWF Parcel No. 11-728-132;
- Designate SWF Parcel No. 11-728-132 as having been acquired for conservation purposes;
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes will be subject to Governing Board review and approval, and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

17. Individual Water Use Permits Referred to the Governing Board

- a. **WUP No. 20007331.006 – DeSoto 360 Land Trust / Justin Blomberg & Bethel Farms, LLP (DeSoto County)**

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

General Counsel's Report

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

- a. **Interagency Agreement Between SWFWMD and SFWMD – Designation of Regulatory Responsibility – Blackwater RE Investors, LLC, Blackwater Crossings Project – Polk County and Osceola County**

Staff recommended the Board approve the Interagency Agreement Between the Southwest Florida Water Management District and the South Florida Water Management District for Designation of Regulatory Responsibility for Blackwater Crossings in Polk County and Osceola County, Florida

- b. **Assignment and Assumption of Conservation Easements – Avalon Park West Master Conceptual Plan – ERP No. 49013559.41 – Pasco County**

Staff recommended that Board:

- Approve the Assignment and Assumption of Grantee's Position Under Conservation Easements between the Southwest Florida Water Management District and Wildlands Conservation, Inc.;
- Authorize staff to make any necessary minor clarifying edits that may result from the Army Corps of Engineers required approval of the Assignment.

c. Conservation Easement Release - Orange County

Staff recommended the Board approve the Release of Conservation Easement and Quit Claim Deed.

d. Initiation of Litigation – Failure to Obtain a Water Use Permit – Valentin and Eduardo Badillo – CT Nos. 382714 and 388013 – Polk County

Staff recommended the Board authorize the initiation of litigation against Valentin and Eduardo Badillo, and any other necessary parties, to obtain compliance, recover an administrative fine/civil penalty, and to recover District enforcement costs, litigation costs, and attorney's fees.

e. Initiation of Litigation – Notice of Unauthorized Activities – Holloway Park Foundation, Inc., CT No. 376309 – Polk County

Staff recommended the Board authorize the initiation of litigation against Holloway Park Foundation, Inc., and any other necessary parties, to obtain compliance, to recover an administrative fine/civil penalty, and to recover District enforcement costs, litigation costs, and attorney's fees.

f. Initiation of Litigation – Permit Condition Violations – Sanlan RV & Golf Resort, Inc., F/K/A Sanlan Ranch Campground, Inc., ERP Permit No. 44035397.000 – CT No. 371511 – Polk County

Staff recommended the Board authorize the initiation of litigation against Sanlan RV, and any other necessary parties, to obtain compliance, to recover an administrative fine/civil penalty, and to recover District enforcement costs, litigation costs, and attorney's fees.

19. Rulemaking - None

Executive Director's Report

20. Approve Governing Board Minutes – March 27, 2018

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (Audio 00:20:26)

Chair Maggard relinquished the gavel to the Finance/Outreach & Planning Committee Chair Armstrong who called the meeting to order. (00:20:37)

Finance/Outreach & Planning Committee

Discussion

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

22. Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, provided a presentation on the quarterly investment strategy from January 1, 2018 to March 31, 2018. This presentation included an economic update and yield curve analysis. He stated the unemployment rate remains at 4.1 percent. The housing market remains stable and inflation indicators remain below 2 percent. Mr. Grady stated the fourth-quarter Gross Domestic Product (GDP) was 2.9 percent.

Mr. Grady provided a comparison summary of the District's portfolios for the period of January 1, 2018 through March 31, 2018. These portfolios included: liquid, enhanced cash, and 1-3 and 1-5 year strategies. He also provided a summary of the District's All Assets portfolio earnings as of March 31, 2018. Mr. Grady stated that income is up 30 percent from the beginning of Fiscal Year (FY) 2018 to date.

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

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio 00:33:30)

Submit & File Reports

- 23. Purchase Card Audit – Information Technology Bureau**
- 24. Inspector General Semi-Annual Report**
- 25. Self-Funded Health Insurance Plan – December 31, 2017 Update**

Routine Reports

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

- 26. Treasurer's Report and Payment Register**
- 27. Monthly Financial Statement**
- 28. Monthly Cash Balances by Fiscal Year**
- 29. Comprehensive Plan Amendment and Related Reviews Report**

Committee Chair Armstrong relinquished the gavel to the Resource Management Committee Chair Babb who called the meeting to order. (00:33:49)

Resource Management Committee

Discussion

- 30. Consent Item(s) Moved for Discussion – None**

- 31. Resolution for Future Funding of the Polk Regional Water Cooperative (PRWC)**

Mr. Jason Mickel, Water Supply Section manager, provided a presentation on the PRWC which included a timeline and background information. He provided an overview of Phase One and the progress that has been accomplished.

Mr. Mickel outlined the Phase Two draft resolution and the timeline associated with it. He explained that for Fiscal Year (FY) 2019, the PRWC shall complete all agreements and be on schedule with all three projects. For FY2020, the PRWC shall develop a long-term conservation plan including a needs assessment of regional water demands, potential water conservation measures and implementation strategies. For FY2021, a Third-Party Review (TPR) must be conducted for each project and presented to the Governing Board for approval by September 30, 2020.

Mr. Mickel explained that in FY2022, projects approved for continued scheduled work following the first TPR will have to meet certain criteria. By FY2023, all funding and water use commitments and agreements will be approved by the Governing Board.

Mr. George Lindsey, PRWC chairman and vice chair of Polk County Commissioners, thanked all the cooperators involved in the PRWC.

Staff recommended the Board approve the Resolution for future funding of the Polk Regional Water Cooperative.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio 00:43:40)

- 32. Septic Tank and Package Plant Conversion Projects Update**

Ms. Jennette Seachrist, Resource Management Division director, provided an updated presentation regarding the septic/package plant conversion project controls. She outlined

background information on the drafting of the controls. Ms. Seachrist provided an update on the Florida Department of Environmental Protection (FDEP) Basin Management Action Plans (BMAPs).

Ms. Seachrist provided an overview of the 2016 Florida Springs and Aquifer Protection Act. She addressed changes in the draft BMAPs. She stated that the BMAPs will restrict the installation of new conventional septic tanks on lots less than one-acre, existing conventional septic tanks will be eliminated or retrofitted, and a fund will be established to assist homeowners with expenses associated with retrofits.

Ms. Seachrist stated that for a project to be considered for funding, it must be in a Priority Focus Area (PFA) and be funded by the Florida Department of Environmental Protection (FDEP). The exception would be for the septic/package plant conversion master plans. Ms. Seachrist outlined local ordinances that will be needed prior to the District providing cooperative funding.

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

33. Southern Water Use Caution Area (SWUCA) Recovery Strategy Five-Year Assessment for FY12-16

Mr. JP Marchand, Water Resources Bureau chief, provided a presentation on the SWUCA five-year assessment. Mr. Marchand provided a background regarding the SWUCA, overview of the hydrologic conditions and goals. He stated the five-year assessment is from FY2012-2016. Mr. Marchand explained the intent of the recovery strategy is to achieve recovery of established minimum flows and levels as soon as practicable.

Mr. Marchand outlined the achievements of the recovery strategy and status of goals. Goals include restore minimum levels to priority lakes by 2025, restore minimum flows in the Upper Peace River by 2025, reduce rate of saltwater intrusion by 2025, and ensure sufficient water supplies. He displayed a graph that outlined the use of alternative water supply in the SWUCA. Mr. Marchand provided an overview of future proposed actions.

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

Submit & File Reports

34. 2018 Florida Department of Transportation Mitigation Program Plan

Routine Reports

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

35. Minimum Flows and Levels Status Report

36. Significant Water Resource and Development Projects

Committee Chair Babb relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Beswick who called the meeting to order. Audio (01:20:52)

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

37. Consent Item(s) Moved for Discussion

15. Offer for Surplus Lands – Weekiwachee Preserve (WW-7), SWF Parcel No. 15-773-234S

Ms. Carmen Sanders, Operations, Lands and Resource Monitoring assistant bureau chief, provided a presentation regarding the sale of a parcel of the Weekiwachee Preserve. Ms. Sanders explained two offers were received for purchase of this surplus land. She provided a location map, aerial view and financial information related to the property.

Staff recommended the Board:

- Accept the offer of \$115,000;
- Authorize the Executive Director to execute the Contract for Sale and Purchase on the behalf of the District;
- Approve 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; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio 01:24:25)

38. District Forestry Equipment Replacement

Mr. Ken Frink, Operations, Lands and Resource Monitoring director, provided a presentation regarding the purchase of a forester skidder replacement. Mr. Frink explained the need for the replacement of the 2002 existing SK skidder equipment. He outlined the utilization of the skidder which will include use at the Green Swamp Preserve involving maintenance, burns, and wildfires of over 110,000 acres. Mr. Frink outlined the justification for the purchase of the skidder, evaluation of need and alternatives, and the acquisition process.

Staff recommended the Board:

- Authorize purchase of John Deere 948L forestry skidder, or equivalent, utilizing Field Equipment Replacement Fund.
- Approve transfer of \$82,000 from budgeted capital lease funds to the Field Equipment Replacement Fund.
- Approve surplus of existing SK300 Forester skidder (Unit 2025) via public auction.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio 01:36:42)

Submit & File Reports

39. Hydrologic Conditions Report

Routine Reports

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

40. Surplus Lands Update

41. Structure Operations

42. Significant Activities

Committee Chair Beswick relinquished the gavel to the Regulation Committee Chair Adams who called the meeting to order. (Audio 01:37:15)

Regulation Committee

Discussion

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

Ms. Alba Más, Regulation Division director, provided an update regarding flooding concerns presented by Mr. Steve Schwark at the March Board meeting. She reminded the Board the flooding concern was related to a project in Sarasota County called Waverly Development. Ms. Más stated the as-built has been submitted to Sarasota County but the District has not received it. Staff has met with Mr. Schwark, the project engineer, and Sarasota County to address this issue. Ms. Más stated that modifications have been made and the District has sent a compliance letter requesting a new as-built.

44. Denials Referred to the Governing Board

No denials were referred to the Board.

45. Consider Water Shortage Order(s) as Necessary

No water shortage orders were presented.

Submit & File Reports – None

Routine Reports

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

46. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Implementation Program Update

47. Overpumpage Report

48. Individual Permits Issued by District Staff

Committee Chair Adams relinquished the gavel to Chair Maggard. (Audio 01:39:27)

General Counsel's Report

Discussion

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

Submit & File Reports - None

Routine Reports

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

50. April 2018 – Litigation Report

51. April 2018 – Rulemaking Update

Committee/Liaison Reports

52. Environmental Advisory Committee

Board Member Williamson stated the April 10 meeting was cancelled due to weather.

53. Well Drillers Advisory Committee

A written report was provided for the April 11 meeting.

54. Other

Executive Director's Report

55. Executive Director's Report

Mr. Brian Armstrong, executive director, stated the District has attempted to offer leasing of vacant space in the Sarasota Office but has been unsuccessful in this effort. The District has been approached with the possible purchase of the Sarasota Office. The Board will be kept apprised of this situation. Mr. Armstrong stated that the District will remain in the general area but would like to find more suitable housing for staff. Secretary Beswick expressed support for maintaining a District office in that region.

Chair's Report

56. Chair's Report

The next Board meetings are scheduled for May 22 in the Brooksville Office, June 26 in the Brooksville Office and July 24 in Clearwater at Tampa Bay Water.

57. Other

58. Employee Milestones

The meeting was adjourned at 11:41 a.m.

Attest:

Chair

Secretary

DRAFT

Attachment: GB 04232018 mom jms jm Draft (3728 : Approve Governing Board Minutes)

**Governing Board Meeting
May 22, 2018**

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| FINANCE/OUTREACH & PLANNING COMMITTEE |
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Discussion Items

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FINANCE/OUTREACH & PLANNING COMMITTEE

May 22, 2018

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

FINANCE/OUTREACH & PLANNING COMMITTEE

May 22, 2018

Discussion Item

Springs Community Partner Award

Purpose

To recognize one of the District's springs community partners.

Background/History

This is the fifth year the District has recognized springs community partners for joining us in the community effort to improve the five first-magnitude springs in Citrus, Hernando and Marion counties.

Springs Community Partner - The District would like to recognize Earnie Olsen for his efforts to help improve our first-magnitude spring systems in Citrus County. Olsen is the Supervisor of the Marine Science Station in Crystal River. He has been in this position since 2014 but has taught at the center since 2008. Olsen and his dedicated staff lead daily field trips, taking Citrus County students by boat to experience the Crystal River/Kings Bay springs and the local riverine, coastal and estuarine ecosystems. Olsen has a passion for connecting students to these natural systems and educating them on the human influences as well as the environmental concerns facing the systems. Olsen also leads an annual District-sponsored summer camp program that focuses on springs and connects the local community with his environmental education efforts through camp sponsorships and media coverage. Olsen is a valued partner of the District, teaching students and adults in his community about the District's mission to protect the local springs.

Staff Recommendation:

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

Presenter: Melissa Gulvin, Communications Manager

FINANCE/OUTREACH & PLANNING COMMITTEE

May 22, 2018

Discussion Item

Fiscal Year 2018-19 Ad Valorem New Growth Projections

Purpose

To present the updated New Construction Ad Valorem Planning Model.

Background

The general budget assumptions were presented and approved at the October 24, 2017 Governing Board meeting for development of the fiscal year (FY) 2018-19 Preliminary Budget. This included the millage rate based on a rolled-back millage model and revenue based on 2.3 percent increase in new unit construction.

Discussion

The New Construction Ad Valorem Model has been updated with the most recent market trends and the results will be presented today. The ad valorem rolled-back millage rate will be adjusted in July based on the new construction values provided by the 16-County Property Appraisers for preparation of the District's FY2018-19 Tentative Budget.

Staff Recommendation:

Approve the ad valorem tax revenue based on the updated new unit construction projection for development of the Recommended Annual Service Budget.

Presenter: John J. Campbell, Division Director, Management Services

FINANCE/OUTREACH & PLANNING COMMITTEE**May 22, 2018*****Discussion Item*****ePermitting System Replacement Project Update*****Purpose:***

The purpose of this item is to provide an update about the District's four-year project to replace the ePermitting system within the Water Management Information System (WMIS) beginning in Fiscal Year 2019 (FY2019). No Governing Board action is required.

Background/History:

The WMIS ePermitting system has entered its eleventh year as the District's ePermitting platform. It was designed to have a life expectancy of 15 to 20 years, and as part of the long-range planning efforts the Information Technology and Regulatory Support Bureaus (ITB/RSB) researched future options for supporting ePermitting activities.

All technology systems have an "end-of-life" that is typically defined by answering the following:

1. Are the underlying technologies viable and supported by the vendors?
2. Can the system be maintained and extended to meet new business needs?

While the underlying technologies appear to be sound through 2027 there are significant concerns regarding the maintainability and extensibility of the WMIS ePermitting system until then. These include:

1. Inability to support existing and future tablet and smart phones devices.
2. Insufficient BPM functionality, particularly with managing and changing automated workflows.
3. A complex data design that is difficult to modify and to report on.
4. The highly customized and homegrown WMIS ePermitting system will be difficult to modify to support new technologies and business trends that are likely to impact the District.
5. The inability to adequately support business intelligences capabilities that could improve reporting, support monitoring of key performance indicator metrics, and provide analytics to support process improvement.
6. There is a large backlog of enhancement requests that, if completed, would lead to significant productivity improvements for the Resource Regulation Division. It will be difficult and costly to implement these in the current system.

In FY2019, a multi-year project to replace the existing WMIS ePermitting system with a new system based on a Business Process Management (BPM) architecture will begin. The project would be completed in roughly 4 years, at which time WMIS ePermitting will be decommissioned.

Discussion:

In October of 2017 staff presented the ePermitting System Replacement project to the Governing Board. As part of that presentation staff included four next steps for the project:

1. Replace WMIS and include 1st year cost estimate in preliminary budget
2. ITB and RSB continue analysis of the project

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3. Determine specific application to procure
4. Return with a project update in the spring of 2018.

Staff will present an update on their progress through these steps.

Staff Recommendation:

This item is information only, no action required.

Presenters: Thomas Hughes, Information Technology Bureau Chief
Michelle Maxey, Regulatory Support Bureau Chief

FINANCE/OUTREACH & PLANNING COMMITTEE**May 22, 2018*****Discussion Item*****Options for the Sarasota Office*****Purpose***

The purpose of this item is to request the Governing Board to approve a plan for the District's Sarasota Office located at 6750 Fruitville Road in Sarasota County. A location and aerial map of the property is included as an exhibit to this item.

Background/History

The District acquired the property for the Sarasota office in 2000 and constructed the office in 2001. This location replaced the leased office space in Venice located at 115 Corporation Way. The Sarasota office is located on a 4.6-acre site and has approximately 19,540 gross square feet of office and storage space. The facility has a land-to-building ratio of 10.25:1. A higher land-to-building ratio is necessary for this facility to accommodate the storage of District vehicles and equipment, together with employee and visitor parking areas. The Sarasota County property appraiser has placed the total current just value on the property at \$2,875,300, with the land being \$951,400 (\$4.75 sq. ft.) and the improvements being \$1,923,900.

During 2009, the District reorganized its business functions to better serve the public's water resource needs. As a result of this reorganization, the current Sarasota Office exceeds the size requirements necessary for the 36 staff that operate out of that office. Similarly, in 2014 the District's Bartow Office faced a comparable situation that ultimately resulted in the sale of that property with a leaseback of a small portion of the main building. In conjunction with the sale of the Bartow Office, the District also performed renovations to the existing facilities at the Lake Hancock Field Office in order to store heavy equipment. Unlike the Bartow Office, the facilities on the Sarasota campus are located and configured on the site in a manner that is not cost-effective for conversion to multi-tenant use.

Options

- (1) Remain in the building without any changes to the facility.
- (2) Remain in the current facility as the Owner and lease a portion of the main building to a Tenant. This option will require extensive modification to the existing facility including access, security, electrical, mechanical and plumbing modifications to convert the building to multi-tenant use. As an owner, the District would be responsible for the leasing, management and operational costs of a multi-tenant facility. Although this option would generate income and enhance the efficient use of the building, it may prove difficult to find tenants with no perceived conflict of interest.
- (3) Constructing a new facility in the Manatee/Sarasota region. This option would allow staff to remain at the existing office while a site is acquired, a building design is approved, and construction of the facilities are completed. The biggest challenge with this option will be the amount of time necessary to complete this action.
- (4) Leasing office space at a new location. The most challenging aspect of this option will be finding a suitable location with a building on a site having the physical characteristics and land-to-building ratio needed to meet the District's operational needs. During the search for a new location the Sarasota Office would be offered for sale. Staff relocation

would not occur until a suitable location is identified and leased.

- (5) Purchasing a replacement building would require identification of suitable properties having the existing improvements and physical characteristics required by the District. Staff would perform the necessary due diligence to investigate each potential purchase opportunity. The challenge with this option is the limited inventory in the commercial real estate market. The potential to incur additional costs for building modifications and moving expenses is also associated with this option.

Budget Considerations

Each of the aforementioned options have a potential budgetary impact on either the FY18 or FY19 budget. Based on preliminary cost projections, it is anticipated that Options 1 - 4 could be accomplished by a budget transfer submitted to the Board for consideration.

If the Board elects to surplus the Sarasota Office and proceed with Option 5 (purchase a new facility), it is anticipated that the expenditure would exceed \$1 million and may require a Budget amendment in accordance with *Fla. Stat. §373.536(4)(a)*. Budget amendments in excess of \$1 million must be submitted to the Executive Office of the Governor for approval. If the Executive Office of the Governor approves the Budget amendment, staff will proceed with the public noticing and public meeting requirements of *Fla. Stat. §120.525* to ensure the public has an opportunity to review and comment on the proposed Budget amendment.

Benefits/Costs

The size of the existing Sarasota Office exceeds the District's current business needs. Surplus this facility will allow for the relocation of staff to a right-sized facility that is more efficient and cost-effective to operate. The District will also be able to position its physical presence in the area to better serve the growing water resource needs of the Manatee/Sarasota region.

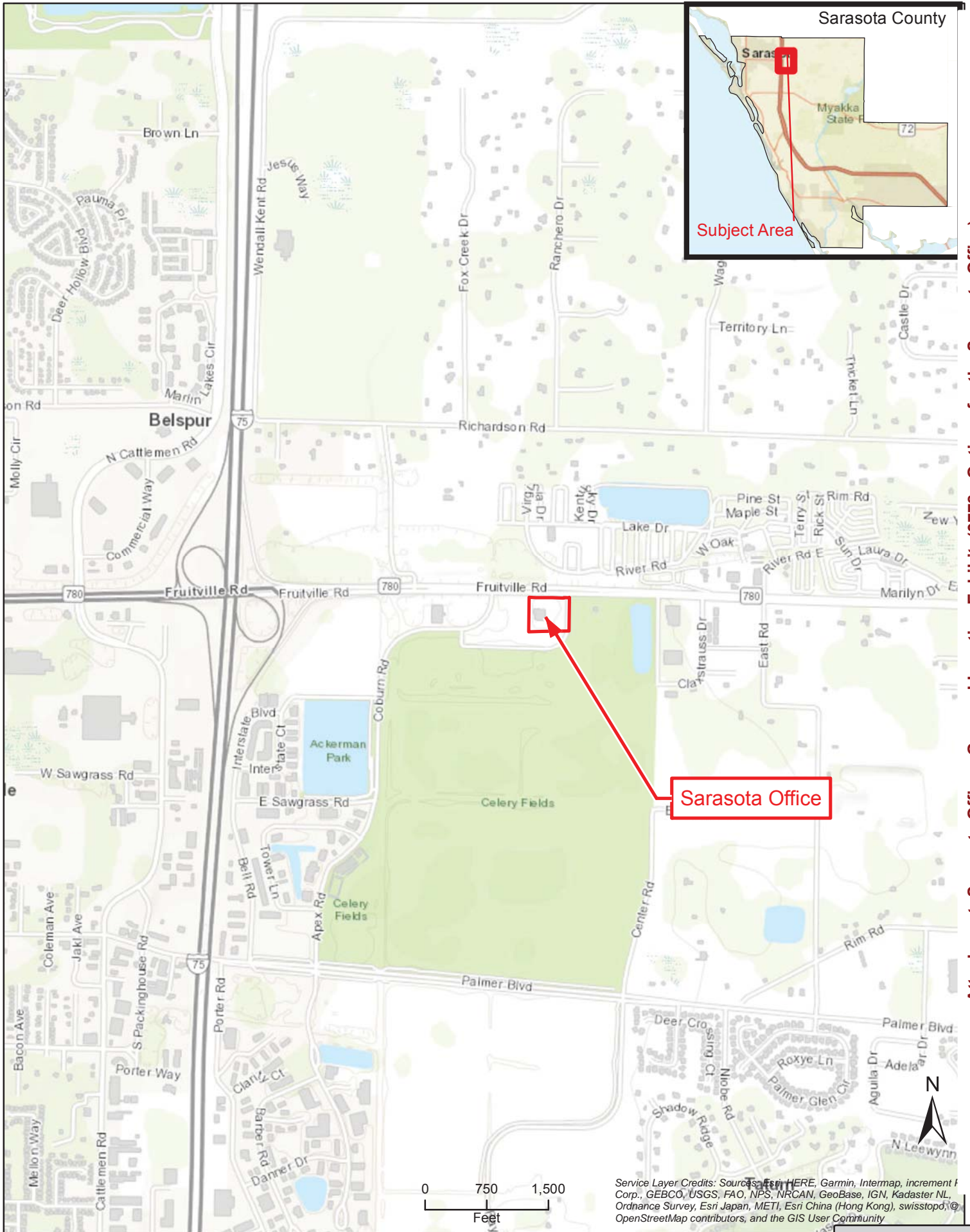
Staff Recommendation:

Staff recommends the Governing Board approve of the following items:

- In accordance with *Fla. Stat. §373.089*, declare the Sarasota Office as surplus.
- Authorize the Executive Director, with the concurrence of the Office of General Counsel, to deliver a Letter of Intent to an owner or representative for the potential lease or purchase of a candidate property, before bringing a Lease or Purchase and Sale Agreements to the Governing Board for consideration.
- Payment of a refundable deposit of not more than 5% of the advertised price, if necessary, to secure a property before Governing Board consideration of a lease or Purchase and Sale Agreement.
- Authorize Staff to prepare a budget amendment in an amount not to exceed \$2.3 million and submit the Budget amendment to the Florida Department of Environmental Protection for review and approval by the Executive Office of the Governor.

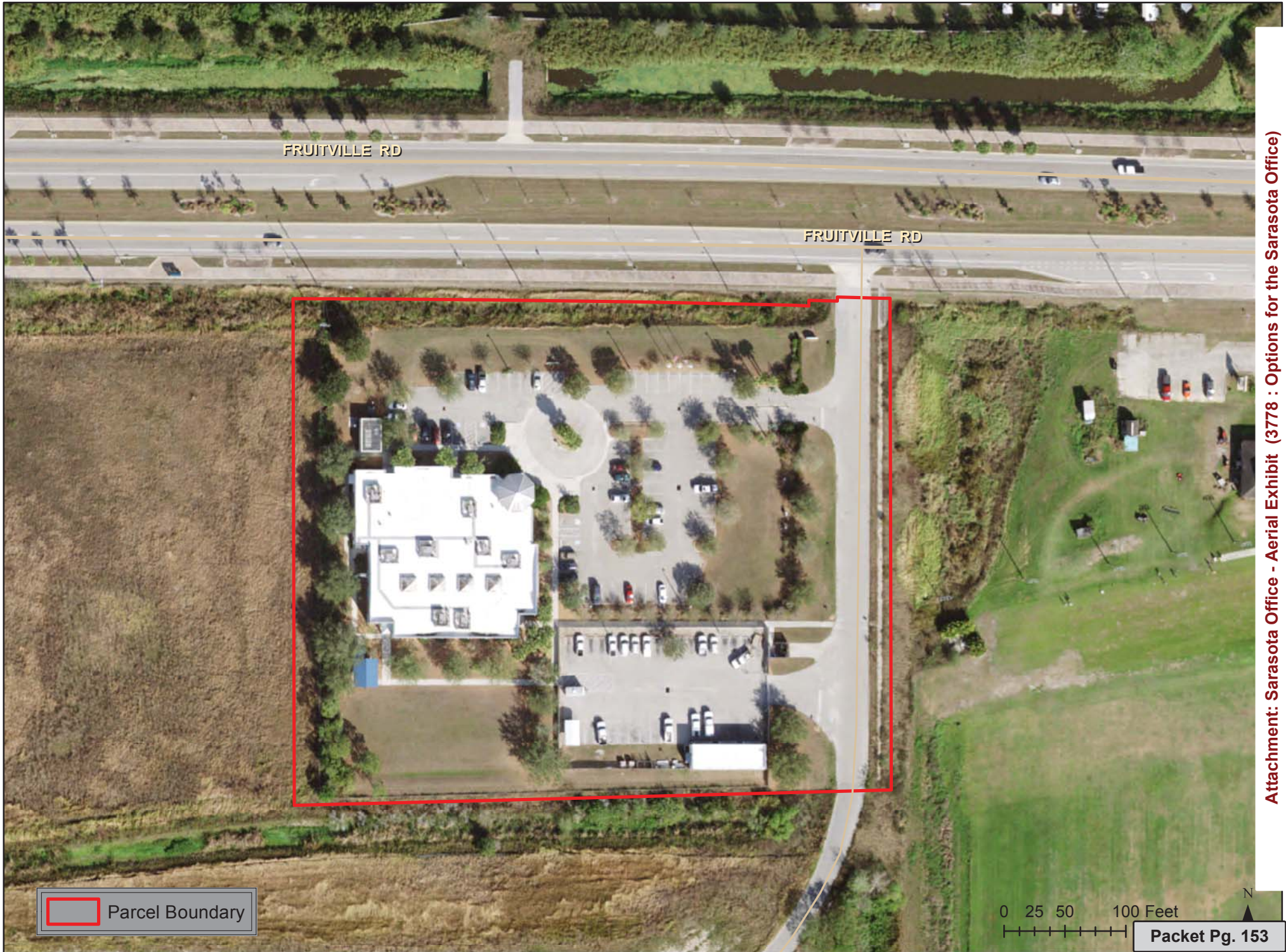
Presenter: John Campbell, Management Services Director
Earl Rich, General Services Bureau Chief

Sarasota Office



Attachment: Sarasota Office - General Location Exhibit (3778 : Options for the Sarasota Office)

Sarasota Office



FINANCE/OUTREACH & PLANNING COMMITTEE**May 22, 2018*****Submit and File Report*****Purchase Card Audit - Data Collection Bureau*****Purpose and Background***

In accordance with the District's *Annual Audit Plan*, staff have completed the Purchase Cards Audit involving the Data Collection Bureau.

The audit was identified through the District's annual risk assessment process. Staff recognized procurement card transactions as an area inherently susceptible to fraud. Inherent means "before the application of District procedures and controls." In transactional volume, purchase card transactions represent approximately 55 percent of the District's non-payroll disbursement transactions and total more than \$4 million per year (10-year average). However, because the total dollar value is approximately two percent of total District expenditures and because individual purchase card transactions generally are limited to \$3,000 or less, these disbursements are not heavily tested by external auditors.

The Governing Board authorized the inspector general to complete a purchase card audit of every district bureau. During each bureau engagement, the office conducts evidentiary testing of 100 percent of one month's transactions. The purpose of the engagements is to provide assurance that purchases are adequately controlled, protected from likely fraud schemes, and meet the public purposes budgeted by the Board.

Discussion and Follow-up

On average, the Data Collection Bureau averages \$175,000 dollars in purchase card transactions each year. During the Data Collection Bureau audit, the office reviewed January 2018 purchase card transactions. The office analyzed 60 transactions consisting of 93 purchases totaling \$18,007. No significant items (reportable conditions to the Governing Board) were identified during this audit and no significant process improvements are recommended. Overall, the Data Collection Bureau staff and management team should be commended for their proper administration of the purchase card program.

As authorized by the Governing Board, efficiency ideas generated through the audits will be forwarded to the District's DIVE Program for analysis and appropriate implementation by management. During the audit, the management team identified the following areas to improve the effectiveness, sustainability, or efficiency of the purchase card process:

- Revisiting the restriction on using the PCard for services
- Revisiting card limits for certain business units or individuals
- Training programs/process guidelines for new bureau employees (reconciler)
- Modifying tax reimbursement processes

A summary of the ideas generated, and actions taken, will be provided to the District Governing Board through the inspector general's *Annual Report* which is released at fiscal year-end. The results of the DIVE Program are reported by the Executive Director as part of his annual accomplishments.

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Staff Recommendation:

This item is for the Board's information; no action is required.

Presenter: Kurt P. Fritsch, Inspector General

FINANCE/OUTREACH & PLANNING COMMITTEE

May 22, 2018

Submit and File Report

Purchase Card Audit - District-Wide

Purpose and Background

In accordance with the District's *Annual Audit Plan*, staff have completed the Purchase Cards Audit involving the following offices and bureaus:

- Executive Office
- General Counsel Office
- Ombudsman Office
- Government and Community Affairs Office
- Human Resources Office
- Project Management Office
- Communications and Board Services Bureau
- Finance Bureau
- Natural Systems and Restoration Bureau
- Water Resources Bureau
- Environmental Resource Permit Bureau
- Water Use Permit Bureau
- Regulatory Support Bureau

Due to operational volume, the inspector general audited the Operations, General Services, Information Technology, and Data Collection Bureaus through separate engagements. The purpose and background for the audits are the same as previously reported for those engagements.

Discussion and Follow-up

In total, the offices and bureaus shown in the bulleted list above average \$400,000 in purchase card transactions each year. During the audit, the office reviewed all February 2018 purchase card transactions. The office audited 167 transactions, involving 293 types of items, totaling \$37,394. No significant items (reportable conditions to the Governing Board) were identified during this audit and no significant process improvements are recommended. Overall, the respective management teams should be praised for their proper administration of the purchase card program.

This completes the series of purchase card audits approved by the Governing Board. A summary of the ideas generated, and actions taken, will be provided to the District Governing Board through the inspector general's *Annual Report* which is released at fiscal year-end. Ideas reviewed and implemented through the District's DIVE Program are reported by the Executive Director as part of the Executive Director's annual accomplishments.

Staff Recommendation:

This item is for the Board's information; no action is required.

Presenter: Kurt P. Fritsch, Inspector General

FINANCE/OUTREACH & PLANNING COMMITTEE

May 22, 2018

Routine Report

Treasurer's Report and Payment Register

Purpose

Presentation of the Treasurer's Report and Payment Register.

Background

In accordance with Board Policy 130-3, *District Investment Policy*, a monthly report on investments shall be provided to the Governing Board. The Treasurer's Report as of April 30, 2018, reflects total cash and investments.

In accordance with Board Policy 130-1, *Disbursement of Funds*, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic fund transfers (EFTs).

Staff Recommendation:

These items are presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
April 30, 2018

CUSTODIAN HELD INVESTMENTS

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EFFECTIVE INTEREST RATE (%) | AMORTIZED COST | MARKET VALUE | ACCRUED INTEREST | % OF PORTFOLIO |
|--|--|-----------------------------------|-------------------|----------------------|----------------------|--------------------|
| PUBLIC TRUST ADVISORS | | | | | | |
| <u>SWFWMD-Enhanced Cash Portfolio</u> | | | | | | |
| 7951619 | Investments | 1.49 | \$201,722,380 | \$200,572,294 | \$628,760 | |
| 7951619 | Cash / Money Market Fund | 1.58 | 139,259 | 139,259 | 0 | |
| | | | Subtotal | \$201,861,639 | \$200,711,553 | \$628,760 |
| 7951619 | Accounts Receivable-Trade date prior to 4/30/18, Settlement date after 4/30/18 | | 891 | 891 | 0 | |
| | | | Total | \$201,862,530 | \$200,712,444 | \$628,760 |
| | | | | | | 39.10 |
| <u>SWFWMD- 1-3 Year Portfolio</u> | | | | | | |
| 7951620 | Investments | 1.56 | \$157,195,749 | \$154,907,980 | \$642,490 | |
| 7951620 | Cash / Money Market Fund | 1.58 | 50,158 | 50,158 | 0 | |
| | | | Subtotal | \$157,245,907 | \$154,958,138 | \$642,490 |
| 7951620 | Accounts Receivable-Trade date prior to 4/30/18, Settlement date after 4/30/18 | | 359 | 359 | 0 | |
| | | | Total | \$157,246,266 | \$154,958,497 | \$642,490 |
| | | | | | | 30.45 |
| <u>SWFWMD- 1-5 Year Portfolio</u> | | | | | | |
| 7962855 | Investments | 1.66 | \$51,055,716 | \$49,875,346 | \$239,840 | |
| 7962855 | Cash / Money Market Fund | 1.58 | 98,800 | 98,800 | 0 | |
| | | | Subtotal | \$51,154,516 | \$49,974,146 | \$239,840 |
| 7962855 | Accounts Receivable-Trade date prior to 4/30/18, Settlement date after 4/30/18 | | 180 | 180 | 0 | |
| | | | Total | \$51,154,696 | \$49,974,326 | \$239,840 |
| | | | | | | 9.91 |
| TOTAL CUSTODIAN HELD INVESTMENTS | | | | \$410,263,492 | \$405,645,267 | \$1,511,090 |
| | | | | | | 79.46 |

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
April 30, 2018

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EFFECTIVE INTEREST RATE (%) | PURCHASE COST | MARKET VALUE | ACCRUED INTEREST | % OF PORTFOLIO |
|---|--|-----------------------------------|----------------------|----------------------|---------------------|-------------------|
| STATE BOARD OF ADMINISTRATION | | | | | | |
| <u>Florida PRIME (Formerly Local Government Investment Pool)</u> | | | | | | |
| 271413 | SBA General Investments | 1.97 | \$77,288,850 | \$77,288,850 | | |
| 271414 | SBA Land Resources | 1.97 | 14,130,077 | 14,130,077 | | |
| 271415 | SBA Advanced State Funding (Eco System Trust Fund) | 1.97 | 476,587 | 476,587 | | |
| 271416 | SBA Advanced State Funding (FDOT) | 1.97 | 14,044,947 | 14,044,947 | | |
| 271417 | SBA Advanced State Funding (WRAP) | 1.97 | 93,779 | 93,779 | | |
| 271418 | SBA Advanced State Funding (WPSTF-AWS) | 1.97 | 34,853 | 34,853 | | |
| TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS | | | \$106,069,093 | \$106,069,093 | | 20.54 |
| TOTAL INVESTMENTS | | | \$516,332,585 | \$511,714,360 | | 100.00 |
| CASH, SUNTRUST DEMAND ACCOUNT | | | 1,669,195 | 1,669,195 | | |
| TOTAL CASH AND INVESTMENTS | | | \$518,001,780 | \$513,383,555 | | |

Weighted average yield on portfolio at April 30, 2018 is 1.63%.

EQUITY - CASH AND INVESTMENTS

DISTRICT AND BASINS

| | | |
|---|----------------------|----------------|
| District General Fund | \$441,205,376 | 85.17% |
| Restricted for Alafia River Basin | 966,443 | 0.19% |
| Restricted for Hillsborough River Basin | 26,961,536 | 5.20% |
| Restricted for Coastal Rivers Basin | 394,108 | 0.08% |
| Restricted for Pinellas-Anclote River Basin | 15,580,429 | 3.01% |
| Restricted for Withlacoochee River Basin | 2,512,531 | 0.49% |
| Restricted for Peace River Basin | 1,748,279 | 0.34% |
| Restricted for Manasota Basin | 4,260,403 | 0.82% |
| Total District General Fund | \$493,629,105 | 95.30% |
| FDOT Mitigation Program | 13,417,479 | 2.59% |
| Florida Forever Program | 10,955,196 | 2.11% |
| TOTAL EQUITY IN CASH AND INVESTMENTS | \$518,001,780 | 100.00% |

Monthly Investment Report for Period Ended April 30, 2018



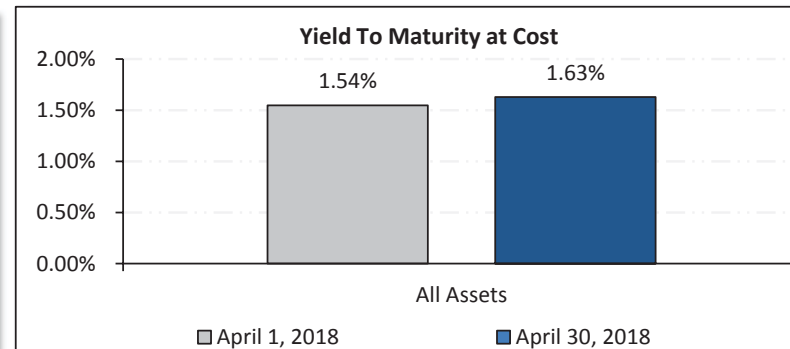
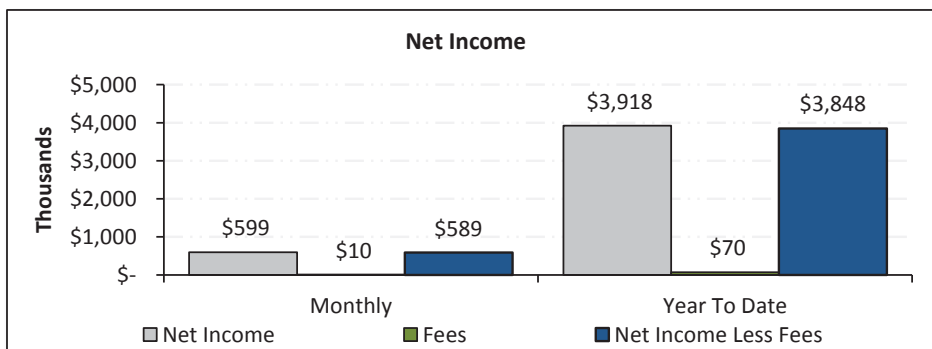
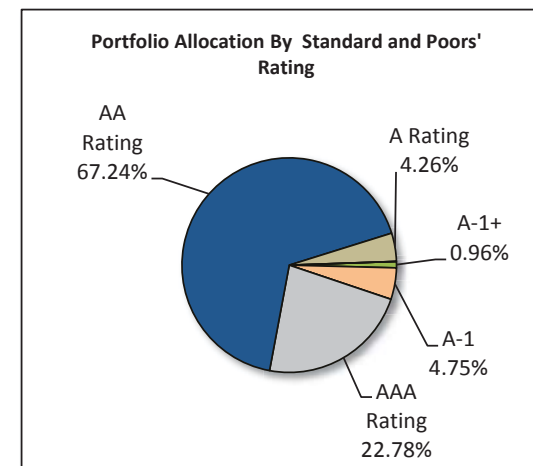
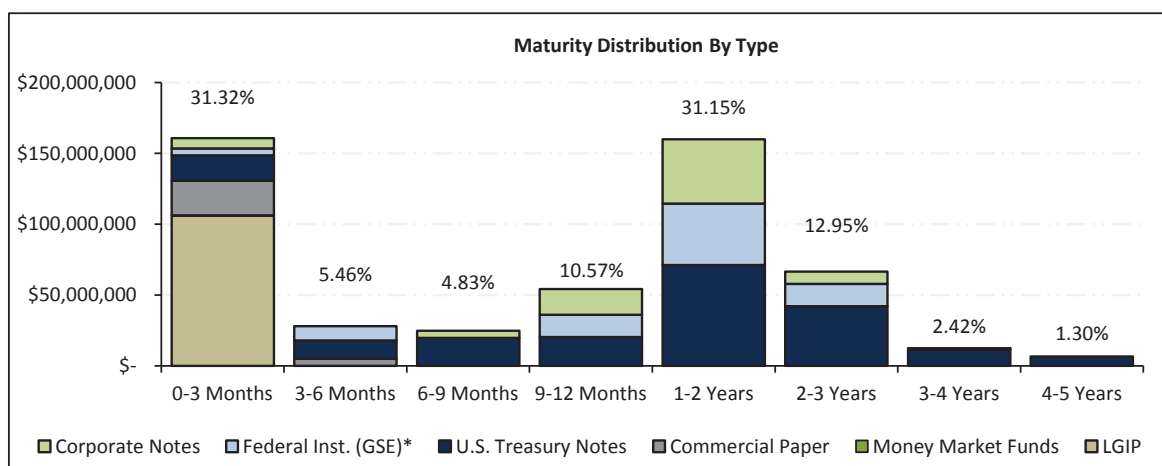
Southwest Florida Water Management District Investment Program Review

2379 Broad Street
Brooksville, FL 34604-6899

Public Trust Advisors LLC
201 E. Pine Street, Suite 750
Orlando, Florida 32801

Southwest Florida Water Management District All Assets Summary Comparison for the period April 1, 2018 to April 30, 2018

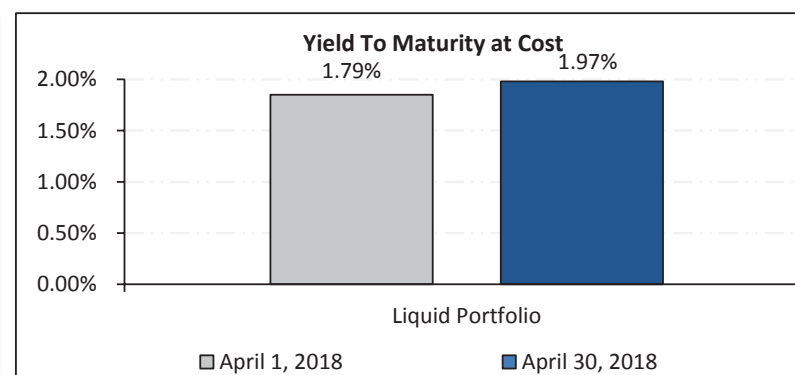
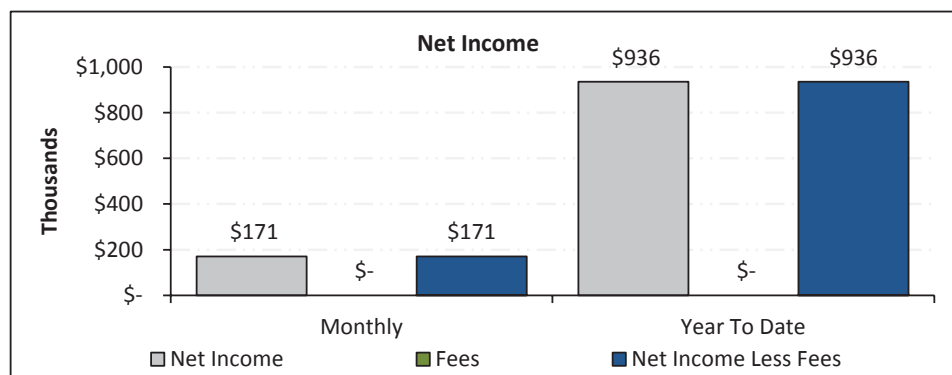
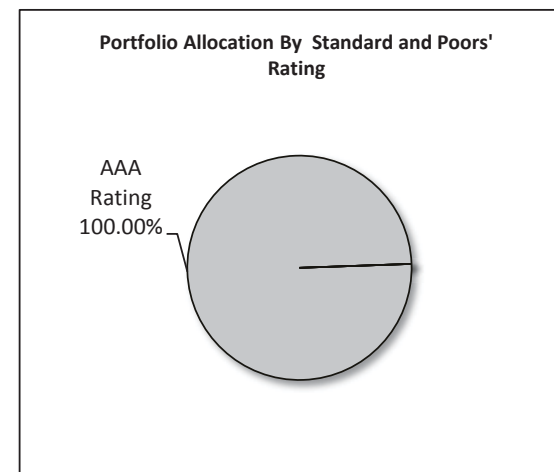
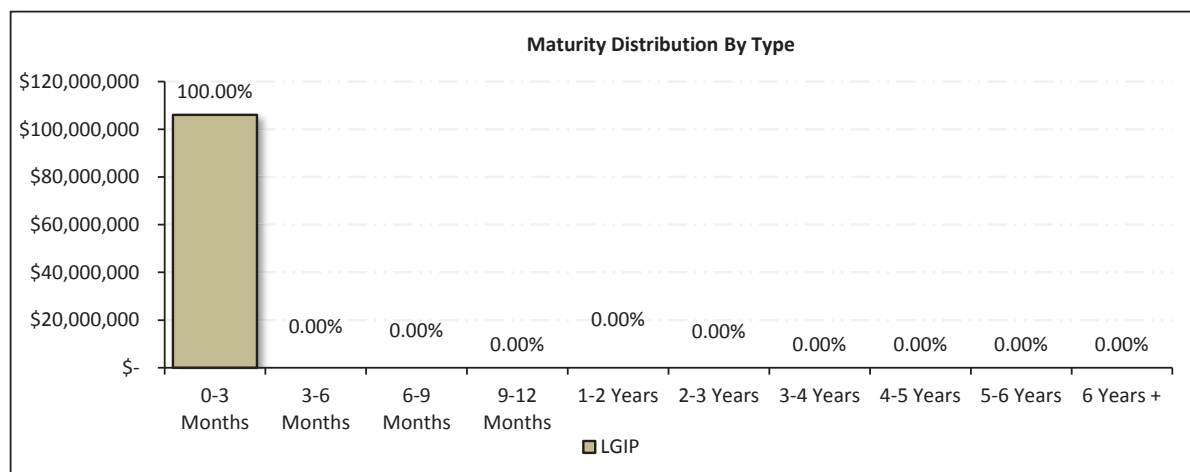
| Southwest Florida Water Management District All Assets Portfolio | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance | Portfolio Characteristic | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance |
|--|------------------------------------|----------------------------------|--------------------------|------------------------------------|----------------------------------|
| Book Value Plus Accrued | \$ 520,031,882.86 | \$ 517,842,243.83 | Weighted Book Yield | 1.54% | 1.63% |
| Net Unrealized Gain/Loss | (4,108,966.31) | (4,618,224.93) | Weighted Duration | 1.02 Years | 1.03 Years |
| Net Pending Transactions | 95,107.50 | 1,430.00 | | | |
| Market Value Plus Accrued Net ⁽²⁾ | \$ 516,018,024.05 | \$ 513,225,448.91 | | | |



(1), (2), (3) See additional disclosures for footnotes.

Southwest Florida Water Management District Liquid Portfolio Summary Comparison for the period April 1, 2018 to April 30, 2018

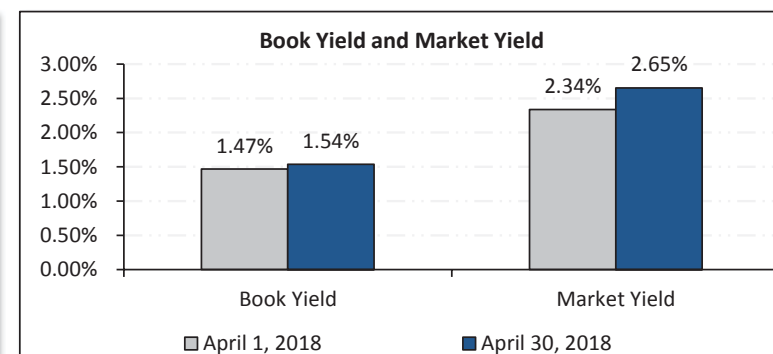
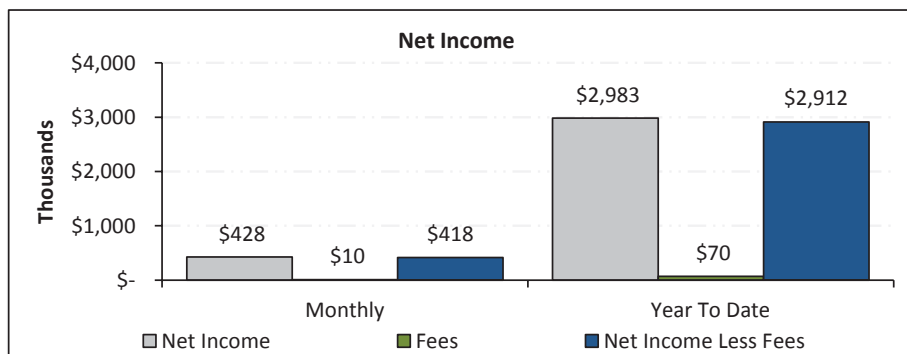
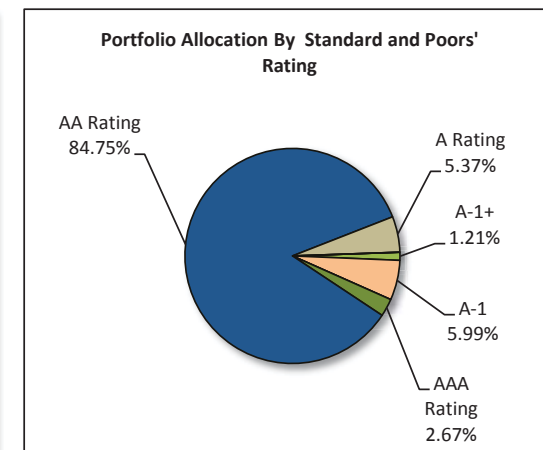
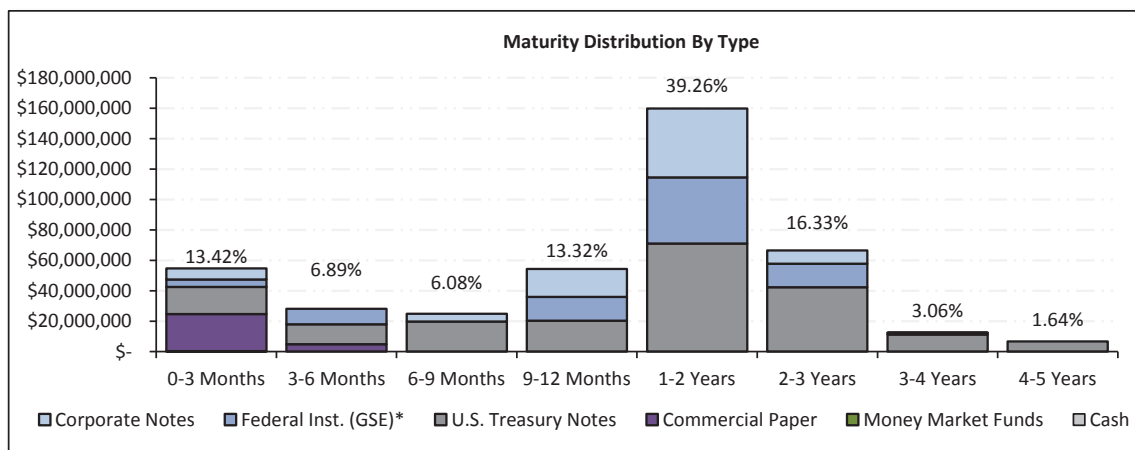
| Southwest Florida Water Management District Liquid Portfolio | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance | Portfolio Characteristic | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance |
|--|------------------------------------|----------------------------------|---------------------------|------------------------------------|----------------------------------|
| Book Value Plus Accrued | \$108,780,760.03 | \$ 106,069,092.33 | Yield to Maturity at Cost | 1.79% | 1.97% |
| Net Unrealized Gain/Loss | 0.00 | 0.00 | Duration | 0.00 Years | 0.00 Years |
| Net Pending Transactions | 0.00 | 0.00 | | | |
| Market Value Plus Accrued Net ⁽²⁾ | \$ 108,780,760.03 | \$ 106,069,092.33 | | | |



(1), (2), (3) See additional disclosures for footnotes.

Southwest Florida Water Management District Agg Public Trust Portfolio Summary Comparison for the period April 1, 2018 to April 30, 2018

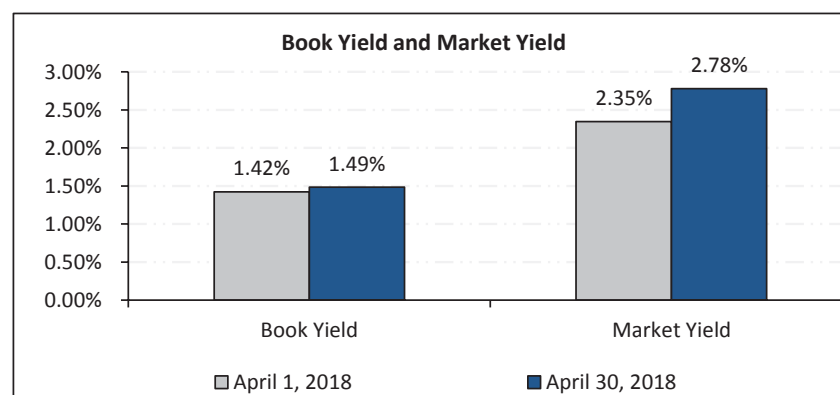
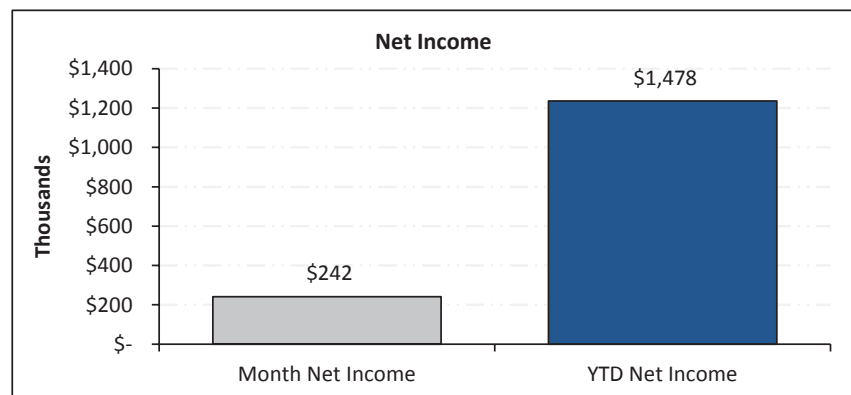
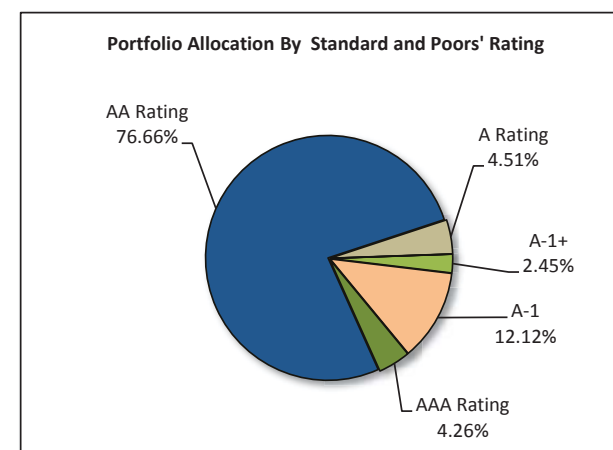
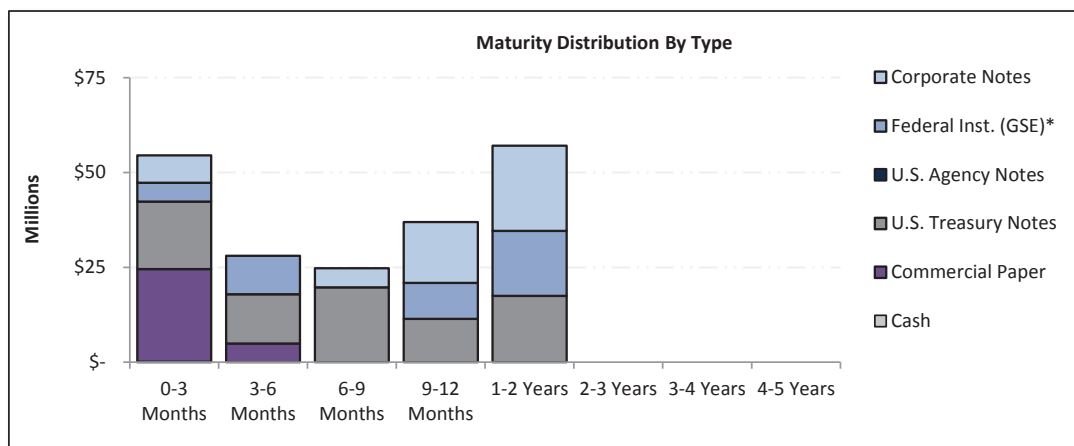
| Southwest Florida Water Management District Agg Public Trust Portfolio | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance | Portfolio Characteristic | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance |
|--|------------------------------------|----------------------------------|--------------------------|------------------------------------|----------------------------------|
| Book Value Plus Accrued | \$ 411,251,122.83 | \$ 411,773,151.50 | Book Yield Gross | 1.47% | 1.54% |
| Net Unrealized Gain/Loss | (4,108,966.31) | (4,618,224.93) | Market Yield Gross | 2.34% | 2.65% |
| Net Pending Transactions | 95,107.50 | 1,430.00 | Duration | 1.30 Years | 1.29 Years |
| Market Value Plus Accrued Net ⁽²⁾ | \$ 407,237,264.02 | \$ 407,156,356.58 | | | |



(1), (2), (3) See additional disclosures for footnotes.

Southwest Florida Water Management District Enh Cash Summary Comparison for the period April 1, 2018 to April 30, 2018

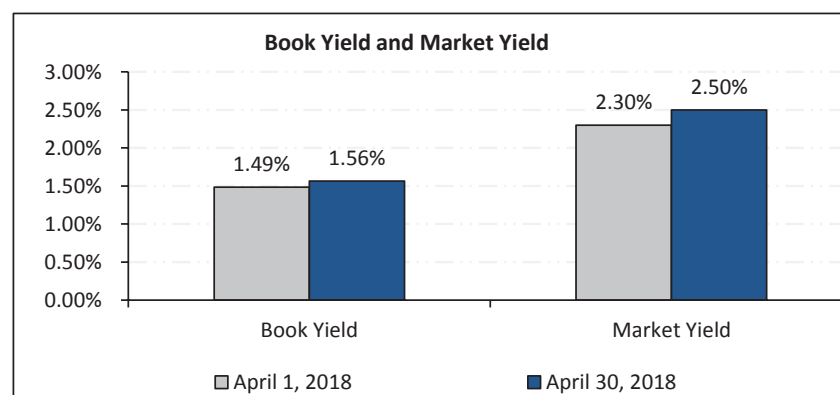
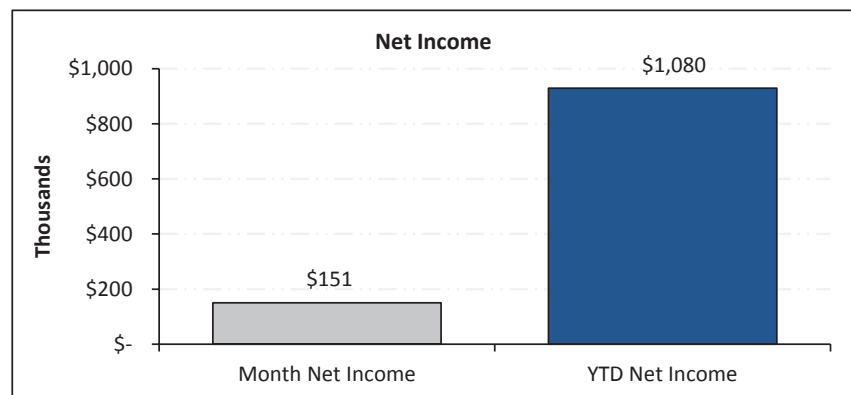
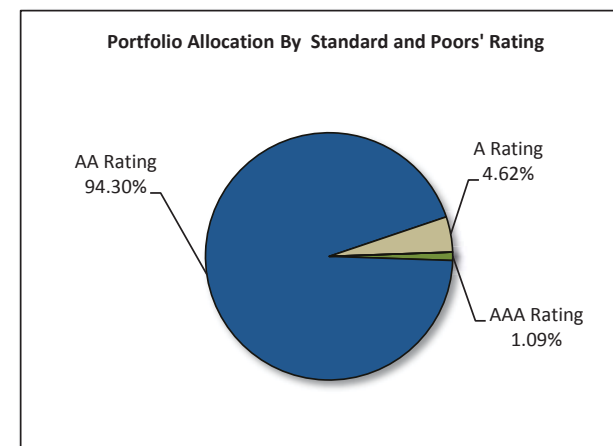
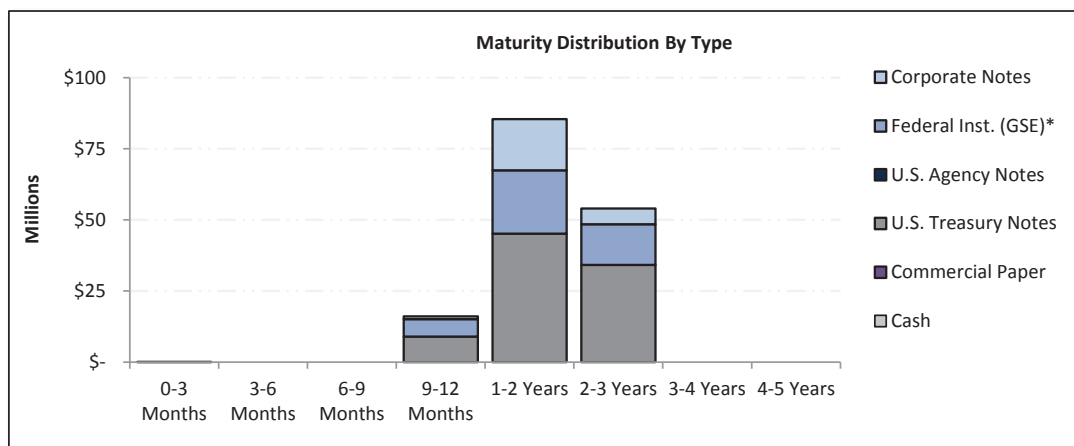
| Southwest Florida Water Management District Enh Cash | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance | Portfolio Characteristic | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance |
|--|------------------------------------|----------------------------------|--------------------------|------------------------------------|----------------------------------|
| Book Value Plus Accrued | \$ 202,247,977.45 | \$ 202,490,398.41 | Book Yield Gross | 1.42% | 1.49% |
| Net Unrealized Gain/Loss | (1,115,680.17) | (1,150,085.61) | Market Yield Gross | 2.35% | 2.78% |
| Net Pending Transactions | 1,729.83 | 890.86 | Duration | 0.73 Years | 0.67 Years |
| Market Value Plus Accrued Net ⁽²⁾ | \$ 201,134,027.11 | \$ 201,341,203.66 | | | |



(1), (2), (3) See additional disclosures for footnotes.

Southwest Florida Water Management District 1-3 Year Summary Comparison for the period April 1, 2018 to April 30, 2018

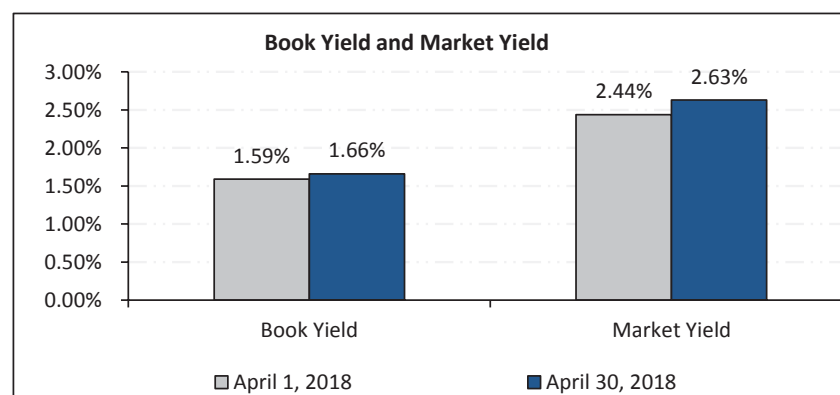
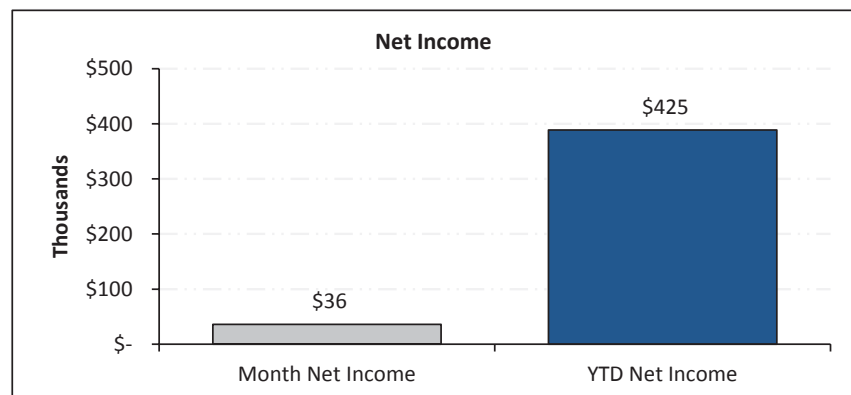
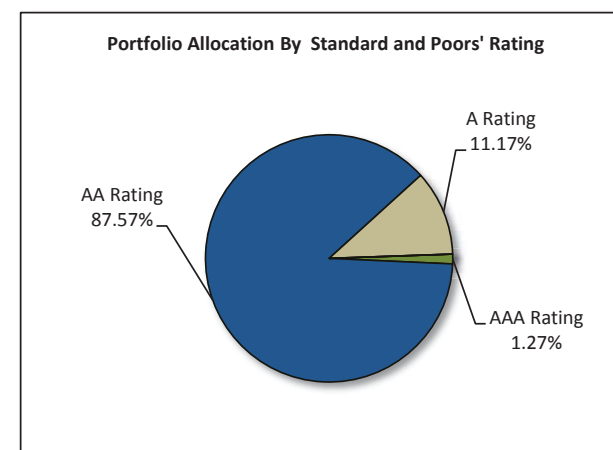
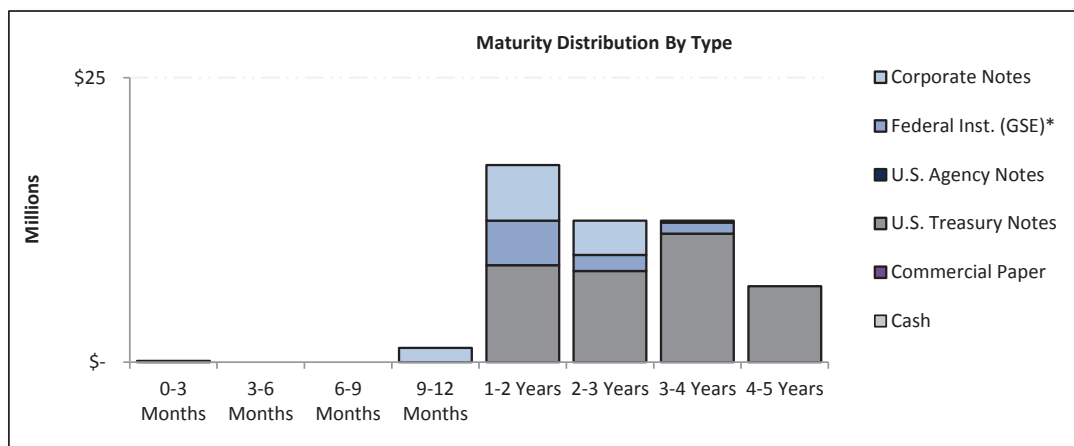
| Southwest Florida Water Management District 1-3 Year | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance | Portfolio Characteristic | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance |
|--|------------------------------------|----------------------------------|--------------------------|------------------------------------|----------------------------------|
| Book Value Plus Accrued | \$ 157,661,882.35 | \$ 157,888,397.14 | Book Yield Gross | 1.49% | 1.56% |
| Net Unrealized Gain/Loss | (1,979,204.12) | (2,287,769.34) | Market Yield Gross | 2.30% | 2.50% |
| Net Pending Transactions | 76,241.73 | 358.77 | Duration | 1.68 Years | 1.72 Years |
| Market Value Plus Accrued Net ⁽²⁾ | \$ 155,758,919.96 | \$ 155,600,986.57 | | | |



(1), (2), (3) See additional disclosures for footnotes.

Southwest Florida Water Management District 1-5 Year Summary Comparison for the period April 1, 2018 to April 30, 2018

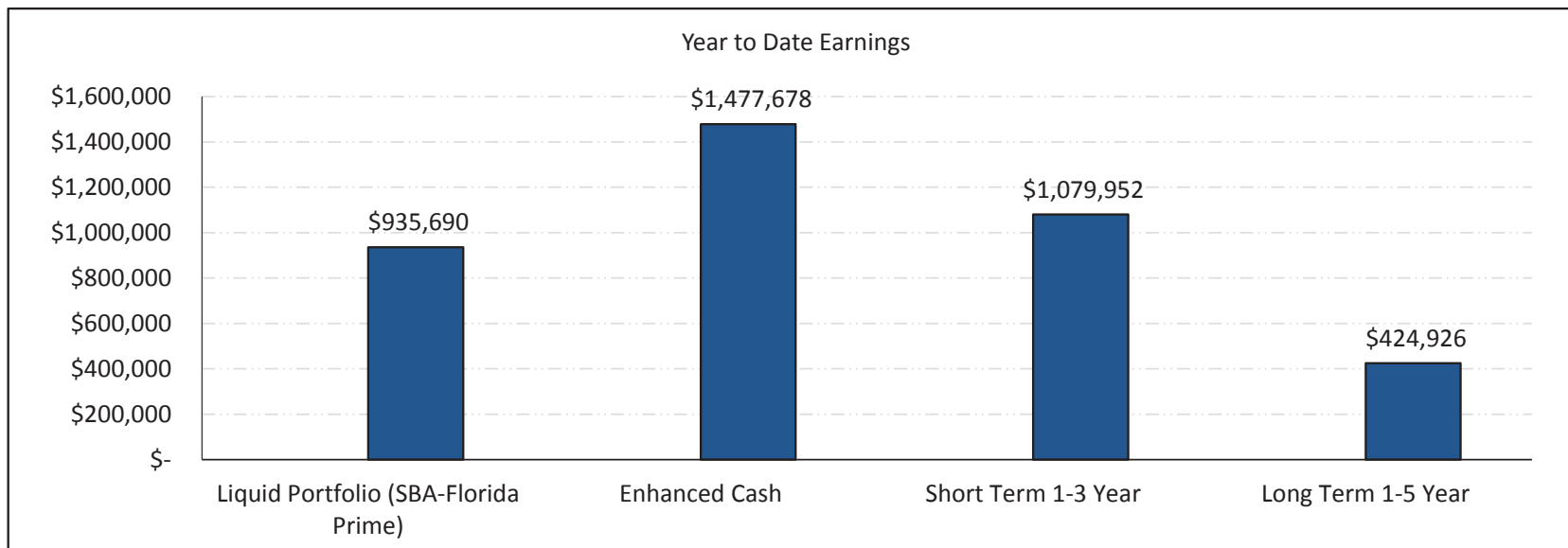
| Southwest Florida Water Management District 1-5 Year | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance | Portfolio Characteristic | April 1, 2018 Beginning Balance | April 30, 2018 Ending Balance |
|--|------------------------------------|----------------------------------|--------------------------|------------------------------------|----------------------------------|
| Book Value Plus Accrued | \$ 51,341,263.04 | \$ 51,394,355.95 | Book Yield Gross | 1.59% | 1.66% |
| Net Unrealized Gain/Loss | (1,014,082.02) | (1,180,369.98) | Market Yield Gross | 2.44% | 2.63% |
| Net Pending Transactions | 17,135.94 | 180.37 | Duration | 2.41 Years | 2.49 Years |
| Market Value Plus Accrued Net ⁽²⁾ | \$ 50,344,316.96 | \$ 50,214,166.34 | | | |



(1), (2), (3) See additional disclosures for footnotes.

Southwest Florida Water Management District All Assets Earnings Summary and Portfolio Value as of April 30, 2018

| Portfolio Earnings | April 30, 2018 Monthly Earnings | April 30, 2018 YTD Earnings | Total Portfolio Value | April 30, 2018 Balance |
|--------------------------------------|------------------------------------|--------------------------------|-----------------------|---------------------------|
| Liquid Portfolio (SBA-Florida Prime) | \$ 170,932 | \$ 935,690 | Amortized Cost | \$ 517,842,244 |
| Enhanced Cash | 241,582 | 1,477,678 | Market Value | \$ 513,225,449 |
| Short Term 1-3 Year | 150,632 | 1,079,952 | | |
| Long Term 1-5 Year | 36,137 | 424,926 | | |
| Total Earnings Gross of Fees | \$ 599,283 | \$ 3,918,246 | | |
| Less Advisory Fees: | \$ (9,957) | \$ (70,455) | | |
| Total Earnings Net of Fees | \$ 589,326 | \$ 3,847,791 | | |
| Blended Basis Fee (Annualized) | 0.02307% | 0.02332% | | |



*Information provided by District staff.

Additional Disclosure

This statement is for general information purposes only and is not intended to provide specific advice or recommendations. Please review the contents of this statement carefully. Should you have any questions regarding the information presented, calculation methodology, investment portfolio or security detail, or any other facet of your statement, please feel free to contact us.

Public Trust Advisor's monthly statement is intended to detail our investment advisory activity as well as the activity of any accounts held by clients in pools that are managed by Public Trust Advisors. The custodian bank maintains the control of assets and executes and settles all investments transactions. The custodian statement is the official record of security and cash holdings transactions. Public Trust Advisors recognizes that clients may use these reports to facilitate record keeping; therefore the custodian bank statement and the Public Trust Advisors statement should be reconciled and differences resolved. Many custodians use a settlement date basis which may result in the need to reconcile due to a timing difference. Please contact your relationship manager or our toll free number 855-395-3954 with questions regarding your account.

Public Trust Advisors does not have the authority to withdraw funds from or deposit funds to the custodian. Our clients retain responsibility for their internal accounting policies; implementing and enforcing internal controls and generating ledger entries or otherwise recording transactions.

Pricing sources from our reporting platform are provided by Clearwater reporting platform and are established by Clearwater's internal pricing procedures. Clearwater utilizes a hierarchical pricing model which starts with one of the industry's pricing sources, S&P Capital IQ. Securities with short maturities and infrequent secondary market trades are typically priced via mathematical calculations. The Securities in this investment portfolio, including shares of mutual funds, are not guaranteed or otherwise protected by Public trust Advisors, the FDIC (except for certain non-negotiable certificates of deposit) or any government agency, unless otherwise specifically stated. Investment in fixed income securities involves risks, including the possible loss of the amount invested.

Past performance is not an indication of future performance.

Beginning and Ending Balances based on Market Value plus Accrued Interest on a Trade Date basis.

Public Trust Advisors is an investment advisor registered with the Securities and Exchange Commission, and is required to maintain a written disclosure statement of our background and business experience. If you would like to receive a copy of our current disclosure statement, privacy policy, or code of ethics please contact Service Operations at the address below.

Public Trust Advisors
717 17th Street, Suite 1850
Denver, CO 80202

FINANCE/OUTREACH & PLANNING COMMITTEE

May 22, 2018

Routine Report

Monthly Financial Statement

Purpose

Presentation of the April 30, 2018, monthly financial statement.

Background

In accordance with Sections 373.536(4)(e) and 215.985(12), Florida Statutes, relating to state financial information with certain financial transparency requirements, the District is submitting a "Statement of Sources and Uses of Funds for the Seventh Month Ended April 30, 2018."

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

Statement of Sources and Uses of Funds For the Seven Months Ended April 30, 2018

The attached “Statement of Sources and Uses of Funds” statement is provided for your review. This financial statement provides summary-level revenues (i.e., sources) and expenditures by program (i.e., uses). **This unaudited financial statement is provided as of April 30, 2018, with 58.3 percent of the fiscal year completed.**

This financial statement compares revenues recognized and encumbrances/expenditures made against the District’s FY2017-18 available budget of \$363.4 million. Encumbrances represent orders for goods and services which have not yet been received.

Revenues (Sources) Status:

- Overall, as of April 30, 2018, 84 percent of the District’s budgeted revenues/balances have been recognized.
- As of April 30, 2018, the District has received \$104,141,867 of ad valorem tax revenue representing 96 percent of the budget. This is in-line with the seven-month prior year collection rates of 96 percent for FY2016-17 and 96 percent for FY2015-16. The budget represents 96 percent of the taxable property values as certified by the District’s sixteen counties multiplied by the Governing Board approved millage rate. Projections are based on historical collections.
- Intergovernmental Revenues are recognized at the time related expenditures are incurred. For FY2017-18, \$2,825,268 in revenues has been recognized, representing 5 percent of the budget. From year to year, the budgeted amount of intergovernmental revenue compared to the recognized amount can fluctuate for various reasons; projects can be in the planning stages and have not incurred a significant amount of expenditures, or anticipated projects may be cancelled (e.g., cooperative funding projects).
- The FY2017-18 interest earnings budget was based on a 1.35 percent expected rate of return. The District’s investment portfolio at April 30, 2018, is earning a weighted average yield of 1.63 percent. For the seven months ended April 30, 2018, the District has earned 1.30 percent yield on its investments. Interest earnings on invested funds in the amount of \$3,916,540 have been recognized representing 63 percent of the budgeted amount.
- License and Permit Fees consist of revenue from water use permits, environmental resource permits, water well construction permits, and water well construction licenses. Revenue recognized represents 56 percent of the budgeted amount as of April 30, 2018.
- As of April 30, 2018, other revenue earned is 372 percent of budget. Each year, items that fall within the “Other” revenue category are budgeted conservatively due to the uncertainty of the amounts to be collected. For example, revenues from timber sales, hog hunts, insurance recoveries and the sale of capital assets can vary significantly from year to year. The majority of the increase is due to sale of capital assets in the amount of \$1,549,000.

- Fund Balance consists of balance from prior years (budgeted for the current year) plus fund balance associated with the ad valorem funded encumbrances that rolled into the current year.

Expenditures (Uses) Status:

Overall, as of April 30, 2018, the District had obligated 69 percent of its total budget.

Summary of Expenditures by Program

This financial statement illustrates the effort to date for each of the District's six statutory program areas (Section 373.536(5)(e)4, Florida Statutes). A discussion of the expenditures by program follows.

- The **Water Resource Planning and Monitoring Program** includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resource planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review). Of the \$43.5 million budgeted for this program, the District has obligated 70 percent of the budget (28 percent expended, and 42 percent encumbered).
- The **Land Acquisition, Restoration and Public Works Program** includes the development and construction of all capital projects (except for those contained in the Operation and Maintenance of Works and Lands Program), including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction, land acquisition (i.e., Florida Forever program), and the restoration of lands and water bodies. Of the \$256.4 million budgeted for this program, the District has obligated 72 percent of the budget (4 percent expended, and 68 percent encumbered).
- The **Operation and Maintenance of Works and Lands Program** includes all operation and maintenance of facilities, flood control and water conservation structures, lands, and other works authorized by Chapter 373, Florida Statutes. Of the \$26.5 million budgeted for this program, the District has obligated 50 percent of the budget (34 percent expended, and 16 percent encumbered).
- The **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration, compliance and enforcement, and any delegated regulatory program. Of the \$21.1 million budgeted for this program, the District has obligated 56 percent of the budget (46 percent expended, and 10 percent encumbered).
- The **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resources education; public information activities; all lobbying activities relating to local, regional, state, and federal governmental affairs; and all public relations activities and advertising in any media. Of the \$2.8 million budgeted for this program, the District has obligated 49 percent of the budget (27 percent expended, and 22 percent encumbered).

- The **Management and Administration Program** includes executive management, executive support, governing board support, ombudsman, general counsel, inspector general, administrative support (general), procurement, finance, human resources, and risk management. Of the \$13.0 million budgeted for this program, the District has obligated 65 percent of the budget (56 percent expended, and 9 percent encumbered).

Based on the financial activities for the seven months ended April 30, 2018, the financial condition of the District is positive and budget variances are generally favorable. There are no reported or identified major trends, conditions or variances that warrant additional management attention.

**Southwest Florida Water Management District
Statement of Sources and Uses of Funds
For the Seven Months Ended April 30, 2018
(Unaudited)**

| | Current Budget | Actuals Through 4/30/2018 | Variance (under)/Over Budget | Actuals As A % of Budget (rounded) |
|----------------------------|---------------------------|--|---|---|
| Sources | | | | |
| Ad Valorem Property Taxes | \$ 108,116,279 | \$ 104,141,867 | \$ (3,974,412) | 96% |
| Intergovernmental Revenues | 54,382,743 | 2,825,268 | (51,557,475) | 5% |
| Interest on Invested Funds | 6,200,000 | 3,916,540 | (2,283,460) | 63% |
| License and Permit Fees | 1,938,500 | 1,080,165 | (858,335) | 56% |
| Other | 603,028 | 2,245,099 | 1,642,071 | 372% |
| Fund Balance | 192,157,253 | 192,157,253 | - | 100% |
| Total Sources | \$ 363,397,803 | \$ 306,366,192 | \$ (57,031,611) | 84% |

| | Current Budget | Expenditures | Encumbrances¹ | Available Budget | % Expended (rounded) | % Obligated² (rounded) |
|--|---------------------------|----------------------|---------------------------------|-----------------------------|---------------------------------|--|
| Uses | | | | | | |
| Water Resource Planning and Monitoring | \$ 43,538,923 | \$ 12,311,804 | \$ 18,136,319 | \$ 13,090,800 | 28% | 70% |
| Land Acquisition, Restoration and Public Works | 256,418,882 | 10,411,222 | 175,138,301 | 70,869,359 | 4% | 72% |
| Operation and Maintenance of Works and Lands | 26,535,908 | 9,044,599 | 4,184,872 | 13,306,437 | 34% | 50% |
| Regulation | 21,081,860 | 9,693,093 | 2,183,255 | 9,205,512 | 46% | 56% |
| Outreach | 2,838,959 | 758,318 | 644,978 | 1,435,663 | 27% | 49% |
| Management and Administration | 12,983,271 | 7,317,672 | 1,174,998 | 4,490,601 | 56% | 65% |
| Total Uses | \$ 363,397,803 | \$ 49,536,708 | \$ 201,462,723 | \$ 112,398,372 | 14% | 69% |

¹ Encumbrances represent unexpended balances of open purchase orders and contracts.

² Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited preliminary financial statement is prepared as of April 30, 2018, and covers the interim period since the most recent audited financial statements.

FINANCE/OUTREACH & PLANNING COMMITTEE

May 22, 2018

Routine Report

Monthly Cash Balances by Fiscal Year

Purpose

To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of April 30, 2018.

Background

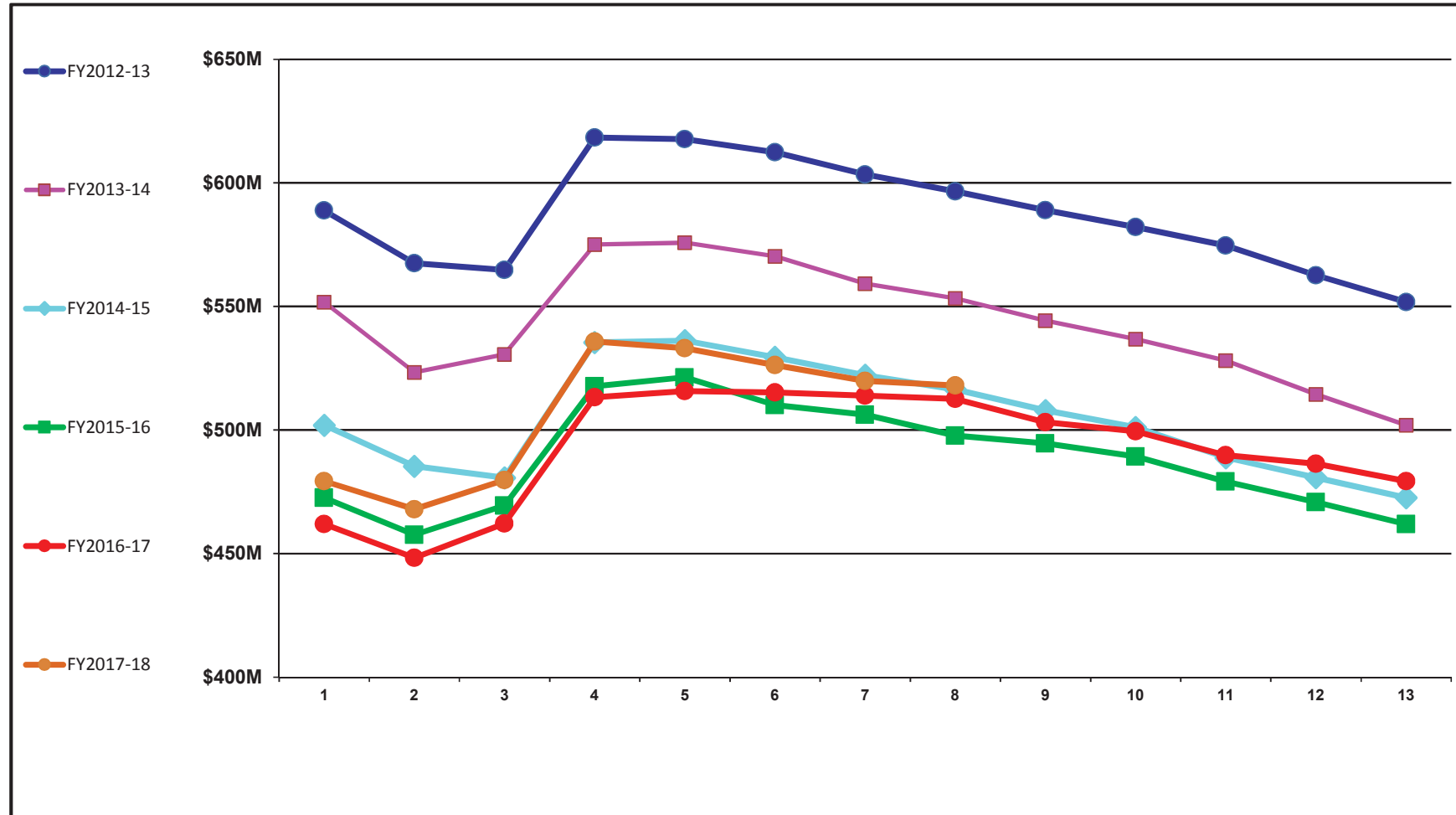
This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves are utilized for projects.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

Southwest Florida Water Management District
Monthly Cash Balances by Fiscal Year
 (FY2012-13 - FY2016-17 and FY2017-18 To-Date)



FINANCE/OUTREACH & PLANNING COMMITTEE

May 22, 2018

Routine Report

Comprehensive Plan Amendment and Related Reviews Report

Purpose

This report is provided for the Committee's information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly.

Background/History

The water management districts provide technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses various areas of water resource management, including water supply, flood protection and water quality, and is intended to support sound land use decisions. Statutory directives for this assistance include Section 373.711, Florida Statutes (F.S.), Technical Assistance to Local Governments, and Section 163.3184, F.S., Process for Adoption of Comprehensive Plan or Plan Amendments. Under Section 163, F.S., substantially revised in 2011, if important state resources and facilities are to be adversely impacted, the water management districts and other state reviewing agencies must state with specificity how the plan amendment will adversely impact the resource or facility and must include measures that the local government may take to eliminate, reduce, or mitigate the impacts. Any plan amendment comments provided by a water management district and/or other state agencies that are not resolved may be challenged by the Department of Economic Opportunity (DEO).

Benefits/Costs

The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

Staff Recommendation:

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

Presenter: Robyn Felix, Communications and Board Services Bureau Chief

Local Government Comprehensive Plan Amendment and Related Reviews Report

As of May 2, 2018

| Project | Amendment Type | Assigned | Completed | Description | 10YWSFWP |
|---------------------|----------------|-----------|-----------|---|--------------------------|
| Bartow 18-1 | ESR | 3/16/2018 | 4/13/2018 | No substantive comments. | <input type="checkbox"/> |
| Belleair Shore 18-1 | ESR | 4/27/2018 | | Text amendments. | <input type="checkbox"/> |
| Charlotte 18-2 | ESR | 4/2/2018 | 4/25/2018 | No substantive comments. | <input type="checkbox"/> |
| Coleman 18-1 | ESR | 3/13/2018 | 3/27/2018 | No substantive comments. | <input type="checkbox"/> |
| Davenport 18-1 | ESR | 4/27/2018 | | Map amendment. | <input type="checkbox"/> |
| Davenport 18-2 | ESR | 4/30/2018 | | Map amendment. | <input type="checkbox"/> |
| Hernando 18-1 | ESR | 3/22/2018 | 4/19/2018 | Comments addressed existing wells, dewatering activities (if proposed), and need for documentation confirming the availability of adequate water supply sources and facilities for commercial acreage. | <input type="checkbox"/> |
| Hernando 18-2 | EAR-based | 3/23/2018 | 4/20/2018 | Plan update. Comment letter addressed language usurping the District's water use permitting authority. The County was also encouraged to recognize and participate in the implementation of the Weeki Wachee River SWIM Plan. | <input type="checkbox"/> |
| Hernando 18-3 | DRI | 4/25/2018 | | Map and text amendments. | <input type="checkbox"/> |
| Hillsborough 18-1 | ESR | 3/12/2018 | 4/9/2018 | Comments addressed water supply coordination with TBW, implementation of conservation measures and ERP coordination. | <input type="checkbox"/> |
| Hillsborough 18-2 | ESR | 4/26/2018 | | Map amendment. | <input type="checkbox"/> |
| Lake 18-1 | ESR | 4/13/2018 | | Text amendment. | <input type="checkbox"/> |
| Lake 18-2 | EAR-based | 4/13/2018 | | Text amendments. Plan update. | <input type="checkbox"/> |
| Lakeland 18-2 | ESR | 3/15/2018 | 4/13/2018 | No substantive comments. | <input type="checkbox"/> |
| Largo 18-1 | ESR | 4/9/2018 | | Text amendments. | <input type="checkbox"/> |
| Manatee 18-1 | ESR | 4/11/2018 | | Text amendment. | <input type="checkbox"/> |
| Marion 18-1 | ESR | 4/30/2018 | | Map amendment. | <input type="checkbox"/> |
| North Port 18-1 | ESR | 4/17/2018 | | Map and text amendments. | <input type="checkbox"/> |
| Pasco 18-2 | ESR | 2/23/2018 | 3/16/2018 | No substantive comments. | <input type="checkbox"/> |

| Project | Amendment Type | Assigned | Completed | Description | 10YWSFWP |
|---------------------|----------------|-----------|-----------|--------------------------|--------------------------|
| Pasco 18-3 | ESR | 4/10/2018 | | Map and text amendments. | <input type="checkbox"/> |
| Plant City 18-1 | ESR | 4/9/2018 | | Text and map amendments. | <input type="checkbox"/> |
| Polk 18-2ACSC | Regular | 2/9/2018 | 3/13/2018 | No substantive comments. | <input type="checkbox"/> |
| Polk 18-3 | ESR | 4/23/2018 | | Map amendments. | <input type="checkbox"/> |
| Punta Gorda 18-1 | ESR | 3/27/2018 | 4/25/2018 | No substantive comments. | <input type="checkbox"/> |
| Sarasota 18-1 | ESR | 3/6/2018 | 4/3/2018 | No substantive comments. | <input type="checkbox"/> |
| Sarasota 18-2 | ESR | 3/26/2018 | 4/25/2018 | No substantive comments. | <input type="checkbox"/> |
| Tampa 18-1 | ESR | 3/8/2018 | 3/27/2018 | No substantive comments. | <input type="checkbox"/> |
| Tarpon Springs 18-1 | ESR | 4/24/2018 | | Text amendments. | <input type="checkbox"/> |
| Winter Haven 18-1 | ESR | 2/23/2018 | 4/3/2018 | No substantive comments. | <input type="checkbox"/> |
| Winter Haven 18-2 | ESR | 4/30/2018 | | Map amendments. | <input type="checkbox"/> |

Abbreviations:

DRI Development of Regional Impact
 EAR Evaluation and Appraisal Report
 ESR Expedited State Review
 DRI Development of Regional Impact

FINANCE/OUTREACH & PLANNING COMMITTEE

May 22, 2018

Routine Report

Development of Regional Impact Activity Report

Purpose

This report is provided for the Committee's information and shows District activity in the review of Developments of Regional Impact (DRIs). Staff updates the report monthly.

Background/History

The water management districts participate with other state agencies in the review of DRIs, pursuant to Section 380.06, Florida Statutes. A DRI is defined as any development which, because of its character, magnitude or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county. A set of statewide guidelines and standards (thresholds) has been adopted by rule that is used in determining whether particular developments must undergo DRI review. A form has been adopted by rule that specifies the information that must be provided by the developer in the DRI Application for Development Approval (ADA).

The DRI review process is administered by the regional planning councils and oversight is provided by the Florida Department of Economic Opportunity (DEO). The District has also entered into memoranda of agreement with the Central Florida, Southwest Florida, Tampa Bay and Withlacoochee regional planning councils to more specifically outline the District's DRI review responsibilities. The District provides water resource management technical and policy information to the regional planning councils and local governments to assist them in making well-informed growth management decisions.

Benefits/Costs

The goals of the District's DRI review program are twofold: (1) to ensure regional planning councils and local government elected officials have sound water resource technical and policy information as they consider approval of large scale development proposals; and (2) to reduce the number and magnitude of issues that will need to be addressed during the District's regulatory review processes. District participation in this program helps to ensure that these proposed large-scale developments are compatible with the District's plans, programs and statutory directives. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

Staff Recommendation:

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

Presenter: Robyn Felix, Communications and Board Services Bureau Chief

DRI Activity Report

As of May 2, 2018

| Project | DRI Location | DRI App Type | Date Assigned | Date Completed | Description |
|------------------|-----------------|--|---------------|----------------|---|
| Palmer Ranch DRI | Sarasota County | Application for Incremental Development Approval | 3/27/2018 | 4/5/2018 | Increment 28, Parcel 6A. Proposed development includes 500 single-family units on 282 acres. No substantive comments. |

Abbreviations:

DRI Development of Regional Impact

**Governing Board Meeting
May 22, 2018**

| |
|--------------------------------------|
| RESOURCE MANAGEMENT COMMITTEE |
|--------------------------------------|

Discussion Items

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- 42. Florida Department of Environmental Protection BMAP Update 182
- 43. Fiscal Year 2018-19 Cooperative Funding Update..... 183

Submit & File Reports – None

Routine Reports

- 44. Minimum Flows and Levels Status Update 185
- 45. Significant Water Resource and Development Projects..... 187

RESOURCE MANAGEMENT COMMITTEE

May 22, 2018

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

RESOURCE MANAGEMENT COMMITTEE

May 22, 2018

Discussion Item

Florida Department of Environmental Protection BMAP Update

Purpose

The purpose of this item is to brief the Governing Board on the Florida Department of Environmental Protection (FDEP) Basin Management Action Plans (BMAPs) for impaired Outstanding Florida Springs, including Crystal River/Kings Bay, Homosassa River, Chassahowitzka River, Weeki Wachee River and the Rainbow River.

Background/History

The FDEP is responsible for identifying impaired waters that do not meet water quality standards and for developing and adopting Total Maximum Daily Loads (TMDL) for those waterbodies. For each impaired waterbody, the FDEP develops and adopts a scientifically derived restoration target, known as a Total Maximum Daily Load (TMDL). In order to meet these restoration goals, the FDEP, working with stakeholders, develops BMAPs which describe the management strategies and schedule to achieve reductions in pollutant loading. When the BMAP is adopted, the management strategies and schedule become the compliance plan for the responsible entities. The 2016 Florida Springs and Aquifer Protection Act requires that BMAPs be completed for all impaired Outstanding Florida Springs by July 1, 2018.

Tom Frick, FDEP Environmental Assessment and Restoration Division Director, will update the Board on the BMAPs currently being developed for the five Outstanding Florida Springs systems in the District: Crystal River/Kings Bay, Homosassa River, Chassahowitzka River, Weeki Wachee River and the Rainbow River.

Staff Recommendation:

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

Presenter: Tom Frick, Director, Division of Environmental Assessment and Restoration,
Florida Department of Environmental Protection

RESOURCE MANAGEMENT COMMITTEE

May 22, 2018

Discussion Item

Fiscal Year 2018-19 Cooperative Funding Update

Purpose

To provide the Board an update on fiscal year 2018-19 Cooperative Funding projects that have been recommended by all four Regional Subcommittees and to review the remaining Cooperative Funding process and timeline.

Background

The Cooperative Funding Initiative application deadline was Friday, October 6, 2017 and 148 applications were initially received. Staff evaluated 148 applications totaling \$118 million in District funding requests. Eight Regional Subcommittee meetings have been completed to review these projects.

During the first round of Subcommittee meetings held in February, staff presented preliminary project evaluations and rankings. Additional information requested by Subcommittee members during these first meetings was provided during the second round of Subcommittee meetings held in April. In addition, staff presented the final project rankings and recommendations.

Discussion

A compilation of evaluations for the projects recommended by all four Regional Subcommittees has been developed and has been provided to the Governing Board. This has been done to allow Board members an opportunity to review projects approved by the other Subcommittees prior to the presentation of the Recommended Annual Service Budget (RASB) in June. The Tampa Bay and Southern Regional Subcommittees requested a full board discussion of N492 - Lower Hillsborough River Dam Control Gates Facilities and N842 - DAR City of Bradenton Aquifer Protection Recharge Well, respectively. The Tampa Bay Regional Subcommittee requested that the ranking for Q021 - Reclaimed Water Pasco County Cypress Preserve Ph. 2 Grand Live Oak Reclaimed Water Transmission be increased to a High and be recommended for funding. Staff will provide an overview of these three projects as a part of this presentation. A summary of the proposed funding for projects recommended by the Regional Subcommittees, including projects N842, N492, and Q021 is listed below.

| PLANNING REGION | RECOMMENDED |
|-----------------|----------------|
| Northern | \$2.5 M (19) |
| Tampa Bay | 26.2 M (53) |
| Heartland | \$4.4 M (18) |
| Southern | \$19.7 M (21) |
| Total | \$52.8 M (111) |

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Staff Recommendation:

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

Presenter: Eric DeHaven, P.G., Assistant Division Director, Resource Management Division

RESOURCE MANAGEMENT COMMITTEE**May 22, 2018*****Routine Report*****Minimum Flows and Levels Status Report**

Section 373.042 of the Florida Statutes requires the state water management districts or Department of Environmental Protection (DEP) to establish minimum flows and levels (MFLs) for aquifers, surface watercourses and other surface water bodies. MFLs are the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area and are used in District permitting programs and for water-supply planning.

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

Phase 1 (Data collection). Data collection was completed for the reevaluation of MFLs adopted for lakes Dosson and Sunshine during the past month. To date, data collection has been completed for 22 of the 96 water bodies scheduled for MFLs adoption or reevaluation by 2027.

Phase 2 (Data analyses and development of draft MFLs reports). Data analyses and draft report development was completed during the past month for the reevaluation of MFLs adopted for lakes Dosson and Sunshine. Draft, internal-review reports have been completed for 17 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027.

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

- a) No draft MFLs reports that are to be subjected to peer review were presented to the Governing Board this month. Draft reports for six currently prioritized water bodies that were subsequently peer reviewed have previously been submitted to the Governing Board.
- b) No peer review reports or staff response to peer review findings were presented to the Governing Board this month. To date, peer review reports and associated staff responses have been presented to the Governing Board for five of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027.
- c) A public workshop on revised MFLs for lakes Dosson and Sunshine was held during the past month. To date, public workshops addressing 13 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been conducted.
- d) No final MFLs reports were submitted to the Governing Board this month. Final reports addressing 11 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been accepted by the Governing Board.

Phase 4 (Recovery Strategy Development). No new recovery strategies were developed for Governing Board consideration this month. The previously approved NTB WUCA and SWUCA recovery strategies have, respectively been identified as necessarily applicable to two and four

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of the 96 water bodies scheduled for MFLs adoption/reevaluation through 2027. No need for recovery has been determined for seven of the 96 prioritized water bodies. The need for recovery has not yet been determined for the 83 other water bodies.

Phase 5 (Governing Board Approval of Rule Amendments). No MFLs rule amendments were presented to the Governing Board this month. Rule amendments addressing 11 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been approved.

Staff Recommendation:

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

Presenter: Doug Leeper, MFLs Program Lead, Springs and Environmental Flows Section

RESOURCE MANAGEMENT COMMITTEE

May 22, 2018

Routine Report

Significant Water Resource and Development Projects

This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the project that have recently occurred or are about to happen.

SWUCA Recovery Project at Flatford Swamp and Hydrologic Restoration

The project investigates the feasibility of using excess water from Flatford Swamp recharged into the Upper Floridan Aquifer that would reduce the rate of saltwater intrusion inland and help restore hydroperiods. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. Several preliminary scenarios for removal of excess water from the swamp have been evaluated such as a feasibility study to determine Mosaic's potential uses for excess water from Flatford Swamp. The Feasibility Study with Mosaic was finalized in March 2013, but determined unfeasible. Staff researched an injection option at Flatford for the excess water to recharge the aquifer and discussed the need for more information on the Avon Park formation at the swamp. A pre-application meeting with Florida Department of Environmental Protection (FDEP) was held on February 25, 2016. Draft Class V, Group 2 Injection Well permit application was issued by FDEP approximately a year later. The feasibility study memorandum is complete. Staff has presented to the Agricultural\Green Industry, Environmental, Well Drillers and Public Supply Advisory Committees. Also, staff had outreach presentations to the Manatee Chamber Environmental Committee, Myakka River Coordinating Council, and the Florida Groundwater Association Board. Governing Board approved at their April meeting to proceed with the test well project. The successful consultant from the Request for Proposal for the test well project was the Jones Edmunds & Associates team. The successful bidder for the drilling RFB was Rowe Drilling. Both the consultant and driller agreements were executed, and kick-off meetings were held on February 22, 2018. ***New Activities Since Last Meeting:*** Contractor completed road construction for access to proposed test and monitor wells. Drilling has begun on the recharge well. Consultant is continuing with the permitting process for diversion infrastructure design. *Project Manager: Lisann Morris*

Lower Hillsborough River MFLs Recovery Strategy - Implementation

At its August 2007 meeting, the Governing Board established minimum flows and approved a recovery strategy for the lower Hillsborough River (LHR). The recovery strategy was adopted as required by statute, because flows in the LHR were below the established minimum flows. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flows. Projects planned under the recovery strategy, funded through a Joint Funding Agreement with the City of Tampa (COT), include diversions of water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal (TBC), and Morris Bridge Sink. Pursuant to the recovery strategy, since December 31, 2007, 75 percent of up to 11 cubic feet per second (cfs) (i.e., 8.2 cfs) transferred to the reservoir from the TBC is being pumped to the base of the Hillsborough River Dam. The District received notification from the COT on November 7, 2011, that the Sulphur Springs Run Lower Weir project was complete and the pumping facilities and Upper Weir modifications to assist in meeting the MFL were completed in January 2012. The COT completed construction for the Blue Sink pipeline in April 2016 and construction restoration was completed in May 2016. In November 2017 the COT began operation of the Blue Sink

pumping facility. In October 2017, the District completed design for the Morris Bridge Pumping facility, but construction has not begun pending the outcome of analysis the COT is performing on other alternative supplies to meet the MFL, specifically associated with the Tampa Augmentation Project (TAP - Q028). In 2017, the COT began the process of taking over operation of pump stations on the TBC, as required by the recovery strategy. In addition, a CFA between the COT and the District for the Lower Hillsborough River Dam Control Gate Facilities (N492, Agreement No. 17CF0000823) was completed. This project will construct a new gate in the dam to allow the city to pass the full quantity of water needed to meet the MFL through the dam. On November 30, 2017, the COT issued Kiewit Infrastructure South Company a notice to proceed with construction of the proposed Hillsborough River Dam MFL Low Flow Control Gate (N492). Project completion is expected on or before June 28, 2018. In accordance with the permit issued to the District by the FDEP for planned minimum flow recovery pumping from Morris Bridge Sink, the District submitted a review/assessment of the recovery strategy to FDEP in December 2017. In December 2017 the COT began operation of the temporary pump stations at the District's S-161 site and at the Hillsborough River Dam site. In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Acquisition of necessary permits and other unforeseen issues have delayed construction and full implementation of some recovery strategy projects. However, important components of the recovery strategy are currently in operation, including the use of Sulphur Springs, Blue Sink, and the TBC as recovery flow sources, and results from recent years suggest that the desired goal of creating low salinity habitat below the dam can be sustained through minimum flows implementation. The District and the COT continue to work cooperatively to determine how the MFL will be impacted through the proposed COT TAP - Q028 project. The COT has met with District staff and is pursuing additional coordination regarding minimum flow requirements to support the updating of their minimum flow operating procedures. Water quality monitoring, soil subsidence monitoring and biological sampling for 2017 for the WUP for Morris Bridge Sink has been completed. The COT Low Flow Control Gate (N492) project construction is underway. On March 14, 2018, the N492 Low Flow Control Gate project contractor installed the cofferdam as a major step toward facilitating removal of the old sluice gate and replacing it with the new slide gate for diversion of water from the reservoir into the LHR. **New Activities Since Last Meeting:** The annual reports to FDEP for permit compliance for the S-161 WUP and Morris Bridge Sink WUP were submitted on March 30, 2018. *Project Managers: Tom Burke/Barbara Nordheim-Shelt*

TECO's Polk Power Station Reclaimed Water Interconnects to Lakeland/Polk County/Mulberry

This regional project, consisting of transmission pipelines, pump stations, storage tank, advanced treatment and deep injection well, is providing up to 10 mgd of reclaimed water from four domestic wastewater treatment facilities (Lakeland Glendale, Lakeland Northside, Mulberry, and Polk County Southwest) to Tampa Electric Company's (TECO) power facility in southwest (SW) Polk County (Polk Power Station). The reclaimed water is necessary as TECO expanded the Polk Power Station generation capacity. The cooperatively funded reclaimed water project (H076-Phase I) was originally anticipated to provide 5.2 mgd (expandable up to 6.7 mgd) of reclaimed water from the City of Lakeland; however, the supply and benefits were expanded several times to 10 mgd (expandable to 17 mgd) and total project costs increased to \$96,960,725. The increases improved cost-effectiveness and will utilize 100 percent of all available reclaimed water from Lakeland, Mulberry and SW Polk to beyond 2040. TECO replaced, to the greatest extent possible, 3 to 8 mgd of existing groundwater uses in 2015-2017 with reclaimed water before the full project expansion was completed in late 2017. **Additional Information:** In order to utilize the reclaimed water, the project includes advanced treatment (filtration and membranes) which is necessary to reduce dissolved solids to an acceptable level.

The membrane reject water (concentrate by-product) is mixed with other Polk Power Station discharge water and pumped to two new deep injection wells for final disposal. The four primary project components are complete with; 1. The Lakeland segment on-line in 2015; 2. The reclaimed water treatment system, storage tank and injection well at the TECO facility on-line in 2015; 3. The Polk SW segment completed and on-line December of 2017; and 4. The Mulberry pipeline segment and pump station on-line in 2017. Per the June 2016 Amendment adding the final District funding, the District budgeted \$45,676,957 in ad valorem and an additional \$3,526,063 in WRAP funds (totaling \$49,203,020 in District funding), of which a total of \$46,122,080 has been reimbursed (TECO is compiling final billing and close-out documents). The project is utilizing Lakeland's, Mulberry's, and Polk County's effluent to supply 5 to 10 mgd of reclaimed water, thereby reducing groundwater pumping at the TECO Polk Power Facility. Full commissioning and testing to the 10 mgd capacity was completed in late 2017. Billing close-out efforts are continuing by TECO. **New Activities Since Last Meeting:** No changes since last meeting. *Project Manager: Anthony Andrade*

Aquifer Recharge Projects

City of Clearwater - Groundwater Replenishment Project - Phase 3

This is an ongoing project which previously completed work on an advanced water purification pilot plant test and one groundwater recharge injection site. Results from the water purification plant pilot tests and injection well testing demonstrated that this project would be successful in allowing the City to increase their reclaimed water utilization, reducing surface discharges, improving groundwater levels in the Northern Tampa Bay Water Use Caution Area, and increasing the City's future water supply potential from their existing wellfields. Phase 3 of this project is the design, third-party review, permitting and construction of the full-scale water purification plant and the injection and monitor well systems to recharge 2.4 mgd annual average of purified recycled water at Clearwater's Northeast Water Reclamation Facility. Public outreach is also a critical function throughout the design and construction of this project. The original CFI contract with the City for this project was executed in January 2016. An increase in the total project cost from \$28,680,000 to \$32,716,000, was requested at the District's September 27, 2016 Governing Board Meeting based on results of a 30 percent design and third-party review. The Board approved the City's request to move forward with final design and construction and authorized a contract amendment for the project (current budget of \$32,716,000 with the District funding a total of \$16,358,000). This contract amendment was executed on March 6, 2017. Of the District's contribution, \$1,554,000 was approved in FY2015, \$2,131,600 was approved in FY2016, and \$8,000,000 was approved in FY2018. The remaining \$4,672,400 is currently requested in the FY2019 CFI application. The 100 percent design is complete and final design is pending permit issuance by the Florida Department of Environmental Protection (FDEP). Three public meetings were conducted by the City between November 2016 and May 2017. Permit Applications for the Advanced Water Purification Plant were logged in at the FDEP on October 20, 2017 and are anticipated to be issued at the end of 2017 or beginning of 2018. Site Development Permit Applications are with FDEP Environmental Resource Permitting, Florida Department of Transportation Right of Way Access, the City and the County. Construction is currently scheduled to be complete at the beginning of 2020 and facility operations should begin in April 2021. The next task, project bidding, is pending final permits and final design. The FDEP Intent to Issue for the Advanced Water Purification Plant permit was initially received on January 10, 2018. Following subsequent edits, the final Intent to Issue with a revised public notification form was provided on February 12, 2018. The City published the required notification in the Tampa Bay Times on February 16, 2018. **New Activities Since Last Meeting:** No changes since last meeting. *Project Manager: Robert Peterson*

Pasco County - Reclaimed Water Natural Systems Treatment and Restoration Project

A desktop feasibility study to assess the use of highly treated reclaimed water to indirectly recharge the UFA via constructed wetlands and/or rapid infiltration basins (RIB) in central Pasco County areas was completed in January 2011. The study showed that indirect aquifer recharge is a viable option for Pasco County. A Phase II feasibility study and report was completed in February 2012 and included a screening analysis for potential RIB locations, as well as cost analyses refinements for potential future phases. Phase III includes field testing and modeling on the 4G Ranch in Pasco County. The final draft of the Phase III project report was received by the District on December 12, 2014; and a teleconference was held on December 16, 2014, to discuss preliminary comments. District staff sent report comments on December 23, 2014. Multiple meetings have been held to further discuss the District's comments. A request to extend the deadlines of Tasks 2 and 3, and the project end date to June 30, 2015, was received on February 26, 2015. A request to use the contingency funds in the Agreement (\$10,000) was also received. Meetings were held to discuss 30 percent design on March 25, March 30, and April 9, 2015. Pre-application meetings with FDEP occurred on March 31, 2015, to discuss the Environmental Resource Permit (ERP) for the project; and on April 7, 2015, to discuss the NPDES permit. A field visit with FDEP was held on April 23, 2015. Meetings to discuss the modeling work occurred on April 22 and May 5, 2015. The District received the final 30 percent design package on May 5, 2015. A draft Agreement, Project Plan, Easement, and Lease were developed, and the Governing Board gave staff authorization to proceed with third party review of the 30 percent design package at the July 2015 Board meeting. The results of the third-party review were received on August 24, 2015. The review concluded that the project scope and budget were reasonable and would meet the project objectives. The review also concluded that the methods used to determine the measurable benefit of at least 2.2 mgd of reclaimed water on a ten-year annual average were reasonable. On August 27, 2015, the project team met with FDEP to discuss the submittal of the application to modify the County's NPDES permit. Both the ERP and NPDES permits have been submitted to FDEP. The Governing Board approved the County's and staff's request to move forward with final design and permitting of the project at their September 2015 meeting. The Board also directed staff to enter into an agreement for 50 percent of the total project cost identified in the 30 percent design (\$14,300,966), allowing reimbursement of the District's share for the design, permitting, and construction of this facility. The completed N666 Agreement was sent to Pasco County for their signature on October 5, 2015. The 60 percent costs were received on October 29, 2015. The 90 percent design was received on December 18, 2015. The draft NPDES and ERP permits have been received as of December 18, 2015. The 90 percent cost estimates from CH2M Hill (Pasco County consultant) and P&J (land owner/contractor) were completed. All permits were issued as of January 2016. A meeting was held with the project team on February 11, 2016 to review the estimates, and some revisions and clarification were made on both estimates. The 100 percent design drawings were received on March 10, 2016. The Pasco County Commission approved the Agreement at their May 10, 2016 meeting, and the District received the Agreement on May 25, 2016. The 100 percent costs were received March 25, 2016. The Agreement was sent to Executive for signature on July 1, 2016. The Agreement was fully executed on July 11, 2016. Construction began as of mid-June 2016, and is progressing on or ahead of schedule. A groundbreaking ceremony took place on October 24, 2016, including tours of the existing construction so far, and television press. A field trip for District staff took place on February 2, 2017. Most earthwork and pipe installation is complete. Construction is ongoing and is on schedule. Planting is ongoing through July. As of October 13, 2017, all construction has been completed with the exception of some final SCADA controls. A task extension to complete this and CEI work by December 31, 2017 was approved by the District. The County applied for FY2018 funding for a follow-up project to optimize the facility for recharge. Funding was approved for FY2018, and the agreement is currently being developed. The County has applied for FY2019 funding for this project as well. The County is sending the remaining deliverables to the District but is still working with the subcontractor to work out some problems with the SCADA system. ***New Activities Since Last Meeting:*** The District is processing a no-cost

time extension for the current Agreement in case the issues are not finalized with the subcontractor by June 30, 2018. Otherwise, the project construction is complete. *Project Manager: Mike Hancock*

South Hillsborough County Aquifer Recharge Program (SHARP)

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the Hillsborough County's Big Bend facility near Apollo Beach in southern Hillsborough County (County). The goal of the project is to improve water levels within the Most Impacted Area of the Southern Water Use Caution Area and possibly slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. The County received a letter from FDEP on July 13, 2015 authorizing recharge operations to begin. ***New Activities Since Last Meeting:*** Recharge testing and monitoring continued during the months of March and April. The total injected volume for March was 66 MG for the month. It is approximated as of April 23, 2018 that an additional 45.7 MG has been recharged resulting in approximately 1.49 billion gallons recharged since the beginning of the project. The County plans on acidizing the recharge well by the end of May. The County has requested a contract amendment to extend the recharge testing phase to evaluate an increased injection rate prior to applying for an operation permit. The District is negotiating a no cost change schedule amendment and anticipates it to be executed in June 2018. *Project Manager: Don Ellison*

City of Tampa, Tampa Augmentation Project (TAP)

This project is a study that will explore the cost and feasibility of two options to beneficially use reclaimed water from the Howard F. Curren Advanced Wastewater Treatment Plant. The first alternative concept involves transmitting reclaimed water to the Lower Hillsborough Wilderness Preserve Area and delivering water through created wetlands and/or rapid infiltration basins (RIBs) to the Tampa Bypass Canal. This alternative was found infeasible and the project focus went to the second alternative. The second alternative concept evaluates a recharge/recovery system to store and recover reclaimed water (and possibly stormwater) in the aquifer for delivery to the Hillsborough River Reservoir and possibly in the future directly to the David L. Tippen Water Treatment Plant. The City has developed their stakeholder outreach plan, completed their route and regulatory/institutional analysis memorandums. The City is currently testing the recharge/recovery concept at an existing aquifer storage and recovery site. A No Cost Time Extension amendment is being routed to allow for finalization of the more complex memoranda covering modeling and water quality treatment. A draft Florida Department of Environmental Protection Underground Injection Well permit application was prepared. Additional feasibility tasks have been identified as a result of this first phase and the City has submitted a revised Cooperative Funding Application to request funding for Fiscal Year 2019. ***New Activities Since Last Meeting:*** No Cost Time Extension was executed extending the contract completion date to the end of August 2018. The City continues to collaborate with Florida Department of Environmental Protection for the Underground Injection Control permit application. *Project Manager: Lisann Morris*

Item 45

Staff Recommendation:

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

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

**Governing Board Meeting
May 22, 2018**

| |
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| OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE |
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OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

May 22, 2018

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Ken Frink, P.E., Division Director, Operations, Lands, and Resource Monitoring

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 22, 2018

Discussion Item

2018 Hurricane Preparedness

Purpose

The purpose of this item is to provide an overview of District emergency preparedness for the 2018 hurricane season. Discussion will include actions to prepare District infrastructure and staff for the upcoming hurricane season and detail the District's responsibilities as a member of the State's Emergency Response Team (SERT).

Background/History

Water Management Districts are members of the SERT and serve as support agencies to the Department of Transportation and the Department of Environmental Protection during statewide emergency activations. Statewide communication and coordination is achieved through the State Emergency Operations Center. The District is a party to the Statewide Mutual Aid Agreement and the Florida Water Management Districts Mutual Aid Agreement for Catastrophic Emergency Response/Recovery. These agreements provide reciprocal emergency aid and assistance during an emergency. The District has also signed memorandums of understanding with Hernando County and Tampa Bay Water that would allow the use of their Emergency Operations Centers (EOCs) by District personnel, if needed. The EOC is the facility through which the District provides direction and control prior to, during, and in the aftermath of an event.

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

Staff Recommendation:

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

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

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**May 22, 2018*****Discussion Item*****Hydrologic Conditions Report**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the month under review, which is April, with comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data.

The information presented below is a summary of data presented in more detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at <http://www.swfwmd.state.fl.us/waterres/hydro/>.

Rainfall

Provisional rainfall totals (as of April 30) indicate amounts were above-normal in the northern region of the District, while totals were at the upper-end of the normal range in the central region and near the middle of the normal range in the southern region. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- Northern region rainfall averaged 4.92 inches, equivalent to the 89th percentile.
- Central region rainfall averaged 3.18 inches, equivalent to the 69th percentile.
- Southern region rainfall averaged 2.00 inches, equivalent to the 48th percentile.
- District-wide, average rainfall was 3.25 inches, equivalent to the 70th percentile.

Streamflow

Streamflow data indicate that flow increased in the northern and central regions of the District, while it decreased in the southern region, compared to the previous month. Based on flow data from the three regional index rivers referenced below, average streamflow conditions were within the normal range in the northern and central regions, while flow conditions were below-normal in the southern region. Normal streamflow is defined as flow that falls on or between the 25th and 75th percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 42nd percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 29th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 24th percentile.

Groundwater Levels

Groundwater data indicate that levels in the Floridan/Intermediate aquifer have increased in all three regions of the District, compared to last month. Groundwater levels are within the normal

range in all three regions. Normal groundwater levels are defined as those falling on or between the 25th and 75th percentiles.

- The average groundwater level in the northern region was in the 57th percentile.
- The average groundwater level in the central region was in the 59th percentile.
- The average groundwater level in the southern region was in the 51st percentile.

Lake Levels

Water level data indicate average regional lake levels decreased in all four lake regions of the District, compared to the previous month. Regional lake levels ended the month below the annual normal range in the Northern and Lake Wales Ridge regions, while levels remained within the normal range in the Tampa Bay and Polk Uplands regions. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average lake levels in the northern region decreased 0.02 foot and were 0.93 foot below the base of the annual normal range.
- Average lake levels in the Tampa Bay region decreased 0.18 foot and were 0.30 foot above the base of the annual normal range.
- Average lake levels in the Polk Uplands region decreased 0.19 foot and were 1.01 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.31 foot and were 0.43 foot below the base of the annual normal range.

Issues of Significance

April historically marks the seventh month of the eight-month dry season and provisional rainfall totals for the month show accumulations above-normal in the northern region, at the upper-end of normal in the central region and within the normal range in the southern region. Analysis of “partial” dry-season rainfall, District-wide, indicates October through April totals to be approximately 4.6 inches below the historic average.

Rainfall during the month was regionally variable and associated with seasonally transitional weather systems (i.e., mix of several weak cold front systems interspersed with spotty sea breeze/convective thunderstorm activity). The District-wide 12-month rainfall accumulation improved, ending the month at a surplus of 4.4 inches above the long-term historic average, while the 24-month improved to a deficit of approximately 2.0 inches below the historic average.

In response to the wide variability in regional rainfall amounts in April, hydrologic indicators saw mixed results. Aquifer levels saw improvements in all three regions, while streamflow conditions improved in the northern and central regions and declined in the southern region. Regional lake levels saw declines in all four lake regions, ending the month at below-normal levels in the Northern and Lake Wales Ridge regions, while levels remained within their historic normal ranges in the Tampa Bay and Polk Uplands regions.

The US Drought Monitor (as of 5/1/2018) indicates Charlotte, DeSoto, Hardee and Sarasota counties, as well as large areas of Manatee and Polk counties, are experiencing “abnormally dry” conditions. The risk for wildfire in these counties is moderate to severe.

NOAA climate forecasts for rainfall during May 2018 are inconclusive, predicting equal chances for below-normal, normal or above-normal rainfall, while forecasts for June through September 2018 predict above-normal rainfall activity.

Item 48

Updated weather forecasts will be available in mid-May. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

Staff Recommendation:

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

Presenter: Granville Kinsman, Hydrologic Data Manager

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 22, 2018

Routine Report

Surplus Lands Update

Purpose

This report provides a monthly status on the District's surplus lands program. Information is through April 30, 2018.

Background

In 2011, at the direction of the Governing Board (Board), the District began a regular surplus lands assessment. Since last month's report, the Governing Board accepted an offer of \$130,200 for the sale of a two-acre parcel within the Weekiwachee Preserve. The table below shows the status of the parcels identified through the previous surplus lands assessments.

| Status | Acres | Parcels | Compensation |
|---|--------------|----------------|---------------------|
| Sold, exchanged or transferred | 1,492 | 23 | \$7,362,484 |
| Closing pending | 32 | 13 | \$490,200 |
| Listed with broker with approved minimum sale price | 766 | 11 | |
| Listed with broker without minimum sale price | 320 | 5 | |
| Annutteliga Hammock | 547 | 996 | |
| Offer to adjoining owners (per Florida Statutes) | 23 | 12 | |
| Agency request | 8 | 5 | |
| Non-marketable | 20 | 4 | |
| On hold | 1,741 | 7 | |
| Grand Total | 4,949 | 1,077 | \$7,852,684 |

Staff Recommendation:

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

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 22, 2018

Routine Report

Structure Operations

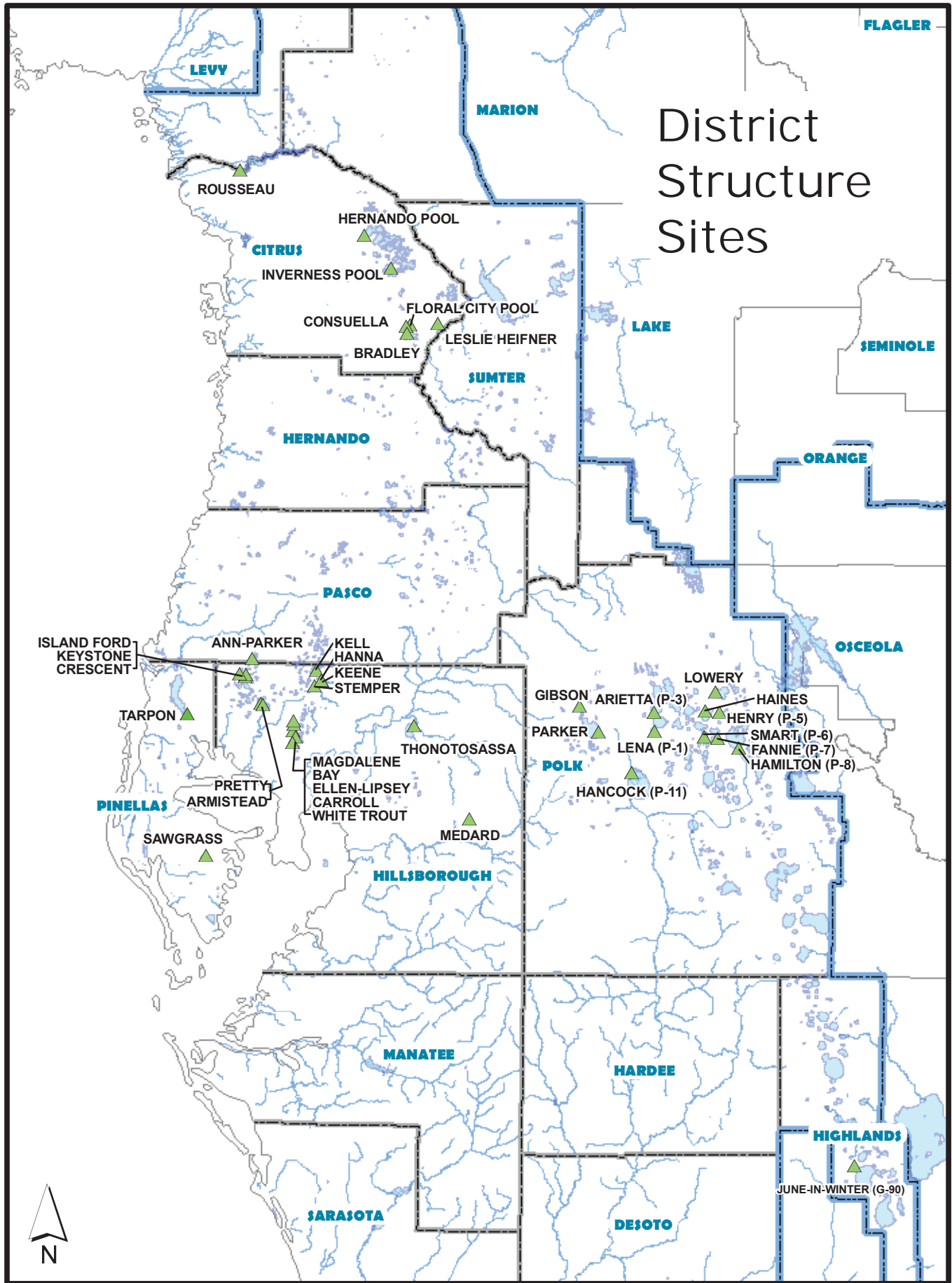
Summary of the operations made from April 1 through April 25, 2018.

- Inglis Water Control Structures: The Inglis Bypass Spillway and Inglis Main were operated to provide flow to the lower Withlacoochee River while maintaining Lake Rousseau's level. Lake Rousseau's monthly average elevation was of 27.59 feet National Geodetic Vertical Datum (NGVD). The recommended maintenance level for the lake is 27.50 feet NGVD.
- Withlacoochee River Watershed: Water control structures in the Tsala Apopka Chain of Lakes were closed to maintain water levels. The Wysong-Coogler Water Conservation low flow gate was operated to aid in the regulation of the Lake Panasoffkee water level while providing flow to the Withlacoochee River downstream of the structure. The monthly average water level for Lake Panasoffkee was 39.67 feet NGVD.
- Alafia River Watershed: The Medard Reservoir structure was closed to maintain water level. The monthly average water level for the Medard Reservoir was 57.91 feet NGVD, compared to the recommended maintenance level of 59.00 feet NGVD.
- Hillsborough River Watershed: The Thirteen Mile Run system and Flint Creek (Thonotosassa discharge) structure were closed to maintain water levels. The average monthly water level for Lake Thonotosassa was 36.00 feet NGVD, compared to the recommended maintenance level of 36.50 feet NGVD.
- Tampa Bay/Anclole Watershed: Structures in Rocky Creek and Sweetwater Creek were closed to maintain water levels. The Brooker Creek system was also closed to maintain lake levels. Lake Tarpon is the outfall of the Brooker Creek system and it remained closed to maintain the lake level. Lake Tarpon's monthly average water level for the month was 3.02 feet NGVD, compared to the recommended maintenance level of 3.20 feet NGVD.
- Peace River Watershed: The Lake Hancock structure was operated to maintain water level. The average monthly water level for Lake Hancock was 99.45 feet NGVD, compared to the recommended maintenance level of 100.2 feet NGVD.
- Lake Wales Ridge Watershed: Structure G-90 was closed to maintain water level in Lake June-in-Winter. The average monthly water level for Lake June-in-Winter was 74.30 feet NGVD, compared to the recommended level of 74.51 feet NGVD.

Staff Recommendation:

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

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



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 22, 2018

Routine Report

Significant Activities

Staff Recommendation:

Presenter: Ken Frink, P.E., Operations, Lands, and Resource Monitoring Division Director

Operations, Lands and Resource Monitoring Committee
April 24, 2018

Significant Activities

This report provides monthly information through March 29, 2018 on significant Operations and Land Management projects and programs in which the Governing Board is participating in funding and otherwise may be of interest to the Board. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

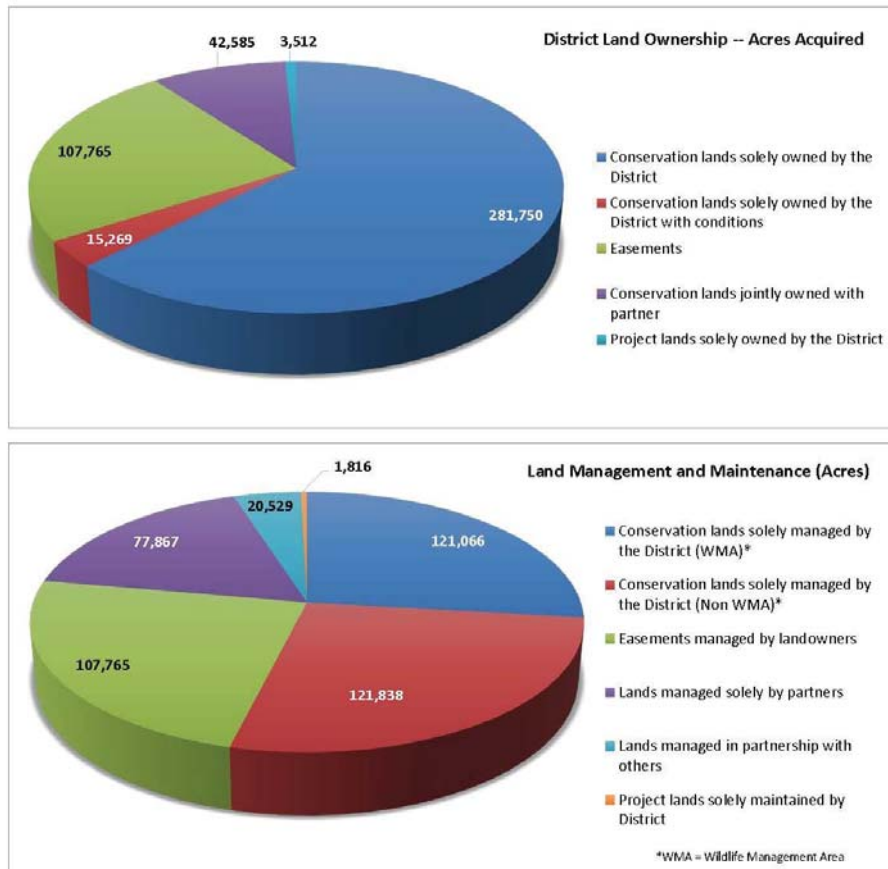
Land Management

- Staff has applied prescribed fire to 13,520 acres of conservation lands during FY2018.
- The District continues to experience drying conditions particularly in the lower 2/3 of our boundary. Wildfire risk and occurrence has gone up considerably. The District assisted Florida Forest Service to control a wildfire on District lands that grew to approximately 300 acres. There have been over 370 acres of wildfires that have occurred on District lands during FY2018.
- Feral hog staff continue to trap and conduct phased feral hog management hunts on District lands. There have been 958 feral hogs removed from District lands during FY2018.
- Timber contractor continues to harvest timber from the FY2018 Green Swamp Hampton Tract harvest. To date;
 - 368 loads removed
 - 126 loads (3,574 tons) paid
 - \$51,683.24

Land Resources/Land Use and Protection

- Issued Email Special Use Authorization to FDOT - State Materials Office for vehicle access to conduct a corrosion assessment of the weathering steel bridges within the District's Green Swamp – East Tract in conjunction with Field Operations staff.
- Issued an approved addendum and modification to an existing Special Use Authorization to the Florida Fish and Wildlife Conservation Commission and the University of Florida to add a limited amount of gopher frog tadpole collection for the gopher frog monitoring project within Lake Panasoffkee, Conner, Starkey, and Green Swamp West.
- Issued Special Use Authorization to the Hernando County Bar Association for an expected 100+ participants to conduct a 5K and 10K race event within Weekiwachee Preserve. The event will support the Hernando County Bar Association Scholarships and The Boys and Girls Club of Hernando County.

- Issued Special Use Authorization to Northland Environmental Services, LLC for vehicle access to multiple properties to conduct insect surveys for the Rattlesnake Master Borer Moth and associated species.
- Issued Special Use Authorization to Tampa Bay Raptor Rescue for vehicle access to Cypress Creek Preserve for up to four participants to install a nesting platform to support two newly born barred owlets as required for survival.
- Issued Special Use Authorization to FWC for vehicle access to Chito Branch Reserve permitting research biologists to take up to five antlerless deer for necropsy to determine breeding status. Information collected will be used to support decision-making for establishing hunting zone boundaries and season dates.
- Issued Special Use Authorization to FDOT for vehicle access to perform mitered end culvert repairs on the west bank of the Tampa Bypass Canal at the northwest end of the Martin Luther King / State Road 574 bridge deck within the FDOT right-of-way.
- Issued Special Use Authorization to USF Army ROTC to conduct Cadet leadership training. Activities will include land navigation, map reading, terrain association, and dismounted maneuvers.
- Closed the sale of TBE-4 (US Hwy 41 Commercial) SWF 11-728-131S for \$214,000 gross, split 50/50 with Hillsborough County (partner funds disbursed directly by Closing Agent).
- Volunteers provided 59 hours of service at a value of approximately \$1,390.04 to the District's conservation/recreation lands. Volunteer services included campground maintenance, trash removal, fence repair, and tree trimming.
- Processed 633 requests and provided 2,449 camping opportunities on District lands.
- The following is a breakdown of District land interests:



Staff Recommendation:

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

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

**Governing Board Meeting
May 22, 2018**

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| REGULATION COMMITTEE |
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REGULATION COMMITTEE

May 22, 2018

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Alba Más, P.E., Division Director, Regulation

REGULATION COMMITTEE

May 22, 2018

Discussion Item

Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

Staff Recommendation:

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

Presenter: Alba Más, P.E., Division Director, Regulation

REGULATION COMMITTEE

May 22, 2018

Discussion Item

Consider Water Shortage Order(s) as Necessary

Staff continues to monitor water resource and supply conditions to determine if any actions would be prudent. Since Board-issued water shortage orders must be discussed in a noticed public meeting prior to implementation, this agenda item is included as a contingency provision. It allows the Governing Board to immediately consider any action that staff may recommend based on regional data to be reviewed prior to the May 22, 2018 Governing Board meeting.

Staff Recommendation:

Recommendations, if any, will be presented at the Governing Board meeting on May 22, 2018 based on then-current conditions and predictions.

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

REGULATION COMMITTEE

May 22, 2018

Routine Report

Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update

At their December 2010 meeting, the Governing Board adopted a minimum aquifer level in the Dover/Plant City Water Use Caution Area (DPCWUCA); Rule 40D-8.626, Florida Administrative Code (F.A.C.), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and automatic meter reading (AMR) equipment installations to monitor and reduce resource impacts from future frost/freeze pumping events. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It was originally estimated as of June 16, 2011 that there were 626 flow meters and 961 AMR devices needing installation within the 256-square mile DPCWUCA. As of December 1, 2016 it was estimated that 573 flow meters and 954 AMR devices will need to be installed, currently, a revised assessment completed of April 1, 2018 estimated a program total of 558 flow meters and 887 AMR devices. This revised assessment is due to expired permits, use change, and deletion of withdrawals not required to be metered and have AMR devices. Total costs of the program were estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$316,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage, Inc. The contract was executed on November 14, 2013. Letters with flow meter reimbursement information were sent on September 17, 2015 to the remaining permittees who have not yet installed a flow meter. ***New Activities Since Last Meeting:*** As of May 1, 2018, a total of 513 flow meters have been installed (92 percent complete) and 805 AMR units have been installed (91 percent complete). *Project Manager: Talia Paolillo*

Staff Recommendation:

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

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

REGULATION COMMITTEE

May 22, 2018

Routine Report

Overpumpage Report

Please see the attached report.

Staff Recommendation:

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

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

Overpumpage Report

March 2018

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

| Permit No. | Permit Holder | Use Type | Permitted Quantity | Original Report Date Annual Avg. Use Percent Over | Current Report Date Annual Avg. Use Percent Over | Service Office |
|--|--|---------------------------------------|--------------------|---|--|----------------|
| <i>New From Previous Report</i> | | | | | | |
| 8987.006 | C & D Fruit and Vegetable Co., Inc. ¹ | Agriculture - Strawberries and Melons | 130,400 gpd | 08/01/2017 161,778 gpd 24.06% | 03/01/2018 166,592 gpd 27.75% | Tampa |

- (1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.
 (2) A permit application is in-house for review.
 (3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

Overpumpage Report March 2018

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

| Permit No. | Permit Holder | Use Type | Permitted Quantity | Original Report Date Annual Avg. Use Percent Over | Current Report Date Annual Avg. Use Percent Over | Service Office |
|--|---|---------------------------------------|--------------------|---|--|----------------|
| Continuing From Previous Report | | | | | | |
| 9419.008 | Alico, Inc. (South Patrick Grove) ¹ | Agriculture – Citrus | 531,400 gpd | 11/01/2017 641,858 gpd 20.79% | 03/01/2018 573,254 gpd 7.88% | Polk |
| 12900.002 | Perico Island Development ¹ | Recreation - Lawn/Landscaping | 130,500 gpd | 11/01/2017 196,759 gpd 50.77% | 03/01/2018 160,378 gpd 22.90% | Sarasota |
| 3219.007 | Gardinier Florida Citrus, Inc. ¹ | Agriculture – Citrus | 322,600 gpd | 06/01/2017 436,926 gpd 35.44% | 03/01/2018 386,705 gpd 19.87% | Polk |
| 1240.005 | Bethel Farms, LLP (Rod R. Sweet) ¹ | Agriculture – Citrus | 74,900 gpd | 07/01/2017 88,701 gpd 18.43% | 03/01/2018 102,065 gpd 36.27% | Sarasota |
| 8687.005 | Mary L. Keene as Trustee of the William K. Keene Family Trust (Russell Farm) ¹ | Agriculture - Strawberries and Squash | 100,800 gpd | 04/01/2017 114,764 gpd 13.85% | 03/01/2018 120,136 gpd 19.18% | Tampa |
| 696.006 | Gardinier Florida Citrus, Inc. ¹ | Agriculture – Citrus | 210,600 gpd | 05/01/2017 293,762 gpd 39.49% | 03/01/2018 249,094 gpd 18.28% | Polk |
| 7870.007 | Arcadia Groves Partnership ^{1&2} | Agriculture – Pasture | 197,800 gpd | 04/01/2017 300,197 gpd 51.77% | 03/01/2018 304,521 gpd 53.95.12% | Sarasota |

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC)

Attachment: May8 Routine Reports - Overpumpage Report_March 2018 FINAL (3769 : Overpumpage

Overpumpage Report March 2018

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

| Permit No. | Permit Holder | Use Type | Permitted Quantity | Original Report Date Annual Avg. Use Percent Over | Current Report Date Annual Avg. Use Percent Over | Service Office |
|---|---|------------------------------------|--------------------|---|--|----------------|
| <i>Continuing From Previous Report</i> | | | | | | |
| 2588.010 | Kelly Farms ^{2&3} | Agriculture – Potatoes and Pasture | 704,600 gpd | 11/01/2016 851,054 gpd 20.79% | 03/01/2018 1,447,463 gpd 105.43% | Sarasota |
| 1156.012 | Bay Laurel Center Public Water Supply System ³ | Public Supply | 2,555,000 gpd | 09/01/2016 2,696,799 gpd 5.55% | 03/01/2018 2,897,992 gpd 13.42% | Brooksville |
| 7993.003 | Harrell's Nursery ¹ | Agriculture - Nursery, Container | 20,100 gpd | 07/01/2016 24,051 gpd 19.66% | 03/01/2018 21,595 gpd 7.44% | Tampa |
| 7002.004 | MHC FR Utility Systems, LLC ³ | Public Supply | 97,100 gpd | 04/01/2015 104,929 gpd 8.06% | 03/01/2018 391,976 gpd 303.68% | Tampa |

- (1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.
 (2) A permit application is in-house for review.
 (3) The non-compliance matter has been referred to the Office of General Counsel (OGC)

REGULATION COMMITTEE

May 22, 2018

Routine Report

Individual Permits Issued by District Staff

Please see the attached report.

Staff Recommendation:

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

Presenter: Alba Más, P.E., Division Director, Regulation

INDIVIDUAL PERMITS ISSUED: ERPS – MAY 2018

| PERMIT NUMBER | PROJECT NAME | COUNTY | DESCRIPTION | TOTAL PROJECT ACRES | WETLAND ACRES | WETLAND ACRES IMPACTED | WETLAND MITIGATION ACRES |
|---------------|---------------------------------------|--------------|---|---------------------|---------------|------------------------|--------------------------|
| 43043355.000 | Riverstone Phase 1 | Polk | Construction of a surface water management project to serve a 150-acre phase of residential development | 149.77 | 9.73 | 3.00 | 1.15 |
| 43031060.025 | Forest Brooke Active Adult Phases 4-8 | Hillsborough | Construction of a surface water management project to serve a single-family and mulit-family phase of residential development | 132.70 | 1.06 | 1.06 | 0.00 |

Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.

INDIVIDUAL PERMITS ISSUED: WUPs – MAY 2018

| PERMIT NUMBER | PROJECT NAME | COUNTY | DESCRIPTION | USE TYPE | PREVIOUS PERMITTED QUANTITY | NEW PERMITTED QUANTITY | DURATION (YEARS) |
|---------------|---|--------------|--|---------------|-----------------------------|------------------------|------------------|
| 20006505.013 | Northwest Regional Utilities Service Area | Polk | Modification to redistribute quantities and add additional wells | Public Supply | 5,700,000 | 5,700,000 | 20 |
| 20006892.008 | Chu Farms, Inc. | Hillsborough | Renewal with modification to add two existing but previously unpermitted wells | Agricultural | 532,400 | 532,400 | 20 |

**Governing Board Meeting
May 22, 2018**

| |
|---------------------------------|
| GENERAL COUNSEL'S REPORT |
|---------------------------------|

Discussion Items

58. Consent Item(s) Moved for Discussion

Submit & File Reports - None

Routine Reports

| | |
|--|-----|
| 59. May 2018 – Litigation Report..... | 216 |
| 60. May 2018 – Rulemaking Update | 226 |

GENERAL COUNSEL'S REPORT

May 22, 2018

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

May 22, 2018

Routine Report

May 2018 - Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT

May 2018

(Most recent activity in each case is in **boldface** type)

DELEGATED ADMINISTRATIVE HEARING MATTERS

0 Cases as of May 3, 2018

OPEN ENFORCEMENT CASES

73 Cases as of April 5, 2018

76 Cases as of May 3, 2018

ENFORCEMENT CASES IN ACTIVE LITIGATION

0 Cases as of May 3, 2018

(Including Administrative Complaints)

PERMIT/AGENCY ACTION CHALLENGES

4 Cases as of May 3, 2018

STYLE: Sumter, LLC v. FDOT Florida's Turnpike Enterprise and SWFWMD
COURT/CASE NO.: Southwest Florida Water Management District
ATTORNEY: A. Vining/M. Bray
ACTION: Administrative hearing challenging Environmental Resource Permit No. 43010725.009

DESCRIPTION: On February 10, 2017, the District issued Environmental Resource Permit ("ERP") No. 43070725.009 to FDOT Florida's Turnpike Authority ("Turnpike") authorizing modifications to interchange improvements previously permitted for the I-75/Turnpike Interchange, which will improve traffic flow at the same time FDOT is widening I-75. The District issued a Corrected ERP on February 15, 2017, after District staff discovered an error in the ERP previously issued, which resulted in updates to the wetland impact acreages, functional losses, and the total excess mitigation available. On March 2, 2017, Sumter, LLC ("Petitioner") submitted a Petition for Administrative Hearing ("Petition"), requesting denial of the Corrected ERP. On March 20, 2017, Petitioner and Turnpike submitted a letter to the District, jointly requesting that the District delay referral of the Petition to DOAH for thirty days so that the parties may attempt to resolve their dispute. The District entered an Order Granting Request to Hold Case in Abeyance on March 20, 2017, stating that no further action will be taken until April 19, 2017. On March 31, 2017, Petitioner and Turnpike filed a Joint Motion for Extension of Time, stating that communications between the parties were ongoing to resolve the matter and that they agreed to run the 100-year floodplain model with updated parameters, which necessitated the request for additional time to allow the results of the updated model to be generated and reviewed by the parties. Petitioner and Turnpike requested an extension of time for ninety days, during which the case will not be referred to DOAH. On April 4, 2017, the District entered an Order Granting Joint Motion for Extension of Time, providing that the case shall be held in abeyance until July 3, 2017, and no further action will be taken by the District until July 5, 2017. On June 22, 2017, Petitioner and Turnpike filed a Second Joint Motion for Extension of Time requesting an additional extension of time until August 7, 2017, in order to allow the parties the additional time needed to finish running the 100-year floodplain model with updated parameters. On June 27, 2017, the District entered an Order Granting Second Joint Motion for Extension of Time, providing that the case shall be held in abeyance until August 7, 2017, and no further action will be taken by the District until August 8, 2017.

On July 27, 2017, Petitioner and Turnpike filed a Third Joint Motion for Extension of Time requesting an additional extension of time until September 25, 2017, as efforts are ongoing to update the floodplain model, but additional time is needed to finish the work. On July 27, 2017, the District entered an Order Granting Third Joint Motion for Extension of Time, providing that the case shall be held in abeyance through September 25, 2017.

On September 15, 2017, Petitioner and Turnpike filed a Fourth Joint Motion for Extension of Time requesting an additional extension of time until October 11, 2017, as they expected the District to receive updated modeling on September 15, 2017, but required additional time for the District to review and comment, and for subsequent review by Petitioner and Turnpike of the District's comments. On September 18, 2017, the District entered an Order Granting Fourth Joint Motion for Extension of Time, providing that the case shall be held in abeyance through October 11, 2017.

On October 10, 2017, Petitioner and Turnpike filed a Fifth Joint Motion for Extension of Time requesting another extension of time until October 23, 2017, to conduct a settlement conference. On October 10, 2017, the District entered an Order Granting Fifth Joint Motion for Extension of Time, providing that the case shall be held in abeyance through October 23, 2017.

On October 18, 2017, Petitioner and Turnpike filed a Sixth Joint Motion for Extension of Time requesting additional time in which to conduct a settlement conference, which the parties anticipate will occur no later than November 21, 2017. On October 19, 2017, the District entered an Order Granting Sixth Joint Motion for Extension of Time, providing that the case shall be held in abeyance through November 22, 2017.

On November 20, 2017, Sumter and Turnpike submitted the Seventh Joint Motion for Extension of Time requesting an additional extension of time. A settlement conference was held on November 17, 2017. However, Sumter and Turnpike state that the parties need additional time to finish re-processing the model and to conduct a second settlement conference. Accordingly, Sumter and Turnpike requested an extension of time until February 1, 2018, to allow the parties to complete the re-processing of the model and to conduct another settlement conference. That request was granted, providing that the case will be held in abeyance through February 1, 2018. A second settlement conference was held on January 22, 2018, at which it was determined that additional time is needed for the Turnpike to investigate the feasibility of settlement options. As a result, Sumter and Turnpike requested an extension of time until May 15, 2018, for the Turnpike to complete the feasibility analysis. The request was granted on January 25, 2018, and the case will be held in abeyance until May 15, 2018.

STYLE: Majestic Oaks Homeowners Association of Clearwater, Inc., v. Elysium Homeowners Association, Inc., and SWFWMD
COURT/CASE NO.: Division of Administrative Hearings, Case No. 17-5190
ATTORNEY: M. Bray/J. Thompson
ACTION: Administrative hearing challenging Environmental Resource Permit No. 43000205.002

DESCRIPTION: On July 10, 1985, the District issued Environmental Resource Permit ("ERP") No. 43000205.000 for a development project called Elysium, consisting of approximately 60.94 acres in Clearwater, Florida. On October 18, 2016, the District mailed a Notice of Permit Condition Violation to the Elysium Homeowners Association, Inc., ("Elysium HOA") the operation and maintenance entity under ERP No. 43000205.000. The District had received a complaint from Majestic Oaks Homeowners Association of Clearwater, Inc. ("Petitioner") that flooding was occurring directly to the east of Elysium, onto 19.8 acres that comprise the Majestic Oaks subdivision. The District investigated and issued a notice of violation to Elysium HOA. Thereafter, in July 2017, Elysium HOA brought the matter into compliance with ERP No. 43000205.000.

Thereafter, on or about August 1, 2017, Elysium HOA submitted an application for a minor modification of its ERP. On August 11, 2017, the District issued Notice of Intended Agency Action for approval of ERP No. 43000205.002 ("Modified Permit") to Elysium HOA, authorizing a minor modification to the drainage swale. On September 1, 2017, Petitioner timely submitted a legally sufficient Petition for Administrative Hearing ("Petition"), challenging the issuance of the Modified Permit. On September 18, 2017, the District referred the Petition to the Division of Administrative Hearings ("DOAH"). The case was assigned to an Administrative Law Judge, who entered an Initial Order on September 21, 2017. The parties timely responded to the initial order. Discovery and motion practice are ongoing.

The District on October 6, 2017, filed a motion to strike and motion in limine arguing that certain portions of the petition are wholly irrelevant to the proceeding, and should be stricken. That motion is pending. The District's discovery responses are due October 30, and the Petitioner's discovery responses are due November 1. The parties are in the process of setting depositions, and on October 24, the Petitioner filed a motion for entry upon land, which is pending.

On November 1, the deposition of Elysium HOA's engineer was held.

On November 5, 2017, the parties reached an agreement in principle to settle this matter. To finalize the terms of the agreement, which would necessarily include an application to the District to modify Elysium HOA's ERP and subsequent construction, the parties on November 13 filed a joint motion to abate the case temporarily. In connection with the proposed settlement, the parties agreed to cancel pending depositions. On November 14, the ALJ entered an order cancelling the November 30 hearing and ordering the parties to submit dates in February for a rescheduling of the hearing should the settlement fall through.

As of January 4, 2018, settlement negotiations are still pending. Pursuant to the ALJ's order, the administrative hearing that was previously cancelled has been rescheduled for February 28, 2018. No other action has been taken by the ALJ. The District's motion to strike and motion in limine is still pending. As of February 13, 2018, this case is still open and final hearing is scheduled for February 28. However, the parties have reached agreement in principal and are in the process of finalizing a written settlement agreement. Elysium HOA's Board will need to vote to accept or reject the agreement, once it is completed. The parties have agreed to request an additional one-month continuance to allow time to finalize the agreement and for the HOA Board to have an opportunity to act on the proposed agreement. Counsel for Majestic Oaks is preparing a joint motion to be filed imminently.

On February 13, 2018, the parties filed a Joint Motion for Continuance Pending Negotiation of Settlement Agreement, requesting that the final hearing scheduled for February 28th be continued, and stating that the parties believe that the settlement agreement can be finalized within 60 days. By order dated February 15, 2018, the ALJ granted the parties' motion, and cancelled the February 28th hearing. The same day, the ALJ entered an amended notice of final hearing, rescheduling the final hearing for May 9, 2018. Counsel for Elysium and Majestic Oaks are continuing to try to finalize a settlement agreement.

Counsel for Elysium has advised that the parties have reached agreement as to all terms of a proposed settlement agreement. Elysium's board is meeting the week of April 2 and is anticipated to approve and sign the settlement agreement. Majestic Oaks's board has already approved the agreement subject to one of its property owners providing an easement, which that owner has agreed to provide, but has not yet executed the easement because he has been out of town. He is anticipated to be back April 4 and is anticipated to sign the easement then.

On April 20, 2018, Elysium and Majestic Oaks executed a settlement agreement. The terms of the agreement include, among other things, construction activities within the Elysium subdivision and a drainage easement on one Elysium

homeowner's property. Majestic Oaks will pay costs associated with necessary modifications to Elysium's ERP, and for costs of construction. On April 24, 2018, Majestic Oaks filed a notice of voluntary dismissal without prejudice. The settlement agreement provides that upon completion of the activities contemplated by the agreement, Majestic Oaks waives its rights to refile its petition. After the notice of voluntary dismissal was filed, the ALJ entered an order closing the case and relinquishing jurisdiction to the District.

STYLE: SWFWMD v. Depa Hotel, Inc.
COURT/CASE NO.: SWFWMD
ATTORNEY: A. Vining
ACTION: Administrative hearing requested pursuant to an Administrative Complaint and Order issued by SWFWMD

DESCRIPTION: On December 13, 2005, the District issued Environmental Resource Permit ("ERP") No. 44014233.002, authorizing the construction of a new surface water management system to serve a Hampton Inn in Port Richey, Florida. On October 31, 2008, the District issued a Permit Condition Violation letter to the original permittee that indicated the District had received a complaint alleging that the construction of the project caused flooding to adjacent properties. The District determined that the project blocked offsite inflows from the east and filled historic basin storage onsite, which caused the flooding of the adjacent properties in violation of ERP No. 44014233.002. On June 23, 2009, ERP No. 44014233.002 was transferred to Depa Hotel, Inc. ("Depa"). Over the intervening years, Depa filed four ERP applications attempting to address the permit condition violation, but all were either withdrawn by Depa or denied by the District. Because of the failure of Depa to address the permit condition violation, the District issued an Administrative Complaint and Order on August 7, 2017, requiring Depa to modify ERP No. 44014233.002, and to complete all the activities authorized by the ERP modification within 270 days of issuance of the ERP modification. On September 1, 2017, Depa submitted a Request for Administrative Hearing, which the District dismissed without prejudice on September 18, 2017. An Amended Request for Administrative Hearing was submitted on October 2, 2017. On October 10, 2017, District staff provided Depa with a copy of its recommendation to the District's Governing Board that Depa's Amended Request for Administrative Hearing be dismissed with prejudice. On October 11, 2017, Depa filed a Motion to Correct Scribner's Error to the Amended Request for an Administrative Hearing, Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH requesting that the District reconsider its decision to dismiss the Amended Request for an Administrative Hearing with prejudice, or, alternatively, provide Depa with more time to submit another amended request for hearing. The District issued an Order Granting Motion to Correct Scrivener's Error on October 19, 2017. Then, on October 24, 2017, the District issued a Final Order of Dismissal with Prejudice and Order Denying Motion for Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH. On October 25, 2017, the Administrative Complaint and Order was finalized, and the order rendered. On November 7, 2017, Depa submitted a Request for an Administrative Hearing. On November 13, 2017, Depa filed a Notice of Appeal, indicating it is appealing both the Final Order of Dismissal with Prejudice and the finalized Administrative Complaint and Order. See Appeals Section below. On December 21, 2017, the District issued a Final Order of Dismissal with Prejudice dismissing the Request for an Administrative Hearing submitted on November 7, 2017.

STYLE: Long Bar Pointe, LLLP v. Lake Flores I, LLC, & SWFWMD
COURT/CASE NO.: Division of Administrative Hearings, Case No. 17-005609
ATTORNEY: C. Tumminia/J. Fussell
ACTION: Administrative petition challenging Environmental Resource Permit No. 49042599.001

DESCRIPTION: On July 28, 2017, the District issued Environmental Resource Permit ("ERP") No. 49042599.001 ("Permit") conceptually approving the future construction of a stormwater management system to serve a 1,274-acre mixed-use project in Manatee County. On August 18, 2017, and September 18, 2017, the District granted two requests by Long Bar Pointe, LLLP ("Petitioner"), for an extension of time to file a petition requesting an administrative hearing on the issuance of the Permit. On

September 29, 2017, the District received a timely request for administrative hearing ("Petition") from the Petitioner. The deadline for granting or denying the Petition is October 14, 2017. On October 13, 2017, the District referred the Petition to the Division of Administrative Hearings ("DOAH"). The case was assigned to an Administrative Law Judge, who entered an Initial Order on October 19, 2017. The final hearing has been scheduled to occur in Tampa from January 24, 2017 to January 26, 2017. As of November 9, 2017, all parties have exchanged preliminary written discovery. On December 21, 2017, the parties agreed to and filed a Joint Motion for Continuance due to ongoing settlement negotiations. The ALJ entered an Order on December 21, 2017, rescheduling the final hearing to occur on February 27, 2017. On January 18, 2018, the parties agreed to and filed a Joint Motion for Continuance due to ongoing settlement negotiations. The ALJ entered an Order on January 18, 2018, rescheduling the final hearing to occur on March 27, 2017. On February 20, 2018, representatives from SWFWMD and the Applicant met to discuss the potential for settlement of this matter. On March 5, 2018, the Parties agreed to and filed a Joint Motion for Continuance as a result of the ongoing settlement negotiations. On March 6, 2018, the ALJ entered an Order rescheduling the final hearing to occur on May 7, 2018. **On April 4, 2018, the Applicant and the Petitioner agreed to and filed a Joint Motion for Continuance as a result of the ongoing settlement negotiations. The District did not join, nor object, to the Motion. On April 5, 2018, the ALJ entered an Order rescheduling the final hearing to occur on June 25, 2018. As of the date of this Litigation Report, the Applicant and the Petitioner are still engaged in settlement negotiations.**

MISCELLANEOUS **4 Cases as of May 3, 2018**

| | |
|------------------------|---|
| STYLE: | Tony's Roasted Pepper, LLC v. Hillsborough County and SWFWMD |
| COURT/CASE NO.: | Thirteenth Judicial Circuit/Hillsborough County; Case No. 2016-CA-008690 |
| ATTORNEY: | V. Arenas-Battles/A. Vining |
| ACTION: | Notice of Claim pursuant to the Bert J Harris, Jr., Private Property Rights Protection Act and Complaint for Trespass, Injunction, Inverse Condemnation, Breach of Contract and Claim for Compensation under The Bert J. Harris, Jr., Private Property Rights Protection Act |
| DESCRIPTION: | <p>On September 19, 2016, Tony's Roasted Pepper, LLC ("Plaintiff") served the District with a Notice of Claim pursuant to Section 70.001, F.S., the Bert J. Harris, Jr., Private Property Rights Protection Act ("Bert Harris Act"). The Notice of Claim alleges that Plaintiff's property was damaged by flooding caused by Hillsborough County's pumping from Lake Wee pursuant to emergency authorizations issued to the County by the District. In addition, Plaintiff alleges that the flooding caused damage to its property and requests damages in the amount of \$1,100,000 from the District and County. Pursuant to Section 70.001(4), Florida Statutes, the District has notified the Attorney General's Office of Legal Affairs and all contiguous property owners regarding its receipt of the Notice of Claim. District staff will respond to the Notice of Claim within the statutorily-required 150 days.</p> <p>On October 14, 2016, the District was served with a Complaint for Trespass, Injunction, Inverse Condemnation, Breach of Contract, and a violation of the Bert Harris Act ("Complaint") in Circuit Court against it as well as Hillsborough County ("County") and the District. The District is not subject to the breach of contract claim. The Complaint alleges a loss in market value of Plaintiff's property in the amount of \$960,000, as well as requests damages in excess of \$15,000 from both the County and the District. On October 19, 2016, the County filed a Motion to Dismiss Count V for Failure to State a Cause of Action and its Answer and Affirmative Defenses regarding the remaining counts of Plaintiff's Complaint.</p> <p>On November 2, 2016, the District filed its Motion to Dismiss the Complaint, alleging (a) the statute of limitations has run on the inverse condemnation claim and (b) the Plaintiff failed to state a cause of action on the remaining claims. On November 4, 2016, the District filed its Amended Motion to Dismiss Complaint as to all counts for failure to state a cause of action,</p> |

except Count IV which only applied to the County. On the same date, the County filed a Motion to Dismiss Count V. On November 7, 2016, the Plaintiff filed a Motion to Strike the County's Affirmative Defenses. A hearing on the District's and County's Motions to Dismiss was scheduled for January 5, 2017.

On January 5, 2017, Plaintiff, the County and the District agreed to cancel the hearing and (1) enter an Order granting the District's and County's Motions to Dismiss; (2) allow Plaintiff 45 days in which to amend its Complaint; and (3) that Plaintiff would satisfy all pre-suit requirements for a Bert Harris claim prior to amending its Complaint. On January 18, 2017, the Court entered a Stipulated Order Granting Southwest Florida Water Management District's Motion to Dismiss Without Prejudice. On January 23, 2017, the Court entered a similar Stipulated Order Granting Hillsborough County's Motion to Dismiss Count V of Plaintiff's Complaint Without Prejudice. Discovery has commenced and is ongoing. On March 3, 2017, Plaintiff filed an Amended Complaint against the District and the County. On March 31, 2017, the District and the County each filed Motions to Dismiss the Amended Complaint. A hearing on the Motions to Dismiss has been scheduled for June 6, 2017. On May 26, 2017, the hearing on the Motions to Dismiss was rescheduled for August 1, 2017.

On August 1, 2017, the Motion to Dismiss was heard by the Court. The Court ruled as follows: (1) granted the District's motion to dismiss as to Count III (Inverse Condemnation); (2) granted the District's motion to dismiss as to Count II (Injunction) without prejudice to amend; (3) granted the District's motion to dismiss as to Count V (Bert Harris) without prejudice to amend; and denied the District's motion to dismiss as to Count I (Trespass) and abated this cause of action until December 14, 2017. On August 18, 2017, the Court entered the Order on Defendant's Motion to Dismiss Plaintiff's Amended Complaint.

On September 15, 2017, the District received Plaintiff's Second Amended Complaint. The District's answer to the Amended Complaint is due on or before December 14, 2017.

On October 5, 2017, all parties filed their Joint Stipulation to Extension of Time for Defendants to Respond to the Second Amended Complaint, requesting an extension of time until December 14, 2017 for the County and the District to file their answers to the Second Amended Complaint. On October 16, 2017, the Court entered an Order granting the extension of time.

On December 14, 2017, the District filed its Answer and Affirmative Defenses to Plaintiff's Second Amended Complaint. On January 8, 2018, the Plaintiff filed its Reply to the District's and the County's Affirmative Defenses.

On March 5, 2018, Plaintiff filed a Joint Stipulation for Substitution of Counsel, substituting MacFarlane, Ferguson & McMullen, P.A. for J. Marshall Fry. On March 6, 2018, the Order on Stipulation for Substitution of Counsel was entered by the Court.

A case management hearing is scheduled in this case for June 27, 2018.

STYLE:
COURT/CASE NO.:
ATTORNEY:
ACTION:

Uranowski, Christina v. SWFWMD
 Fifth Judicial Circuit/Hernando County; Case No. 2016-CA-976
 T. Gonzalez
 Complaint under the Florida Civil Rights Act alleging Retaliation, Handicap Discrimination, Gender Discrimination, and Age Discrimination

DESCRIPTION:

On September 17, 2015, the District issued a Notice of Discharge ("Notice") to Christina Uranowski ("Plaintiff"), discharging her from her at-will employment from the District effective at 5:00 p.m. that day. In September 2015, Plaintiff filed a Complaint

with the U.S. Equal Employment Opportunity Commission (“EEOC Complaint”) alleging that the District discriminated against her on the basis of her gender, age, and disability as well as that the District had retaliated against her based on prior protected activity. The District responded to the EEOC charge on November 4, 2015. The EEOC has not yet rendered a determination relative to the EEOC Complaint.

On September 30, 2016, the District was served with a Complaint filed in Circuit Court for Hernando County alleging violations of the Florida Civil Rights Act including retaliation, handicap discrimination, gender discrimination, and age discrimination related to Plaintiff’s discharge from District employment. The matter has been referred to the District’s outside employment counsel who entered his appearance in the case on October 2, 2016. On October 20, 2016, the District filed its Answer and defenses to the Complaint. The Plaintiff filed its first Request for Production of Documents to Defendants on August 14, 2017. The District filed its response to the Plaintiff’s request on September 18, 2017.

STYLE: SR 40, LLC v. Riverside Village Homeowners’ Association and Southwest Florida Water Management District
COURT/CASE NO.: Sixth Judicial Circuit/Pasco County; Case No. 2017CA2879CAAXWS
ATTORNEY: C. Tumminia/A. Vining
ACTION: Complaint for Abatement Pursuant to Section 373.433, Florida Statutes, Damages Pursuant to Section 373.430, F.S., and Trespass

DESCRIPTION: On March 3, 1987, the District issued Environmental Resource Permit (“ERP”) No. 43000835.000 (“Permit”) for the construction of a stormwater management system designed to serve a residential development known as Riverside Village Unit 4 (“Development”), located in Pasco County, Florida. On March 3, 2017, the District received a complaint from SR 40, LLC, the owner of property adjacent to the Development, regarding potential flooding caused by a berm washing out along the east side of the Development. District staff investigated the complaint to determine whether the stormwater management system was functioning properly. District staff identified two maintenance issues and requested that Riverside Village Homeowners’ Association (“Permittee”) take action to bring the Permit into compliance. On September 1, 2017, District staff notified the Permittee that the required actions were completed, and the compliance file would be closed. On October 9, 2017, the District was served with a Complaint for Abatement pursuant to Section 373.433, Florida Statutes (“F.S.”), damages pursuant to Section 373.430, F.S., and trespass, alleging that the maintenance issues were not resolved, and the Development continues to flood SR 40’s property. The District has 30 days from October 9, 2017, to file an answer or appropriate motion.

On November 8, 2017, the District filed a Motion to Dismiss the complaint on various grounds. Prior to filing a response to the District’s Motion to Dismiss, the Plaintiff filed a First Amended Complaint that addressed some of the deficiencies highlighted in the Motion to Dismiss. On December 22, 2017, the District filed a Motion to Dismiss the Plaintiff’s First Amended Complaint. **As of the date of this Report, no response has been filed.**

STYLE: Lance Thomas v. North Port Gateway East Association, Inc. and SFWMD
COURT/CASE NO.: Twentieth Judicial Circuit/Charlotte County; Case No. 16-1505-CA
ATTORNEY: V. Arenas-Battles
ACTION: Action for Negligence related to a traffic accident where Plaintiff, Lance Thomas, claims that a condition in a District permit prohibited trimming of brush which contributed to obstruction of view resulting in a traffic accident.

DESCRIPTION: On February 16, 2018, Plaintiff served the District with an Amended Complaint. On March 8, 2018, the District filed its Answer and Affirmative Defenses, First Request to Produce to Plaintiff, and First Set of Interrogatories to Plaintiff. On March 2, 2018, the Plaintiff filed a Motion for Leave to Amend Complaint.

On March 8, 2018, the District filed an Answer and Affirmative Defenses, a First Request to Produce to Plaintiff, and a First Set of Interrogatories to Plaintiff. On April 25, 2018, the District filed a Motion to Dismiss Plaintiff's Amended Complaint.

APPEALS
2 Cases as of May 3, 2018

STYLE: Suncoast Waterkeeper, Inc. and Kathe Fannon v. SWFWMD
COURT/CASE NO.: 2D17-2484
ATTORNEY: M. Bray/C. Tumminia
ACTION: Appeal of Dismissal of Petition for Administrative Hearing Challenging Conceptual Environmental Resource Permit No. 49040157.006

DESCRIPTION: On April 12, 2017, the District issued Conceptual Environmental Resource Permit ("ERP") 49040157.006 to Long Bar Pointe, LLLP and Cargor Partners VIII – Long Bar Pointe LLLP modifying and replacing Conceptual ERP 49040157.002 issued in September 2015. On May 4, 2017, the District received a petition for administrative hearing concerning the proposed ERP. The petition was determined to be insufficient as a matter of law, because it did not contain the elements that are required to be present in petitions for administrative hearing, as described and enumerated in Rule 28-106.201, F.A.C. Due to those deficiencies, an order was entered dismissing the petition on May 17, 2017 ("Order of Dismissal Without Prejudice"). The Order of Dismissal Without Prejudice specifically identified the deficiencies in the petition, and provided the Petitioners 14 days to file an amended petition curing the specified deficiencies. No amended petition was filed, either within the 14-day period or thereafter. On June 1, 2017, the petition was dismissed with prejudice on the grounds that it was not in substantial compliance with the requirements of Section 120.569(2)(c), F.S. and Rule 28-106.201, F.A.C. On June 15, 2017, Suncoast Waterkeeper, Inc. and Kathe Fannon filed a notice of appeal. On June 30, 2017, the District filed a motion to dismiss the appeal, arguing that in failing to file an amended petition or otherwise object, the Appellants had waived their right to raise any objection for the first time in the appellate court, and that Appellants had failed to exhaust their administrative remedies. The District also filed a motion for attorneys' fees. Those motions are pending. On July 6, 2017, the Court denied the District's motion to dismiss the appeal without prejudice to argue the merits in the answer brief. The Court did not enter an order on the motion for attorneys' fees. On August 1, 2017, the District served copies of the index to the record on appeal, as required pursuant to Florida Rule of Appellate Procedure 9.110(e). On August 24, 2017, the Appellants served their initial brief. The District's answer brief is due by September 18, 2017. On September 18, 2017, the District filed and served the answer brief, and on September 29, 2017, the Appellants filed and served their reply brief. The parties currently await further action by the Court.

On January 3, 2018, the Court issued its opinion affirming the District's agency action per curiam. The Court also entered an order granting the District's motion for appellate attorneys' fees in an amount to be determined by an Administrative Law Judge at DOAH. The mandate has not yet been issued.

The Court issued its mandate on February 5, 2018. The case will be referred to DOAH shortly for an administrative hearing concerning the amount of the award of attorneys' fees, per the Second District's order.

After the issuance of the Court's mandate, counsel for Appellants initiated a conversation with the District regarding his intent and willingness to settle the fee claim against Appellants without resort to further litigation. The parties are presently negotiating concerning that claim.

The parties have reached an agreement in principle as to the amount of attorneys' fees the District will accept as payment in full of its claim. The District drafted a settlement agreement and provided it to Suncoast Waterkeeper for review. The Waterkeeper's Executive Director, Justin Bloom, Esq., advised that the agreement appeared to be acceptable, but that he needed to show it to his Board. That process has been slightly delayed as one of his Board members was unavailable on a cruise, and additionally, Mr. Bloom's wife was due to give birth imminently. I anticipate a response by April 6.

The Waterkeeper agreed to the proposed settlement agreement and executed it on April 25, 2018. The hard copy was received by OGC on May 1. As of May 1, the agreement is being routed for execution by the District's Executive Director, after which the only remaining step before closure of this matter will be for the Waterkeeper to provide payment.

STYLE: Depa Hotel, Inc. v. SWFWMD
COURT/CASE NO.: 5D17-3547
ATTORNEY: A. Vining
ACTION: Appeal of Dismissal of Petition for Administrative Hearing

DESCRIPTION: On December 13, 2005, the District issued Environmental Resource Permit ("ERP") No. 44014233.002, authorizing the construction of a new surface water management system to serve a Hampton Inn in Port Richey, Florida. On October 31, 2008, the District issued a Permit Condition Violation letter to the original permittee that indicated the District had received a complaint alleging that the construction of the project caused flooding to adjacent properties. The District determined that the project blocked offsite inflows from the east and filled historic basin storage onsite, which caused the flooding of the adjacent properties in violation of ERP No. 44014233.002. On June 23, 2009, ERP No. 44014233.002 was transferred to Depa Hotel, Inc. ("Depa"). Over the intervening years, Depa filed four ERP applications attempting to address the permit condition violation, but all were either withdrawn by Depa or denied by the District. Because of the failure of Depa to address the permit condition violation, the District issued an Administrative Complaint and Order on August 7, 2017, requiring Depa to modify ERP No. 44014233.002, and to complete all the activities authorized by the ERP modification within 270 days of issuance of the ERP modification. On September 1, 2017, Depa submitted a Request for Administrative Hearing, which the District dismissed without prejudice on September 18, 2017. An Amended Request for Administrative Hearing was submitted on October 2, 2017. On October 10, 2017, District staff provided Depa with a copy of its recommendation to the District's Governing Board that Depa's Amended Request for Administrative Hearing be dismissed with prejudice. On October 11, 2017, Depa filed a Motion to Correct Scribner's Error to the Amended Request for an Administrative Hearing, Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH requesting that the District reconsider its decision to dismiss the Amended Request for an Administrative Hearing with prejudice, or, alternatively, provide Depa with more time to submit another amended request for hearing. The District issued an Order Granting Motion to Correct Scrivener's Error on October 19, 2017. Then, on October 24, 2017, the District issued a Final Order of Dismissal with Prejudice and Order Denying Motion for Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH. On October 25, 2017, the Administrative Complaint and Order was finalized, and the order rendered. On November 13, 2017, Depa filed a Notice of Appeal, indicating it is appealing both the Final Order of Dismissal with Prejudice and the finalized Administrative Complaint and Order. On January 2, 2018, the Index to the Record on Appeal was served on all the parties. On January 11, 2018, Depa served its Initial Brief. On March 2, 2018, the District served its Answer Brief. The Record on Appeal was filed with the Court on March 5, 2018. Depa served its Reply Brief on March 22, 2018.

DELEGATED CONSENT ORDERS
0 Cases as of May 3, 2018

GENERAL COUNSEL'S REPORT

May 22, 2018

Routine Report

May 2018 - Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

RULEMAKING UPDATE
MAY 2018
PROPOSED RULES & AMENDMENTS

| RULE | INITIATION DATE | NEXT SCHEDULED ACTION | BOARD PROJECTED/ APPROVED DATE |
|---|------------------------|------------------------------|---------------------------------------|
| 1. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302(1), F.A.C. to Repeal Reservations from Use of Morris Bridge Sink | May 2015 | TBD | May 2015 |
| 2. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Rainbow River System | June 2017 | TBD | June 2017 |
| 3. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Lake Alice located in Hillsborough County | December 2017 | Effective approx. May 2018 | December 2017 |
| 4. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Lake Damon located in Highlands County | February 2018 | Effective approx. May 2018 | February 2018 |
| 5. Initiation and Approval of Rulemaking to Amend Rule 40D-1.660, F.A.C., and the Environmental Resource Permitting Applicant's Handbook Volume II, as Part of Statewide Environmental Resource Permitting Rule Amendments (SWERP II) | February 2018 | Effective June 2018 | February 2018 |
| 6. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Pithlachascotee River | March 2018 | Effective approx. June 2018 | March 2018 |

Attachment: 05-2018 General Counsel - Rulemaking Update (for May 2018 GB-Meeting) (3764 : May 2018 - Rulemaking Update)

COMMITTEE/LIAISON REPORTS

May 22, 2018

Discussion Item

Industrial Advisory Committee

Staff Recommendation:

Presenter: Rebecca Smith, Board Member

COMMITTEE/LIAISON REPORTS

May 22, 2018

Discussion Item

Public Supply Advisory Committee

Staff Recommendation:

Presenter: H. Paul Senft, Board Member

COMMITTEE/LIAISON REPORTS

May 22, 2018

Discussion Item

Other

Staff Recommendation:

Presenter: Board Members

EXECUTIVE DIRECTOR'S REPORT

May 22, 2018

Discussion Item

Executive Director's Report

Staff Recommendation:

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

CHAIR'S REPORT

May 22, 2018

Discussion Item

Chair's Report

Staff Recommendation:

Presenter: Randall S. Maggard, Chair

CHAIR'S REPORT

May 22, 2018

Discussion Item

Other

Staff Recommendation:

Presenter: Randall S. Maggard, Chair

CHAIR'S REPORT

May 22, 2018

Routine Report

Employee Milestones

Staff Recommendation:

This Item is for information only and no action is required.

Presenter: Randall S. Maggard, Chair

| Years of Service | Seniority Date | Preferred Full Name | Position Title | Office Location | Bureau |
|------------------|----------------|---------------------|-------------------------------------|-----------------|--------------------------------|
| 5 | 05/13/2013 | Justin Eddy | Staff Regulatory Support Technician | Tampa | Regulatory Support |
| 10 | 05/27/2008 | David Vasquez | Unified Communications Architect | Brooksville | Information Technology |
| 10 | 05/27/2008 | John Ferguson | Staff Hydrogeologist | Brooksville | Water Resources |
| 15 | 05/19/2003 | Jeffrey Hagberg | Field Operations Manager | Brooksville | Operations and Land Management |
| 25 | 05/29/1993 | Lynn Nipper | Senior Heavy Equipment Operator | Tampa | Operations and Land Management |
| 35 | 05/23/1983 | Susie Holton | Senior Administrative Assistant | Brooksville | Operations and Land Management |