

Governing Board Meeting

Agenda and Meeting Information

January 19, 2016

9:00 AM

Tampa Service Office

7601 US Hwy. 301 • Tampa, Florida
(813) 985-7481

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

JANUARY 19, 2016

9:00 AM

Tampa Service Office

7601 US HWY. 301, TAMPA, FL 33637
(813) 985-7481

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

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

Tampa Service 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. *Additions/Deletions to Agenda*
5. *Public Input for Issues Not Listed on the Published Agenda*

CONSENT AGENDA (TAB B)***Regulation Committee***

6. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20003832.009 - the Arlin Taylor Ranch Limited Partnership / Taylor's Farm and Ranch, Inc. (Manatee County)

Operations, Lands and Resource Monitoring Committee

7. Acceptance of Donation for Fee Simple Parcel and Perpetual Easement for Access – Crystal Lakes Manor Well, SWF Parcel No. 13-020-142
8. Approval of Non-Exclusive Utility Easement and Temporary License to Duke Energy for Pinellas County to Construct and Operate an Air Quality Monitoring Station in Sawgrass Lake Park – SWF Parcel No. 16-560-143X
9. Approval of Resident Security Officer Agreements for Security of the Green Swamp East Hampton Tract – SWF Parcel Number 10-200-1263X, Green Swamp West Tract 19-706-116X and the Lake Hancock Kent Tract 20-503-122X

Resource Management Committee

10. 2016 Florida Department of Transportation Mitigation Program Plan
11. Budget Transfer – Pasco County Heritage Pines Residential Reclaimed Water Service Project (N547)
12. Groundwater Quality Source Evaluation for the Rainbow Springs Group (P104)
13. Lemon Bay Habitat Restoration (W560) Charlotte County
14. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Peck Sink Watershed in Hernando County to the Federal Emergency Management Agency (P324)
15. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Upper Peace River - Homeland Watershed in Polk County to the Federal Emergency Management Agency
16. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Crews Lake in Pasco County (P256)
17. FARMS - Madmac Property Holdings, LLC (H733), Hillsborough County

Finance/Outreach & Planning Committee

18. Revise Board Policy 130-2, Administrative Fees
19. Budget Transfer Report

General Counsel's Report

20. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Interagency Agreement Between the SJRWMD and the SWFWMD -- Designation of Regulatory Responsibility – Tom Thayer Citrus, Inc. – Lake County
 - b. Final Order of Dismissal with Prejudice – Kenneth Monduori et al. v. Wilds Land Company, LLC, et al. and SWFWMD – ERP Application No. 702310
21. Rulemaking

Executive Director's Report

22. Approve Governing Board Meeting Minutes - December 15, 2015

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

23. Consent Item(s) Moved for Discussion
24. Peace River Manasota Regional Water Supply Authority Phase 1 Pipeline and Punta Gorda RO Projects

Submit & File Reports

25. Five-Year Water Resource Development Work Program

Routine Reports

- 26. Minimum Flows and Levels Report
- 27. Significant Water Resource and Development Projects

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

- 28. Consent Item(s) Moved for Discussion
- 29. Investment Advisors Contract Renewal Options
- 30. Legislative Update

Submit & File Reports

- 31. Status of the 2016 Consolidated Annual Report
- 32. 2015 Districtwide Public Perception Survey Results

Routine Reports

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

REGULATION COMMITTEE (TAB E)***Discussion***

- 39. Consent Item(s) Moved for Discussion
- 40. Denials Referred to the Governing Board

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

- 41. Overpumpage Report - January 2016
- 42. Individual Permits Issued by District Staff - January 2016

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

- 43. Consent Item(s) Moved for Discussion
- 44. Hydrologic Conditions Report

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

- 45. Structure Operations
- 46. Significant Activities

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

- 47. Consent Item(s) Moved for Discussion

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

- 48. January 2016 - Litigation Report
- 49. January 2016 - Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

- 50. Well Drillers Advisory Committee
- 51. Other Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 52. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 53. Chair's Report
- 54. Other

55. Employee Milestones

★ ★ ★ **RECESS PUBLIC HEARING** ★ ★ ★**ANNOUNCEMENTS**<http://www.swfwmd.state.fl.us/calendar>

- Governing Board Meetings Schedule:

Meeting - Sarasota	February 23, 2016
Meeting - Brooksville	March 29, 2016
Meeting - Haines City	April 26, 2016
Meeting - Tampa	May 24, 2016
- Governing Board Public Budget Hearings Schedule:

Tentative Budget - Tampa	September 13, 2016
Final Budget - Tampa	September 27, 2016
- Advisory Committee Meeting Schedule:

Industrial & Public Supply - Tampa	February 9, 2016
Agricultural & Green Industry - Tampa	March 10, 2016
Well Drillers - Tampa	April 13, 2016
Environmental - Tampa	April 19, 2016

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 December 2015

OFFICERS	
Chair	Michael A. Babb
Vice Chair	Randall S. Maggard
Secretary	Jeffrey M. Adams
Treasurer	David W. Dunbar

OPERATIONS AND LAND MANAGEMENT COMMITTEE
Randall S. Maggard, Chair
George W. Mann, Vice Chair
Ed Armstrong
Thomas E. Bronson

RESOURCE MANAGEMENT COMMITTEE
H. Paul Senft, Jr., Chair
Bryan K. Beswick, Vice Chair
Wendy Griffin
Kelly S. Rice

REGULATION COMMITTEE
Michael A. Moran, Chair
Jeff Adams, Vice Chair
Wendy Griffin
John Henslick

FINANCE/OUTREACH AND PLANNING COMMITTEE
David W. Dunbar, Chair *
Ed Armstrong, Vice Chair
Jeffrey M. Adams
Michael Moran

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

FLYING EAGLE EVALUATION
Randall S. Maggard, Chair
Bryan K. Beswick
Wendy Griffin
George W. Mann
Michael A. Moran

STANDING COMMITTEE LIAISONS	
Agricultural Advisory Committee	Bryan K. Beswick
Environmental Advisory Committee	Wendy Griffin
Green Industry Advisory Committee	George W. Mann
Industrial Advisory Committee	Kelly S. Rice
Public Supply Advisory Committee	H. Paul Senft, Jr.
Well Drillers Advisory Committee	Kelly S. Rice

OTHER LIAISONS	
Central Florida Water Initiative	Michael A. Babb, primary H. Paul Senft, alternate
Spring Coast Steering Committee	Michael A. Babb
Charlotte Harbor National Estuary Program Policy Board	John Henslick
Sarasota Bay Estuary Program Policy Board	Michael A. Moran
Tampa Bay Estuary Program Policy Board	Wendy Griffin
Tampa Bay Regional Planning Council	David W. Dunbar

Executive Summary

GOVERNING BOARD MEETING

JANUARY 19, 2016
9:00 a.m.

If viewing this document electronically, links are now available from the Executive Summary to the item's information page. To return to the Executive Summary, click on the item number in the upper right-hand corner of the page.

CONVENE PUBLIC HEARING AND MEETING (TAB A)

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Employee Recognition
4. Additions/Deletions to Agenda
5. 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, that item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

Regulation Committee

6. **Individual Water Use Permits Referred to the Governing Board**
 - a. **WUP No. 20003832.009 – the Arlin Taylor Ranch Limited Partnership / Taylor's Farm and Ranch, Inc. (Manatee County)**

This is a modification of an existing water use permit for agricultural use. The authorized quantities are changed from those previously permitted. The annual average quantity increased from 469,900 gallons per day (gpd) to 597,600 gpd. The drought annual average increased from 486,400 gpd to 597,600 gpd. The peak month quantity decreased from 2,331,100 gpd to 1,136,600 gpd. The crop protection quantity decreased from 1,728,000 gpd to zero gpd. The changes in quantities are due to a change in crop types and irrigated acres. Quantities are based on the District's irrigation allotment calculation program, AGMOD. The permittee is not currently using AWS because none is available in the area. This permit is located in the Southern Water Use Caution Area.

Special Conditions include those that require the Permittee to: continue to record and report monthly meter readings from all withdrawals, implement the water conservation plan that was submitted with the application, and submit seasonal crop reports.

Staff recommends the Board approve the proposed permit.

Operations, Lands and Resource Monitoring Committee**7. Acceptance of Donation for Fee Simple Parcel and Perpetual Easement for Access – Crystal Lakes Manor Well, SWF Parcel No. 13-020-142**

SWF Parcel No. 13-020-142 consists of a 12" monitoring well, 248 square foot (0.0057 acre) fee simple parcel and 7,936 square foot (0.1822 acre) perpetual easement is for access maintenance and monitoring of the existing well. The well site and easement are located west of U.S. Highway 41 and south of Crystal Grove Boulevard in northern Hillsborough County. The depicted easement predates the surrounding development, with practical access currently being from the existing public frontage road which intersects the easement.

An appraisal of the property was not obtained because it is being offered as a donation. The Hillsborough County Property Appraiser records indicate an assessed value of \$945 for the property associated with this donation.

Acceptance of this donation will enhance the District's Northern Tampa Bay monitoring network. The data gathered from this well can be used for multiple purposes, including: 1) hydrologic model calibration; 2) MFL determination, assessment, and status evaluation; and 3) NTB recovery assessment. Acceptance of this donation will allow the District to incorporate this well into its existing network, eliminating the time and costs related to the acquisition process for another site. The District's transactional costs are estimated to be less than \$1,000.

Staff recommends the Board accept the donation of the fee simple interest in the well site and perpetual easement for access.

8. Approval of Non-Exclusive Utility Easement and Temporary License to Duke Energy for Pinellas County to Construct and Operate an Air Quality Monitoring Station in Sawgrass Lake Park – SWF Parcel No. 16-560-143X

The segment of I-275 that adjoins Sawgrass Lake Park has been identified as a location with the highest impact on air quality. Accordingly, on September 17, 2014 Pinellas County entered a contract with EPA to construct a site at Sawgrass Lake Park. The site will cost approximately \$200,000 to construct. The air monitoring station will consist of a small shelter (approximately 8 feet by 20 feet) and a wind monitoring tower approximately 30 feet tall. At the time the contract was executed, it was not clear to Pinellas County that electric service to the station would require conveyance of an easement to Duke Energy. Pinellas County staff met with Duke Energy and determined that the service will require installation of approximately 700 to 800 feet of underground line. Duke Energy has submitted an easement and legal description for the District's execution. The easement and legal description require revisions and corrections before the District may proceed with Board approval and execution. Consequently, Pinellas County will be further delayed in meeting milestones under the EPA contract.

The County has requested the District grant permission to proceed with construction of the site, prior to the Board's approval or execution of the easement. Staff, in cooperation with Duke Energy, has developed a temporary license agreement that will authorize Duke Energy to proceed in an effort to meet the County's contract requirements.

District staff have reviewed the alignment of the electric service and determined that it has no objection to it and wish to expedite approval of the County's request in the spirit of partnership.

Staff recommends the Board approve the temporary license agreement and authorize staff to execute it with Duke Energy to allow them to commence with construction and authorize and approve staff to negotiate a standard non-exclusive utility easement with the referenced terms and conditions, subject to the Office of General Counsel's approval, and obtain the Governing Board's execution of same.

9. **Approval of Resident Security Officer Agreements for Security of the Green Swamp East Hampton Tract – SWF Parcel Number 10-200-1263X, Green Swamp West Tract 19-706-116X and the Lake Hancock Kent Tract 20-503-122X**

The Southwest Florida Water Management District is responsible for resource protection on approximately 260,000 acres of conservation land. Through Governing Board Policy 610-3, it is the intent of the Governing Board to utilize multiple approaches in the protection of District conservation lands. One approach is the evaluation and implementation of appropriate resource protection measures to protect the natural resources and provide a security presence on District conservation lands.

The District accomplishes this goal by partnering with the Florida Fish and Wildlife Commission through an enhanced patrol agreement. In addition, the District provides three housing opportunities for law enforcement officers. The resident sites (2 houses and 1 mobile home) were acquired as part of past land transactions and as an efficiency measure were utilized as security residences. The sworn law enforcement officers receive permission from their agency to provide the District with an average of 30 hours per month of patrol service and provide a security presence for the property in exchange for lease of a residence. The term of the lease is for a period of one year.

The GSE Resident Security Officer is new to the District and was chosen after careful consideration and followed the new Resident Security Interview Procedure. The GSW and Lake Hancock Officers have provided security services to the District for over six years. Their service has been excellent and they have been proven to be an asset to the District's Resource Protection Program. They will also be entering into a revised agreement that is included for Governing Board approval.

Staff recommends the Board approve resident security officer leases for the Green Swamp East Hampton Tract SWF Parcel Number 10-200-1263X, Green Swamp West Tract SWF Parcel Number 19-706-116X and the Lake Hancock Kent Tract SWF Parcel Number 20-503-122X and authorize the Board to execute the agreements.

Resource Management Committee

10. **2016 Florida Department of Transportation Mitigation Program Plan**

Pursuant to Section 373.4137, F.S., the District is required to develop a mitigation plan for wetland impacts associated with FDOT roadway projects. The mitigation plan is annually updated to add and/or remove projects, incorporate revised wetland impact estimates from the FDOT, and make any necessary modifications to previously approved plans. The District's FDOT Mitigation Plan (Plan) is required to be developed by March 1 of each year and submitted to the District's Governing Board for approval then submitted to the Florida Department of Environmental for final approval.

Section 373.4137, F.S. requires the FDOT to identify projects where it is feasible for the mitigation requirements to be satisfied by a mitigation bank and exclude these projects from the project inventory in the 2016 FDOT Mitigation Plan. The FDOT has purchased or intends to purchase mitigation bank credits, if credits are available, to offset wetland impacts in all or part of thirty-four (34) projects that have not been permitted yet, with wetland impacts totaling an estimated 67.80 acres. These projects are listed in the item description by basin and county.

Staff recommends the Board approve the District's 2016 Florida Department of Transportation Mitigation Plan.

11. Budget Transfer – Pasco County Heritage Pines Residential Reclaimed Water Service Project (N547)

The District executed a Cooperative Funding Agreement with Pasco County on July 30, 2014 for the completion of the Heritage Pines Residential Reclaimed Water Service project. It is a multi-year funded project for the design, permitting and construction of reclaimed water transmission mains and distribution piping within 29 residential villages (725 residences) in the Heritage Pines community of northwest Pasco County. The project includes approximately 6,100 feet of reclaimed water lines to provide reclaimed water for irrigation within the community. The budget for the project is \$1,266,600, which was initially approved in FY2013-14 by the Governing Board (\$633,300 provided by Pasco County and \$633,300 provided by the District).

The total cost and scope of the project has not changed; however, in a separate revenue agreement executed September 28, 2015, the Florida Department of Environmental Protection (DEP) provided \$300,000 in Springs Initiative funding to the District for the project. This FY2015 funding will be used to reduce the District and Pasco County portions equally by \$150,000 each. The updated funding allocations are District and Pasco County \$483,300 each and DEP \$300,000. During the evaluation of the recent FY2015 year-end fiscal encumbrance roll, \$150,000 of the District's share of the funds were accidentally lapsed; therefore, the District's budget for this project needs to be increased by \$150,000.

Staff recommends the Board transfer \$150,000 budgeted for the withdrawn City of St. Petersburg Snell Isle Stormwater Vaults Project (N733) to replace the lapsed funds for the Heritage Pines Residential Reclaimed Water Project (N547).

12. Groundwater Quality Source Evaluation for the Rainbow Springs Group (P104)

The project will use available data sources, such as existing monitoring wells and water quality data, to identify the most probable primary source areas of nutrients and related recharge water from within a springshed and develop strategies for cost effective improvement of the quantity and quality of District spring systems. The project will be performed in two phases.

The first phase in the proposed project will include the following tasks: (1) hydrogeologic analysis of the springshed, (2) identify the sources and distributions of groundwater specific analytes in Floridan aquifer water, (3) map the distributions and intensities of geochemical processes represented by groundwater masses within the springshed and match them to geochemical fingerprints of water discharging from the spring vent(s), and (4) delineate source areas and "hot spots" of nutrient loading within the springshed.

The second phase will include recommendation of one or more remedial-design solutions to improve the quantity of the spring discharge and water quality at the spring vent(s) and identification of specific best management practices in the source area "hot spots".

The District received this project proposal during the solicitation of projects for FDEP Springs Funding in February 2015. The original proposal included Phases I and II totaling \$90,000. The District included funding for both phases of the project in its FY16 approved budget, with the District and FDEP each providing \$45,000. The proposed project was not selected by FDEP for funding, therefore staff request approval to pursue the Groundwater Quality Source Evaluation for the Rainbow Springs Group project without FDEP revenue. District funds, in the amount of \$90,000, are now requested to be used to fund the full project costs.

Staff recommends the Board approve initiation of the Groundwater Quality Source Evaluation for the Rainbow Springs, fully funded by the District (\$90,000), without FDEP revenue.

13. Lemon Bay Habitat Restoration (W560) Charlotte County

This project is in response to an FY2013 cooperative funding request from the Conservancy to construct a habitat restoration project within the Wildflower Preserve on Lemon Bay in Charlotte County. The 80-acre preserve was purchased by the Conservancy in 2010 for conservation. The Conservancy paid \$750,000 for the property and requested a District match of \$750,000 for design, permitting and construction. The project objectives involve the creation of freshwater and estuarine wetlands and enhancement of the associated uplands. Exotic vegetation will be eliminated and native plantings will be established throughout the site. The District is the lead for design, permitting, and construction. The Conservancy will be responsible for providing a conservation easement over the property and long-term operation and maintenance of the site.

The consultant has completed the 30 percent design plan. During the design process, opportunities to create additional freshwater and estuarine wetlands and to further enhance upland habitats were identified. The engineer's estimate for creating an additional 5 acres of wetlands and enhancing 54 acres of uplands, which increases the wetland restoration area from 9 acres to 14 acres, is \$500,400. The Conservancy sought out additional funds to cover the proposed increase and was successful in being awarded a \$420,000 federal grant from the National Oceanographic and Atmospheric Administration. In addition, the Conservancy reached out to donors and secured another \$75,000. The Conservancy is requesting a District match to the \$75,000 in the FY2017 cooperative funding cycle.

The FY2017 cooperative funding request (\$75,000) will be evaluated by staff and will be presented to the Governing Board in accordance with the Fiscal Year 2017 Cooperative Funding Initiative process. At this time, staff requests to amend the project scope and increase the project cost to only include funds obtained from the federal grant (\$420,000). Approval will allow the consultant to proceed with the next phase of design, incorporating the expanded project scope.

The project will establish natural systems habitat and improve water quality in Lemon Bay and Charlotte Harbor as originally intended.

Staff recommends the Board authorize amending the Lemon Bay Habitat Restoration (W560) project agreement to reflect the increase in the project scope, and the additional funds secured through federal grant funding (\$420,000); and authorize the Assistant Executive Director to sign the amendment.

14. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Peck Sink Watershed in Hernando County to the Federal Emergency Management Agency (P324)

The floodplain information for the Peck Sink watershed in Hernando County was prepared by a District 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 model and floodplain data were built using 2007 topography and 2010 land use information. The District's Environmental Resource Permitting Advisory Group members (consultant and development community) were invited to attend the presentations of the floodplain information to the peer review consultant, and were provided opportunities to review and comment on the watershed model and floodplain information. For the public workshop held on July 9, 2015, approximately 1,010 affected property owners were notified of the workshop by mail and 34 attended. The floodplain information was also made available through the District's website. The watershed model and floodplain data reasonably reflect the verification storm events and represent best floodplain information available.

Staff recommends the Board authorize submittal of the preliminary FIRMs for the Peck Sink watershed in Hernando County to FEMA.

15. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Upper Peace River – Homeland Watershed in Polk County to the Federal Emergency Management Agency

The floodplain information for the Upper Peace River - Homeland watershed in Polk County was prepared by a District consultant (Engineering Firm of Record), reviewed by District, City of Bartow, and County staff, and then reviewed by the District's independent peer review consultant (see table below). The watershed model and floodplain data were built using 2004 topography and 2007 land use information. The District's Environmental Resource Permitting Advisory Group members (consultant and development community) were invited to attend the presentations of the floodplain information to the peer review consultant, and were provided opportunities to review and comment on the watershed model and floodplain information. For the public workshop held on October 29, 2014, approximately 1,502 affected property owners were notified of the workshop by mail and 29 attended. The floodplain information was also made available through the District's website. The watershed model and floodplain data reasonably reflect the verification storm event and represent best floodplain information available.

Staff recommends the Board authorize staff to submit the preliminary FIRMs for the Upper Peace River - Homeland watershed in Polk County to FEMA.

16. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum Guidance Levels for Crews Lake in Pasco County (P256)

A technical report outlining the development of newly proposed levels for Crews Lake was posted on the District's website and distributed to interested parties prior to a public workshop held on December 2, 2015 for discussion of the proposed levels. The workshop was held in Land O' Lakes near Crews Lake. During the workshop, District staff addressed stakeholder questions and concerns related to the proposed levels and other water management issues associated with Crews Lake and the surrounding area. No specific recommendations or alternatives to the proposed minimum levels were made by workshop participants. Following the workshop, District staff met independently with Pasco County and a local resident near Crew's Lake to further discuss the proposed minimum levels. All stakeholder input has been summarized and will be made available to the Board upon request.

Based on available water level records, the currently proposed minimum levels for Crews Lake are being met, so development of a recovery strategy is not required. In the event that adopted levels for the lake are not met, the recovery strategy outlined in Rule 40D-80.073, F.A.C., would be applicable to the lake.

Staff has prepared rule amendments that delete the currently adopted Guidance Levels for Crews Lake in Table 8-3 within Rule 40D-8.624(13), F.A.C., and add proposed Guidance and Minimum Levels to Table 8-2 within Rule 40D-8.624(12), F.A.C., as indicated in the exhibit for this agenda item. Staff is prepared to address any Board concerns regarding the proposed levels or the methods used for their development.

Staff recommends the Board:

A. Accept a report entitled, "Proposed Minimum and Guidance Levels for Crews Lake in Pasco County, Florida", dated January 18, 2016.

B. Authorize staff to make any necessary minor clarifying edits to the report or rule language that may result from the rulemaking process and to complete report finalization.

C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously adopted Guidance levels and to add new Guidance and Minimum Levels for Crews Lake in Pasco County as shown in the exhibit.

17. FARMS – Madmac Property Holdings, LLC (H733), Hillsborough County

The District received a project proposal from Madmac Property Holdings, LLC for their property totaling 59 acres of strawberries and small vegetables located in east Hillsborough County, within the Dover Plant City Water Use Caution Area, and within the Southern Water Use Caution Area. This project will involve automation of an irrigation pump station to offset Upper Floridan aquifer groundwater used for the irrigation of 59 acres of strawberries and small vegetables. The Water Use Permit (WUP) authorizes annual average groundwater withdrawals of 213,500 gallons per day (gpd). FARMS project components consist of remotely operated irrigation pump start/stop automation equipment.

The proposed project involves water quantity best management practices for supplemental irrigation and qualifies for a 50 percent cost-share reimbursement rate under the FARMS Program. Using an estimated five percent savings of permitted quantities for daily irrigation, or 10,675 gpd, yields a daily cost of \$1.18 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for strawberry operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval, the Governing Board will have \$4,779,644 remaining in its FARMS Program budget.

Staff recommends the Board:

- 1) Approve the Madmac Property Holdings, LLC project for a not-to-exceed project reimbursement of \$10,556 with \$10,556 provided by the Governing Board;
- 2) Authorize the transfer of \$10,556 from fund 010 H017 Governing Board FARMS Fund to the H733 Madmac Property Holdings, LLC project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

Finance/Outreach & Planning Committee**18. Revise Board Policy 130-2, Administrative Fees**

Board Policy 130-2 authorizes staff to charge fees for providing copies of district records. The only recommended change to this one-paragraph policy is to provide District senior staff, with concurrence from the Executive Director's delegate (identified in Board Policy 190-1, amended in September 2015) with the flexibility to waive the authorized fees when relevant extenuating circumstances exist.

Staff recommends the Board approve the policy changes as presented in the exhibits to this item.

19. 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. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff recommends the Board approve the Budget Transfer Report covering all budget transfers for December 2015.

General Counsel's Report

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

a. Interagency Agreement Between the SJRWMD and the SWFWMD – Designation of Regulatory Responsibility – Tom Thayer Citrus, Inc. – Lake County

Tom Thayer Citrus, Inc. submitted Water Use Permit ("WUP") Application No. 20001347.006 (the "Application") to the Southwest Florida Water Management District ("SWFWMD") to renew and modify its existing WUP for its agricultural operations in Lake County, Florida (the "Property"). The Application requests authorization to withdraw 544,800 gallons per day on an annual average basis, and 2,110,900 on a peak month basis, for agricultural use. Although the predominant portion of the Property lies within the SWFWMD, a smaller portion of the Property lies within the jurisdictional boundaries of the St. Johns River Water Management District ("SJRWMD"), as depicted on the map attached hereto as Exhibit A. SWFWMD has prior permitting history for the Project.

Section 373.046(6), Florida Statutes, authorizes a water management district to designate, through an interagency agreement, regulatory responsibility to another water management district over a project located within the jurisdictional boundaries of both districts. Because the SWFWMD has prior permitting history for the Project and because the majority of the Project boundary lies within the SWFWMD, both Districts agree that responsibility should be assumed by the SWFWMD for review and issuance of the WUP for the entirety of the Project. An interagency agreement approved by both district governing boards is necessary to authorize SWFWMD to issue a WUP to the applicant for the entire Project. SJRWMD has already executed the agreement.

Staff recommends the Board approve the Interagency Agreement between the St. Johns River Water Management District and the Southwest Florida Water Management District for Designation of Regulatory Responsibility for a WUP for Tom Thayer Citrus, Inc.

b. Final Order of Dismissal with Prejudice – Kenneth Monduori et al. v. Wilds Land Company, LLC, et al. and SWFWMD – ERP Application No. 702310

The District issued a Notice of Intended Agency Action for approval of Environmental Resource Permit Application No. 702310 ("Application") to Wilds Land Company, LLC, Robert E. Van Worp, Judson Van Worp, and Robert Van Worp ("Permittees") on November 13, 2015. The Application authorized the construction of a stormwater management system serving a 17-lot single family subdivision known as Wilds at Hawks Landing located in Pinellas County. The total project area is 13 acres. The stormwater management system will consist of three interconnected ponds that will provide attenuation and water quality treatment through effluent filtration. In order to allay any concerns over impacts to the 100-year floodplain and the potential for off-site impacts, District staff required Permittees to provide additional information and modeling over and above that available in the latest hydrologic model for the basin. The additional modeling required used site specific and supplemental survey information, as well as information from plans for adjacent developments. Overall, the modeling indicated that for the 100-year, 24-hour storm event, no adverse impacts are anticipated with the construction of the project.

On December 3, 2015, the District received a timely Petition regarding the Application from Kenneth Monduori, Rosemarie Monduori, Ron Schroder, Valarie Schroder, Rafael Tejada, Idelfia Tejada, Donald Smith, Diane Smith, Joseph Ryser, Sarah Ryser, Barbara Spath, Samuel Harmon, Darlene Fett, Michael Heard, Betsy Heard, Margaret Omar, Robert Omar, Gordan Dore, Caren Dore, Shilp Patel, Dashan Patel, Les Moffatt, and Darlene Moffatt ("Petitioners"). Petitioners maintain that the construction of the project will cause additional flooding in the area, and that the Application should be denied.

On December 15, 2015, the District issued an Order of Dismissal Without Prejudice ("Order") dismissing the Petition 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(2), F.A.C. The Order granted Petitioners leave to file an amended petition curing the noted defects within 14 days of the date of

the Order. On December 29, 2015, Petitioners filed a timely Amended Petition. The Amended Petition is also not in substantial compliance with the requirements of Section 120.569(2)(c), F.S. and Rule 28-106.201(2), F.A.C.

Board Policy No. 160-4 does not delegate to the General Counsel the authority to enter a final order of dismissal with prejudice when a timely insufficient amended petition is filed. As a result, the attached draft Final Order of Dismissal with Prejudice is submitted for consideration by the Governing Board.

Staff recommends the Board approve the Final Order of Dismissal with Prejudice, dismissing the request for administrative hearing filed by Kenneth Monduori, Rosemarie Monduori, Ron Schroder, Valarie Schroder, Rafael Tejada, Idelfia Tejada, Donald Smith, Diane Smith, Joseph Ryser, Sarah Ryser, Barbara Spath, Samuel Harmon, Darlene Fett, Michael Heard, Betsy Heard, Margaret Omar, Robert Omar, Gordan Dore, Caren Dore, Shilp Patel, Dashan Patel, Les Moffatt, and Darlene Moffatt with prejudice.

21. **Rulemaking – None**

Executive Director's Report

22. **Approve Governing Board Meeting Minutes – December 15, 2015**

Staff recommends the Board approve the minutes as presented.

RESOURCE MANAGEMENT COMMITTEE (TAB C)
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Discussion

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

24. **Peace River Manasota Regional Water Supply Authority Phase 1 Pipeline and Punta Gorda RO Projects**

At its July 21, 2014 meeting, the Governing Board approved District funding for design of the Peace River Manasota Water Supply Authority Phase 1 Interconnect. The Phase 1 Interconnect involves the construction of an approximately 6.3 mile pipeline to extend the Authority's DeSoto Transmission Main along US-17 southward to the City of Punta Gorda's Shell Creek Water Treatment Facility. The Board required the execution of any necessary contracts for the Authority to construct the Phase 1 Interconnect prior to the District executing an agreement to provide funding for the Phase 1 Interconnect.

During the last year, the Authority has worked to get the necessary contracts and funding in place for the Phase 1 Interconnect and is requesting Governing Board approval to allow the Authority to move forward with design and construction of the Phase 1 Interconnect. Construction costs are estimated at \$12 million; the PRMWSA has commitments of \$4 million from a State appropriation and \$2 million of funding from the City of Punta Gorda. Consistent with Board Policy 130-4, the State funding would "come off the top" resulting in \$8 million to be funded by the PRMWSA and District.

The PRMWSA is requesting the District consider the request as Rural Economic Development Initiative (REDI) and waive the typical 50 percent funding match requirements and fund the project at 75 percent funding, as is the District's practice with REDI projects. DeSoto County is a REDI community and the Phase 1 Interconnect provides a critical back up point of connection and supply to DeSoto County. Additionally, the PRMWSA is the exclusive provider for water for DeSoto County and therefore, is acting on behalf of the County. The PRMWSA is requesting the District provide \$6 million to be matched by the \$2 million the PRMWSA has committed from Punta Gorda for a total of \$8 million in District/PRMWSA funds. These funds combined with the State appropriation of \$4 million complete the \$12 million cost for construction. If costs come in under \$12 million, all savings

would be used to reduce the District's contribution. Additionally, PRMWSA staff offered to work with its member governments to commit to investing up to \$6 million over the next 20 years in conservation and reuse related projects

Also, at its July 21, 2014 meeting, the Governing Board approved District funding for the Punta Gorda RO study. The Board required that any State funding be used consistent with the Board Policy and the execution of any necessary contracts for the Authority to construct the Phase 1 Interconnect prior to the District executing an agreement to provide funding for the Punta Gorda RO study. The City of Punta Gorda is requesting Governing Board approval of the Punta Gorda RO project, based on the commitments achieved associated with the Phase 1 Interconnect.

The Punta Gorda RO project involves the design and construction of a 4 million gallon per day (mgd) brackish groundwater RO facility located at the City's Shell Creek facility. The RO facility would include the brackish water wellfield, treatment, blending, and concentrate disposal facilities. Estimated costs for design and construction of the facilities are \$29.2 million. The RO study costs are estimated at \$3 million of which the District previously approved up to \$1.5 million in funding. The City is requesting the District fund 50 percent of the design and constructions costs or \$14.6 million. District funding would be contingent upon verified favorable results of the RO study; and in addition a third-party review of the 30 percent design for the RO facilities.

Staff recommends the Board:

- 1) Consider recognizing the PRMRWSA Phase 1 Interconnect as a REDI project and provide up to \$6 million for the project.
- 2) Approve funding the Punta Gorda RO project with the District contributing up to \$16.1 million;
- 3) Authorize the Assistant Executive Director to sign the agreements.

Submit & File Reports

25. Five-Year Water Resource Development Work Program

Routine Reports

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

26. Minimum Flows and Levels Status Report

27. Significant Water Resource and Development Projects

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)

Discussion

28. Consent Item(s) Moved for Discussion

29. Investment Advisors Contract Renewal Options

The District currently has two investment advisor firms: Public Financial Management (PFM) and Public Trust Advisors (PTA). Both firms are performing at or near the benchmarks set by the District. This is the third year of a 3 year contract which ends in July 2016. Both firms have knowledgeable staff and resources. The District has split the portfolio into a short term and a long term bucket. Staff presented to the Board several options in December.

The Board decided to consolidate services into one Advisor contract. In addition, the Board directed staff to review current contracts with piggyback terms and report back with a recommendation. Staff reviewed several available contracts and verified factors including experience of the firm, experience of assigned staff, local presence, contract terms, and fees.

Staff recommends that the District enter into a piggyback agreement with Public Trust Advisors (Hernando County Clerk of the Court) at the end of its existing contract.

30. Legislative Update

The 2016 Legislative Session begins January 12th and is scheduled to conclude March 11th. Legislators continue to file bills prior to the start of the regular Session.

At this point the District is tracking more than two dozen bills on topics ranging from public records to administrative procedures, taxation, land, and water resources. Bills include the Organizational Structure of the Department of Environmental Protection (HB561/SB400), Implementation of the Water and Land Conservation Constitutional Amendment (HB989/SB1168), Administrative Procedures (HB183/SB372), Sale of Surplus Lands (HB359/SB546), and the water bills, Environmental Resources (HB7005/SB552).

Budget issues will also be a priority this Session as the one Constitutional mandate is for the Legislature to develop a budget. That will include the allocation of dollars in the Land Acquisition Trust Fund.

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

Submit & File Reports**31. Status of the 2016 Consolidated Annual Report****32. 2015 Districtwide Public Perception Survey Results*****Routine Reports***

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

33. Treasurer's Report and Payment Register**34. Monthly Financial Report****35. Monthly Cash Balances by Fiscal Year****36. Comprehensive Plan Amendment and Related Reviews Report****37. Development of Regional Impact Activity Report****38. Significant Activities Report**

REGULATION COMMITTEE (TAB E)

Discussion**39. Consent Item(s) Moved for Discussion****40. Denials Referred to the Governing Board**

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

Submit & File Reports – None***Routine Reports***

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

41. Overpumpage Report – January 2016**42. Individual Permits Issued by District Staff – January 2016**

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE (TAB F)***Discussion*****43. Consent Item(s) Moved for Discussion****44. 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 presented for the Board'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.

45. Structure Operations**46. Significant Activities****GENERAL COUNSEL'S REPORT (TAB G)*****Discussion*****47. 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.

48. January 2016 - Litigation Report**49. January 2016 - Rulemaking Update****COMMITTEE/LIAISON REPORTS (TAB H)****50. Well Drillers Advisory Committee****51. Other Committee/Liaison Reports****EXECUTIVE DIRECTOR'S REPORT (TAB I)****52. Executive Director's Report****CHAIR'S REPORT (TAB J)****53. Chair's Report****54. Other****55. Employee Milestones**

★ ★ ★ RECESS PUBLIC HEARING ★ ★ ★

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

- Governing Board Meetings Schedule:

Meeting – Sarasota	February 23, 2016
Meeting – Brooksville	March 29, 2016
Meeting – Haines City	April 26, 2016
Meeting – Tampa	May 24, 2016

- Governing Board Public Budget Hearings Schedule:

Tentative Budget – Tampa	September 13, 2016
Final Budget – Tampa	September 27, 2016

- Advisory Committee Meeting Schedule:

Industrial & Public Supply – Tampa	February 9, 2016
Agricultural & Green Industry - Tampa	March 10, 2016
Well Drillers – Tampa	April 13, 2016
Environmental – Tampa	April 19, 2016

ADJOURNMENT

Governing Board Meeting

January 19, 2016

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. Additions/Deletions to Agenda
5. Public Input for Issues Not Listed on the Published Agenda

Governing Board Meeting January 19, 2016

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.

- Monte Ritter, Chief Professional Engineer – 20 years
- Colleen Endres, Data Architect – 30 years
- Colleen Kruk, Lead Land Use Specialist – 30 years
- Cynthia Taylor, Receptionist – 30 years

Presenter: Michael A. Babb, Chair

4. **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: Robert R. Beltran, P.E., Executive Director

5. **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: Michael A. Babb, Chair

Governing Board Meeting January 19, 2016

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.

Regulation Committee

6. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20003832.009 – the Arlin Taylor Ranch Limited Partnership/Taylor’s Farm and Ranch, Inc. (Manatee County) 6

Operations, Lands and Resource Monitoring Committee

7. Acceptance of Donation for Fee Simple Parcel and Perpetual Easement for Access – Crystal Lakes Manor Well, SWF Parcel No. 13-020-142 17
8. Approval of Non-Exclusive Utility Easement and Temporary License to Duke Energy for Pinellas County to Construct and Operate an Air Quality Monitoring Station in Sawgrass Lake Park – SWF Parcel No. 16-560-143X 21
9. Approval of Resident Security Officer Agreements for Security of the Green Swamp East Hampton Tract – SWF Parcel Number 10-200-1263X, Green Swamp West Tract 19-706-116X and the Lake Hancock Kent Tract 20-503-122X 28

Resource Management Committee

10. 2016 Florida Department of Transportation Mitigation Program Plan 47
11. Budget Transfer – Pasco County Heritage Pines Residential Reclaimed Water Service Project (N547) 51
12. Groundwater Quality Source Evaluation for the Rainbow Springs Group (P104) 52
13. Lemon Bay Habitat Restoration (W560) Charlotte County 53
14. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Peck Sink Watershed in Hernando County to the Federal Emergency Management Agency (P324) 55
15. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Upper Peace River – Homeland Watershed in Polk County to the Federal Emergency Management Agency 57
16. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Crews Lake in Pasco County (P256) 59
17. FARMS – Madmac Property Holdings, LLC (H733), Hillsborough County 63

Finance/Outreach & Planning Committee

- 18. Revise Board Policy 130-2, Administrative Fees 65
- 19. Budget Transfer Report..... 68

General Counsel's Report

- 20. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Interagency Agreement Between the SJRWMD and the SWFWMD – Designation of Regulatory Responsibility – Tom Thayer Citrus, Inc. – Lake County 71
 - b. Final Order of Dismissal with Prejudice – Kenneth Monduori et. al. v. Wilds Land Company, LLC, et al. and SWFWMD – ERP Application No. 702310 73
- 21. Rulemaking - None

Executive Director's Report

- 22. Approve Governing Board Meeting Minutes – December 15, 2015 100

REGULATION COMMITTEE

January 19, 2016

Consent Agenda

WUP No. 20003832.009 - the Arlin Taylor Ranch Limited Partnership / Taylor's Farm and Ranch, Inc. (Manatee County)

This is a modification of an existing water use permit for agricultural use. The authorized quantities are changed from those previously permitted. The annual average quantity increased from 469,900 gallons per day (gpd) to 597,600 gpd. The drought annual average increased from 486,400 gpd to 597,600 gpd. The peak month quantity decreased from 2,331,100 gpd to 1,136,600 gpd. The crop protection quantity decreased from 1,728,000 gpd to zero gpd. The changes in quantities are due to a change in crop types and irrigated acres. Quantities are based on the District's irrigation allotment calculation program, AGMOD. The permittee is not currently using AWS because none is available in the area. This permit is located in the Southern Water Use Caution Area.

Special Conditions include those that require the Permittee to: continue to record and report monthly meter readings from all withdrawals, implement the water conservation plan that was submitted with the application, and submit seasonal crop reports.

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 003832.009**

PERMIT ISSUE DATE: January 19, 2016

EXPIRATION DATE: May 07, 2030

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

TYPE OF APPLICATION: Modification

GRANTED TO: The Arlin Taylor Ranch Limited Partnership
11855 Taylor Grade Road
Duette, FL 34219

Susan Taylor Kennedy
13500 Taylor Grade Rd
Duette, FL 34219

Arlene Taylor Horak
14453 Taylor Grade Road
Duette, FL 34219

PROJECT NAME: Taylor's Farm and Ranch, Inc.

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

COUNTY: Manatee

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

ANNUAL AVERAGE	597,600 gpd
PEAK MONTH ¹	1,136,600 gpd
DROUGHT ANNUAL AVERAGE ²	597,600 gpd

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

ABSTRACT:

This is a modification of an existing water use permit for agricultural use. The authorized quantities are changed from those previously permitted. The annual average quantity increased from 469,900 gallons per day (gpd) to 597,600 gpd. The drought annual average increased from 486,400 gpd to 597,600 gpd. The peak month quantity decreased from 2,331,100 gpd to 1,136,600 gpd. The crop protection quantity decreased from 1,728,000 gpd to zero gpd. The changes in quantities are due to a change in crop types and irrigated acres. Quantities are based on the District's irrigation allotment calculation program, AGMOD. The permittee is not currently using AWS because none is available in the area. This permit is located in the Southern Water Use Caution Area.

Special Conditions include those that require the Permittee to: continue to record and report monthly meter readings from all withdrawals, implement the water conservation plan that was submitted with the application, and submit seasonal crop reports.

Attachment: Jan16 WUP 3832.009 Recap Permit (2279 : WUP No. 20003832.009)

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>
Agricultural	597,600	1,136,600	597,600

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>
Tomatoes	162.82	Seepage With Plastic	22.50"/yr.	22.50"/yr.
Tomatoes	125.30	Seepage With Plastic	29.00"/yr.	28.98"/yr.
Vegetables Small	38.28	Seepage With Plastic	19.30"/yr.	19.31"/yr.

WITHDRAWAL POINT QUANTITY TABLE

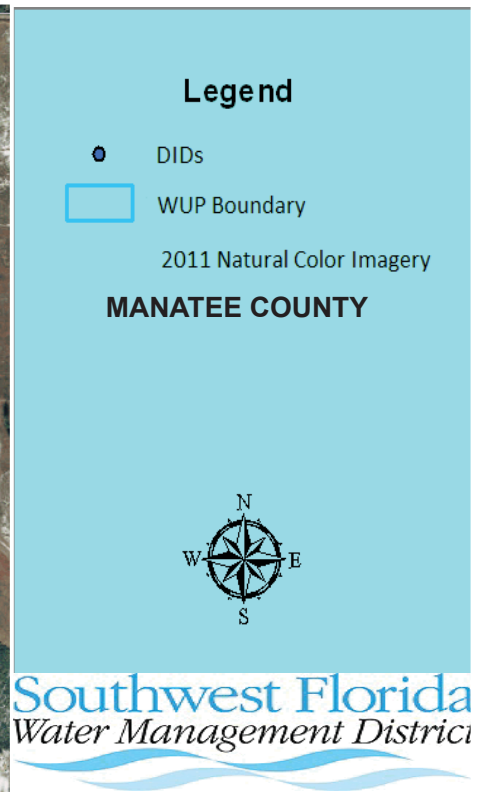
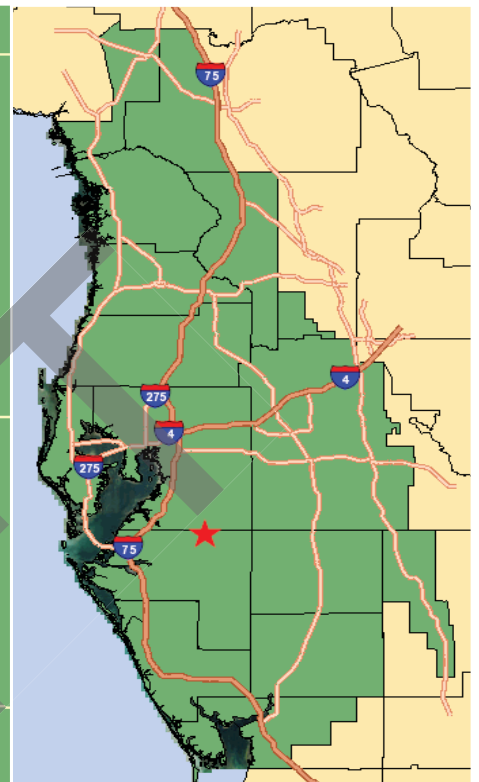
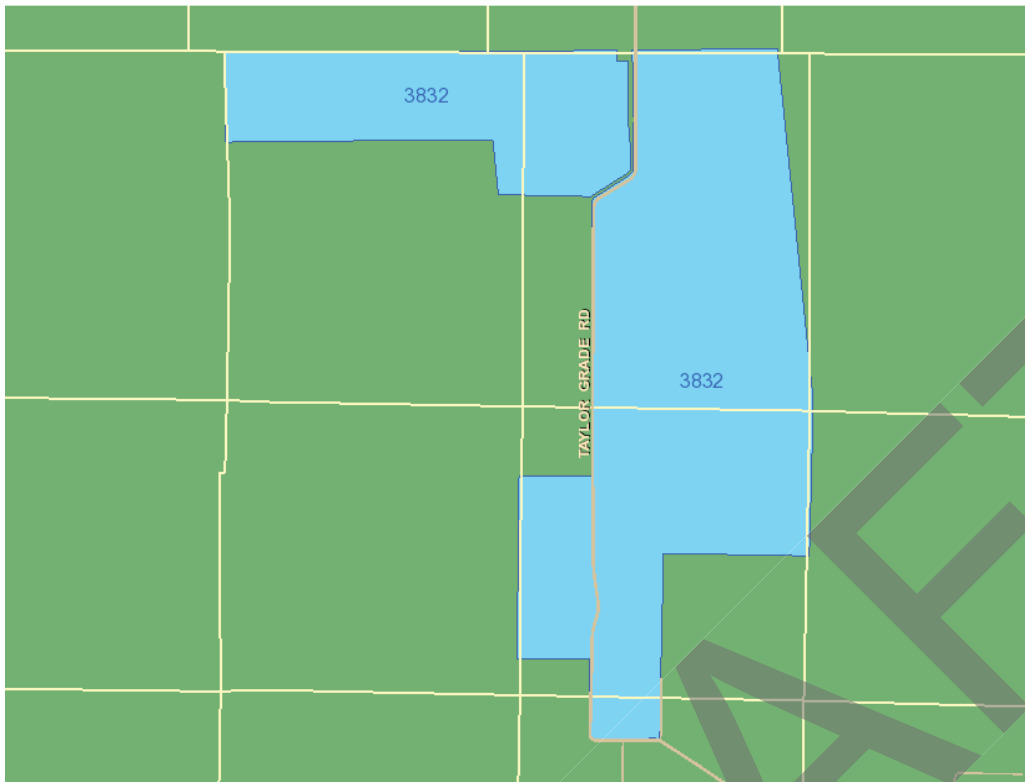
Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
1 / 1	8	760 / 250	Irrigation	55,000	276,100
2 / 2	10	863 / 199	Irrigation	172,100	548,400
3 / 3	12	1,120 / 521	Irrigation	140,300	436,100
4 / 4	16	1,180 / 500	Irrigation	230,200	552,600

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 38' 34.63"/82° 14' 14.16"
2	27° 37' 50.95"/82° 13' 39.41"
3	27° 37' 02.55"/82° 13' 48.72"
4	27° 38' 16.10"/82° 13' 28.11"

Location Map
The Arlin Taylor Ranch Limited Partnership
WUP No. 20 003832.009



Attachment: Jan16 WUP 3832.009 Recap Permit (2279 : WUP No. 20003832.009)

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. 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)
2. 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)
3. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
4. 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)
5. 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)

6. 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)

7. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
8. The Permittee shall immediately implement the District-approved water conservation plan dated 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 investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water.
(458)
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. Nos. 1, 2, 3, and 4, Permittee ID Nos. 1, 2, 3, and 4:
 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. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
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 Nos. 1, 2, 3, and 4, Permittee ID Nos. 1, 2, 3, and 4. 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)

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: Jan16 WUP 3832.009 Recap Permit (2279 : WUP No. 20003832.009)

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

January 19, 2016

Consent Agenda

Acceptance of Donation for Fee Simple Parcel and Perpetual Easement for Access – Crystal Lakes Manor Well, SWF Parcel No. 13-020-142

Purpose

The purpose of this item is to recommend the Governing Board accept a donation from Tampa Bay Water for the fee simple title to an existing monitoring well site together with a perpetual easement for access. Included as exhibits to this item are general location and aerial maps of the property.

Background and History

The District network of monitoring wells is comprised of sites to which it holds an ownership interest or through relationships with other agencies that grant permission for access. The District collects water level data from Floridan and surficial aquifer monitor wells throughout the Northern Tampa Bay (NTB) area, which are used for Minimum Flows and Levels (MFL) development, NTB Recovery assessments and general hydrologic monitoring. Tampa Bay Water, the owner of this property, inquired about the District's continued interest in this well site because of their plans to abandon it. The District's Data Collection staff confirmed this site, which is located in an area of several MFL lakes, would be valuable to the District's NTB monitoring network. Water level data from this well can be utilized to assist in recovery evaluations of the Northern Tampa Bay Phase III investigation. The donation will provide the District with ownership and legal access to the subject well. Tampa Bay Water has already approved the conveyance of the property.

Property Description

SWF Parcel No. 13-020-142 consists of a 12" monitoring well, 248 square foot (0.0057 acre) fee simple parcel and 7,936 square foot (0.1822 acre) perpetual easement is for access maintenance and monitoring of the existing well. The well site and easement are located west of U. S. Highway 41 and south of Crystal Grove Boulevard in northern Hillsborough County. The depicted easement predates the surrounding development, with practical access currently being from the existing public frontage road which intersects the easement.

Land Use/Zoning

The property is designated as Residential-2 (RES-2) on the Hillsborough County Future Land Use Map and zoned Planned Development (PD). The RES-2 category allows up to 2 dwelling units per gross acre and a variety of suburban scale neighborhood commercial, office and multi-purpose uses.

Summary of Appraisals and Value Comparisons

An appraisal of the property was not obtained because it is being offered as a donation. The Hillsborough County Property Appraiser records indicate an assessed value of \$945 for the property associated with this donation.

Donation Terms

- Tampa Bay Water has approved the conveyance of the well site and perpetual easement for access, maintenance and monitoring activities.
- The parcel and 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

Acceptance of this donation will enhance the District's Northern Tampa Bay monitoring network. The data gathered from this well can be used for multiple purposes, including: 1) hydrologic model calibration; 2) MFL determination, assessment, and status evaluation; and 3) NTB recovery assessment. Acceptance of this donation will allow the District to incorporate this well into its existing network, eliminating the time and costs related to the acquisition process for another site. The District's transactional costs are estimated to be less than \$1,000.

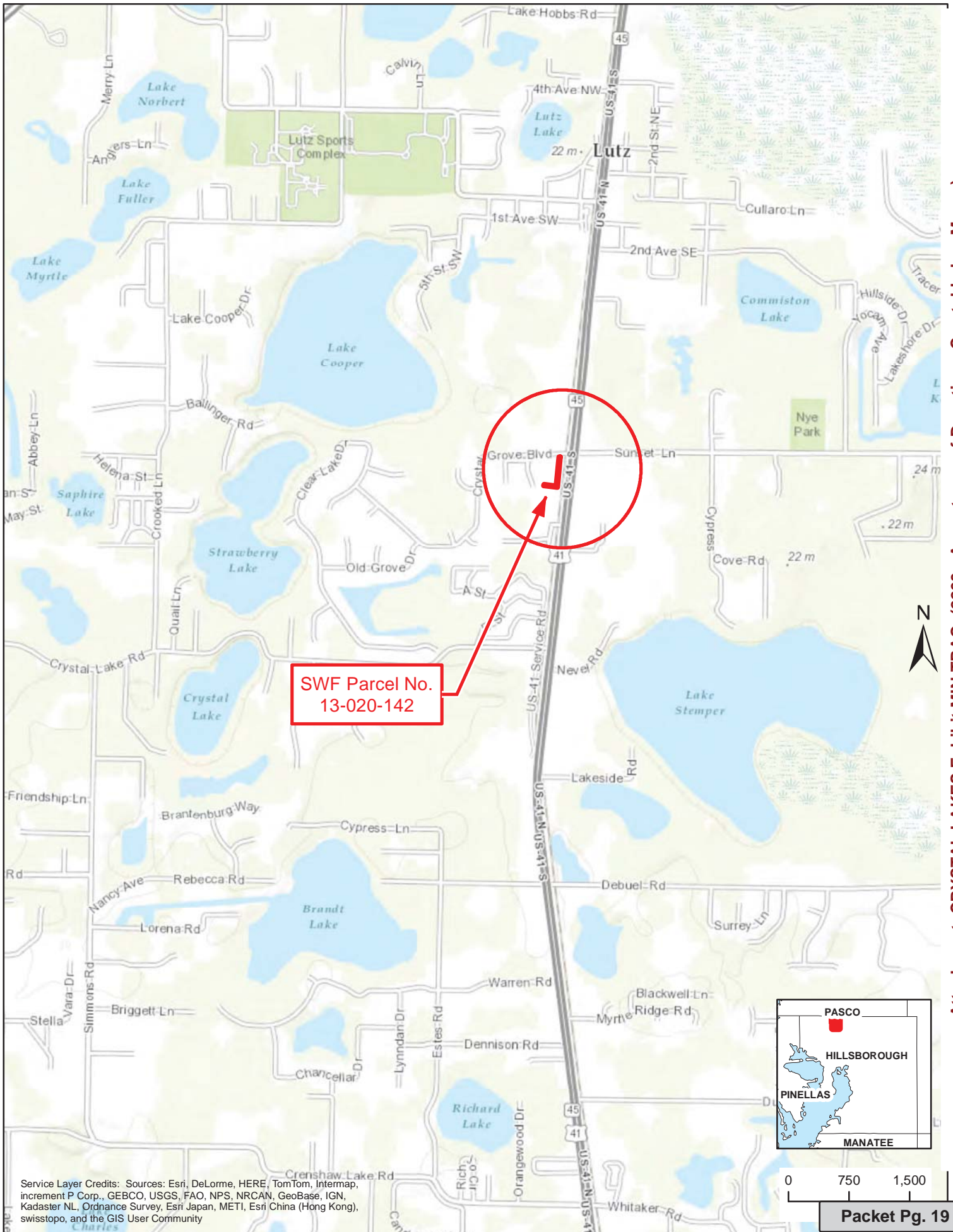
Staff Recommendation:

Accept the donation of the fee simple interest in the well site and perpetual easement for access.

Presenter: Steven Blaschka, Real Estate Services Manager

Crystal Lakes Manor Well Site

SWF Parcel No. 13-020-142



Attachment: CRYSTAL LAKES Exhibit MIN TRAQ (2263 : Acceptance of Donation - Crystal Lakes Manor)

CRYSTAL LAKES MANOR WELL SITE
SWF PARCEL NO. 13-020-142



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

January 19, 2016

Consent Agenda

Approval of Non-Exclusive Utility Easement and Temporary License to Duke Energy for Pinellas County to Construct and Operate an Air Quality Monitoring Station in Sawgrass Lake Park – SWF Parcel No. 16-560-143X

Purpose

The purpose of this item is to request the Governing Board approve a Non-Exclusive Utility Easement to Duke Energy to extend existing electric service to a remote location of the park to energize an air quality monitoring station.

Background/History

In January of 2010 the U.S. Environmental Protection Agency finalized the air monitoring rules for Nitrogen Dioxide (NO₂), a major air pollutant. The new standard was created in connection with research conducted by the national NO₂ monitoring network and was established to protect Americans from exposure to this gas near major roads. The research indicated that NO₂ exposures have been linked to respiratory illnesses, impaired lung function and increased respiratory infections. The EPA has established monitoring requirements in urban areas that will measure NO₂ levels near major roads. One of the required urban areas identified in Florida is the Tampa Bay region, specifically along I-275 in Pinellas County. Accordingly, Pinellas County entered into an agreement with EPA to establish sites county-wide. For each site to be established, EPA enters into a separate construction contract to summarize EPA's costs to construct a site.

The segment of I-275 that adjoins Sawgrass Lake Park has been identified as a location with the highest impact on air quality. Accordingly, on September 17, 2014 Pinellas County entered a contract with EPA to construct a site at Sawgrass Lake Park. The site will cost approximately \$200,000 to construct. The air monitoring station will consist of a small shelter (approximately 8 feet by 20 feet) and a wind monitoring tower approximately 30 feet tall. At the time the contract was executed, it was not clear to Pinellas County that electric service to the station would require conveyance of an easement to Duke Energy. Pinellas County staff met with Duke Energy and determined that the service will require installation of approximately 700 to 800 feet of underground line. Duke Energy has submitted an easement and legal description for the District's execution. The easement and legal description require revisions and corrections before the District may proceed with Board approval and execution. Consequently, Pinellas County will be further delayed in meeting milestones under the EPA contract.

The County has requested the District grant permission to proceed with construction of the site, prior to the Board's approval or execution of the easement. Staff, in cooperation with Duke Energy, has developed a temporary license agreement that will authorize Duke Energy to proceed in an effort to meet the County's contract requirements.

District staff have reviewed the alignment of the electric service and determined that it has no objection to it and wish to expedite approval of the County's request in the spirit of partnership. For the Board's information, the District entered into a management agreement with Pinellas

Item 8

County on August 4, 1976 for the construction, operation and maintenance of the park site. The County has managed the popular park site for over 39 years.

The District desires to obtain approval of both the temporary license agreement included in the board's packet with this item and the future non-exclusive easement required for the same purpose. The District intends to negotiate an easement with only standard terms and conditions that will include the following:

- Permission to enter upon, over, on, under and across the Property within the specified legal description of the easement;
- Permission to construct an underground electric line and associated equipment;
- The right of ingress and egress and to operate, maintain and repair the line and associated equipment;
- District reserves the right to continue to use the Property;
- Duke granted right to trim vegetation/trees as needed;
- Duke will indemnify the District pursuant to the District's standard requirements;
- Reversion conditions in the event of abandonment by Duke.

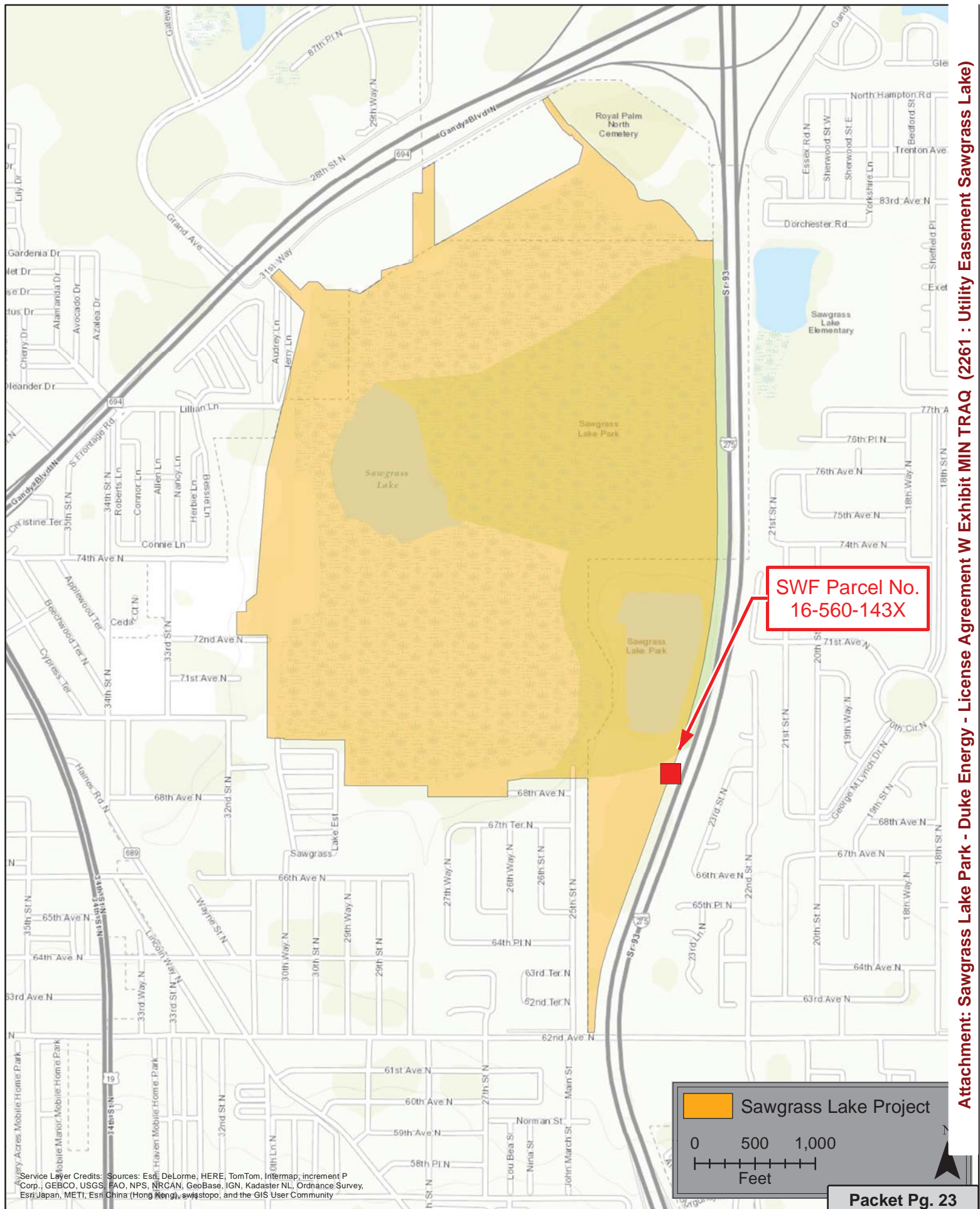
Staff Recommendation:

- Approve the temporary license agreement and authorize staff to execute it with Duke Energy to allow them to commence with construction.
- Authorize and approve staff to negotiate a standard non-exclusive utility easement with the referenced terms and conditions, subject to the Office of General Counsel's approval, and obtain the Governing Board's execution of same.

Presenter: Colleen Kruk, Lead Land Use Specialist

Sawgrass Lake

Non-Exclusive Easement to Duke Energy – SWF Parcel No. 16-560-143X



Sawgrass Lake

Non-Exclusive Easement to Duke Energy – SWF Parcel No. 16-560-143X



Sawgrass Lake Park
SWF Parcel No. 16-560-143X
WR # SP-15-964622
Project Address: 62nd Ave N / 68th Ave N, St. Petersburg, FL
Approved by SWFWMD Attorney: _____

LICENSE AGREEMENT

This License Agreement is made and entered into by and between the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as "Licensor," and Duke Energy Florida, LLC, a Florida Limited Liability Company, d/b/a Duke Energy, having an address of 3300 Exchange Place, NP4A, Lake Mary, Florida 32746, hereinafter referred to as "Licensee."

WHEREAS, Licensor holds fee title to certain real property within Section 35 of Township 30 South and Range 16 East in Pinellas County, Florida, known as Sawgrass Lake Park, SWF Parcel No. 16-560-143X, the "Property"; and

WHEREAS, Licensee desires to access and use the Property to construct, install and maintain facilities for providing electric energy to service an equipment shelter for Pinellas County, which operates and manages the Property on behalf of the Licensor;

WHEREAS, Licensor agrees to allow access to and use of the Property owned by the Licensor for the purposes provided herein.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions set forth herein, Licensor and Licensee hereby agree as follows:

1. Licensor grants to Licensee, its employees, agents and subcontractors a license to enter upon, over and across and to use any and all lands, more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference, to construct, install and maintain facilities for the distribution of electric energy services to an equipment shelter located within the Property. The Licensee's facilities shall be installed at mutually agreeable locations over, under, across and through the Property to accommodate the installation of a pole, approximately 800 feet of underground cable, a padmounted transformer, and appurtenances thereto. Licensor grants to Licensee the right to remove any and all trees and undergrowth in a ten (10) foot wide area lying five (5) feet on each side of Licensee's facilities for the construction activities for which this License Agreement is made.
2. Uses may include ingress and egress for workers, machinery and vehicles, and shall not unreasonably interfere with Licensor's use of the Property. The number of workers, and the type of machinery and vehicles, shall be the minimum reasonably necessary to effectuate the purpose of this License Agreement. The Property shall be maintained in an orderly, safe and sightly manner by Licensee. Excluding removal of vegetation as provided herein, any physical damage to the surface of the Property caused by the Licensee shall be repaired to a condition as it existed prior to Licensee's use.

3. The license period shall begin on the date of January 20, 2016, and shall continue in effect until June 1, 2016. The license period may be extended by agreement of the parties.
4. Licensee agrees that it does not and will not at any time claim any interest or estate of any kind in the Property. Licenser retains the right to use the Property in any manner consistent with the rights herein above granted; provided, however, that Licenser shall not physically disturb the equipment and appurtenances installed for the Licensee's facilities.
5. Licenser agrees to indemnify and hold harmless the Licensee, its agents, employees and officers from and against all liabilities, claims, damages, expenses or actions, either at law or in equity, including attorney's fees and costs and attorney fees and costs on appeal, caused or incurred, in whole or in part, as a result of any negligent act or omission by Licenser, or anyone for whose acts or omissions Licenser may be liable as a result of Licenser's fee ownership or its use of the Property. Nothing contained herein shall constitute a waiver of Licenser's sovereign immunity under Section 768.28, F.S., or to extend the limits of liability or recovery under Section 768.28, F.S. This provision shall survive the termination of this License Agreement.
6. Licensee agrees to indemnify and hold harmless Licenser, its agents, employees and officers from and against all liabilities, claims, damages, expenses or actions, either at law or in equity, including attorney's fees and costs and attorney fees and costs on appeal, caused or incurred, in whole or in part, as a result of any negligent act or omission by Licensee or anyone for whose acts or omissions Licensee may be liable as a result of Licensee's rights under this License Agreement. Nothing contained herein shall constitute a waiver of Licensee's sovereign immunity under Section 768.28, F.S., or to extend the limits of liability or recovery under Section 768.28, F.S. This provision shall survive the termination of this License Agreement.

IN WITNESS WHEREOF, the parties have executed this License Agreement on the day and year last written below.

WITNESS:

**LICENSOR:
SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**

Name:

By: Ken Frink, P.E., Operations, Lands & Resource
Monitoring Division Director

Name:

Date

WITNESS:

Name:

Name:

**LICENSEE:
DUKE ENERGY FLORIDA, LLC
D/B/A DUKE ENERGY**

By: Kris Tietig
Manager, Land Services Distribution (ROW)

Date _____

DRAFT

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

January 19, 2016

Consent Agenda

Approval of Resident Security Officer Agreements for Security of the Green Swamp East Hampton Tract – SWF Parcel Number 10-200-1263X, Green Swamp West Tract 19-706-116X and the Lake Hancock Kent Tract 20-503-122X

Purpose:

The purpose of this item is to recommend the Governing Board approve and execute the three referenced Resident Security Leases. These agreements will allow the sworn law enforcement officers to provide the District with a security presence and patrol hours in exchange for leasing a resident security site.

Background/History:

The Southwest Florida Water Management District is responsible for resource protection on approximately 260,000 acres of conservation land. Through Governing Board Policy 610-3, it is the intent of the Governing Board to utilize multiple approaches in the protection of District conservation lands. One approach is the evaluation and implementation of appropriate resource protection measures to protect the natural resources and provide a security presence on District conservation lands.

The District accomplishes this goal by partnering with the Florida Fish and Wildlife Commission through an enhanced patrol agreement. In addition, the District provides three housing opportunities for law enforcement officers. The resident sites (2 houses and 1 mobile home) were acquired as part of past land transactions and as an efficiency measure were utilized as security residences. The sworn law enforcement officers receive permission from their agency to provide the District with an average of 30 hours per month of patrol service and provide a security presence for the property in exchange for lease of a residence. The term of the lease is for a period of one year.

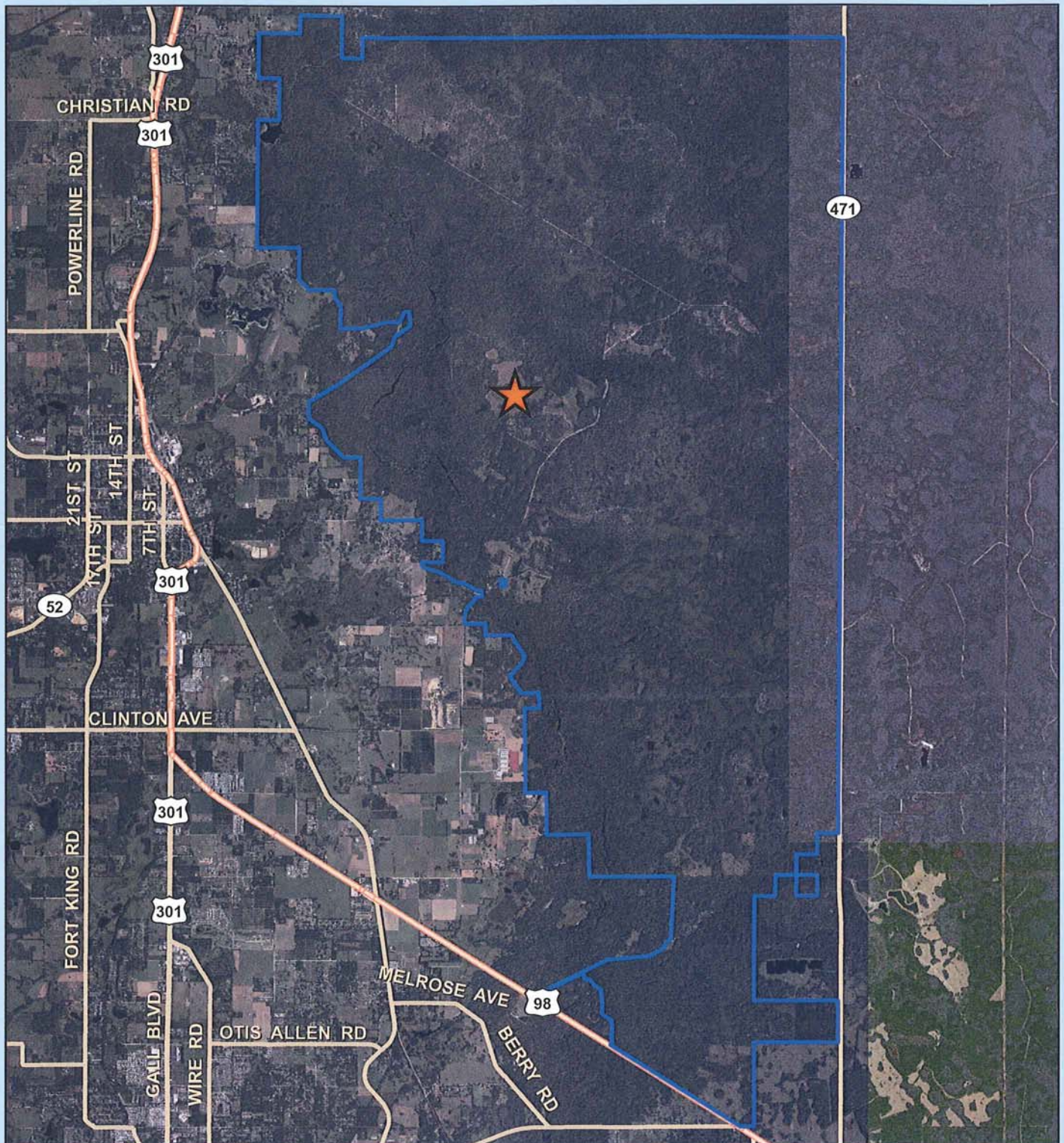
The GSE Resident Security Officer is new to the District and was chosen after careful consideration and followed the new Resident Security Interview Procedure. The GSW and Lake Hancock Officers have provided security services to the District for over six years. Their service has been excellent and they have been proven to be an asset to the District's Resource Protection Program. They will also be entering into a revised agreement that is included for Governing Board approval.

Staff Recommendation:

Approve resident security officer leases for the Green Swamp East Hampton Tract SWF Parcel Number 10-200-1263X, Green Swamp West Tract SWF Parcel Number 19-706-116X and the Lake Hancock Kent Tract SWF Parcel Number 20-503-122X and authorize the Board to execute the agreements.

Presenter: Carmen Sanders, Land Resources Manager

**Example of Exhibit "A" - Map of the District Lands
Resident Security Lease - SWF Parcel No. 19-706-116X
Green Swamp Wilderness Preserve - West Tract**



Southwest Florida
Water Management District

Legend



District Lands

Security Residence

0 0.5 1 2 Miles

Land Resources
August 19, 2015
Aerial Date - 2014



Resident Security Lease - SWF Parcel No. 19-706-116X
Green Swamp Wilderness Preserve - West Tract
Pasco County - S 32 T 24 R 22
19267 Ranch Road
Dade City, Florida 33525



Southwest Florida
Water Management District

Legend



District Lands



Lease Area

0 0.005 0.01
Miles

Land Resources
August 19, 2015
Aerial Date - 2014



**AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
[REDACTED]
FOR
RESIDENT SECURITY LEASE**

This Agreement is made and entered into by and between the Southwest Florida Water Management District, a public corporation of the State of Florida, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "DISTRICT," and [REDACTED], a certified law enforcement officer and employee of the [REDACTED], hereinafter referred to as the "OFFICER."

WITNESSETH:

WHEREAS, the DISTRICT owns certain lands located in several counties in Florida as depicted in Exhibit "A," attached hereto and hereinafter referred to as "District Lands," and requires the assistance of an off-duty law enforcement officer to fulfill security responsibilities and to patrol District Lands; and

WHEREAS, the DISTRICT owns a residence located on District Lands, as depicted in Exhibit "B," attached hereto and hereinafter referred to as the "Residence," and desires a certified law enforcement officer to live in the Residence to fulfill security responsibilities and to patrol District Lands; and

WHEREAS, the OFFICER, through employment with a state, county, or municipal law enforcement agency, has the authority to enforce violations of state, county, municipal or wildlife laws; and

WHEREAS, the OFFICER agrees to live at the Residence to fulfill security responsibilities and to patrol District lands in accordance with the terms and conditions of this Agreement.

NOW THEREFORE, the DISTRICT and the OFFICER, in consideration of the mutual terms, covenants and conditions set forth herein, hereby agree as follows:

1. **INDEPENDENT CONTRACTOR**. The OFFICER will fulfill the security responsibilities pursuant to this Agreement as an independent contractor and not as an employee, representative, or agent of the DISTRICT.
2. **PROJECT MANAGER AND NOTICES**. The DISTRICT hereby designates the employee set forth below as its Project Manager. The Project Manager is the primary contact person and will coordinate with the OFFICER fulfilling the security responsibilities. Notices and reports will be sent to the attention of the Project Manager and the OFFICER by hand delivery, or sent by U.S. mail, postage paid, or by nationally recognized overnight courier to the parties' addresses set forth below. Notice is effective upon receipt.

Project Manager for the DISTRICT: Carmen Sanders, Land Resources Manager
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604

OFFICER:

3. **TERM.** The term of this Agreement is for one (1) year, commencing on the date both parties have executed this Agreement and remaining in effect unless terminated under paragraph 21 below or amended in writing by the parties.

4. **RENEWAL.** This Agreement may be renewed annually at the sole discretion of the DISTRICT by the Division Director for Operations Lands & Resource Monitoring (the "Division Director"). To extend this Agreement, the Division Director will execute an amendment to this Agreement. Written notice of the DISTRICT'S intent to renew, modify, or terminate this Agreement will be provided to the OFFICER 30 days prior to the expiration of this Agreement.

5. **PRIMARY EMPLOYMENT OF OFFICER.** The OFFICER will, at all times this Agreement remains in effect, be a certified law enforcement officer in the State of Florida and be actively employed by a state, county or municipal law enforcement agency. Prior to the effective date of this Agreement, the OFFICER must submit to the DISTRICT a statement from the OFFICER'S primary employer recognizing the OFFICER'S employee status with the agency and the freedom to seek employment as an independent contractor for off-duty law enforcement related service responsibilities. The OFFICER will notify the DISTRICT within 24 hours if the OFFICER'S employment status with that law enforcement agency changes or terminates. If the OFFICER fails to submit the statement from the OFFICER'S primary employer in accordance with the provisions of this paragraph or fails to notify the DISTRICT within 24 hours of any change in the OFFICER'S employment status, including termination, then the DISTRICT may terminate this Agreement in accordance with paragraph 21 below.

6. **PATROLLING.** The OFFICER must patrol District Lands on an average of 30 hours a calendar month in accordance with the Scope of Security Responsibilities set forth in Exhibit "C," attached hereto and incorporated herein by reference. The OFFICER will investigate any suspicious activity on District Lands in the same manner as the OFFICER would investigate any other violation of law and exercise the authority vested in the OFFICER as a certified law enforcement officer. The OFFICER will notify the Project Manager within 24 hours of the occurrence and investigation of any such activity on District Lands. The OFFICER will document patrol activities on a monthly basis in accordance with the Monthly Patrol Log set forth in Exhibit "E," attached hereto and incorporated herein by reference, and in accordance with the Scope of Security Responsibilities, Exhibit "C."

7. **SCOPE OF SECURITY RESPONSIBILITIES.** The OFFICER, upon written notice to proceed from the DISTRICT, agrees to fulfill his or her security responsibilities in accordance with the provisions in this Agreement and the Scope of Security Responsibilities set forth in Exhibit "C." Any changes to the Scope of Security Responsibilities and associated costs are not valid unless mutually agreed to in writing by the parties to this Agreement prior to implementation of the changes by the OFFICER.

8. **UNIFORM.** While performing the security responsibilities required by this Agreement, the OFFICER will wear the uniform and standard equipment normally worn while performing duties for the law enforcement agency by which the OFFICER is employed.

9. **TRANSPORTATION.** The OFFICER will provide a vehicle or vehicles in order to perform the security responsibilities required by this Agreement. The vehicle or vehicles must have the capacity to traverse extreme terrain, i.e., a four-wheel drive or all-terrain vehicle. If permitted by an off-duty employment or vehicle authorization or other appropriate form of consent from the law enforcement agency by which the OFFICER is employed, then the OFFICER will patrol the District Lands in a marked patrol vehicle whenever possible. The OFFICER will be responsible for any and all wear, tear, or physical damage to the vehicle or vehicles.

10. **COMMUNICATION.** The OFFICER must have access to a cellular phone and a portable two-way radio that must be tuned to state frequencies while performing duties under this Agreement. The OFFICER will provide the cellular phone number to the Project Manager.
11. **MEDIA RELEASE.** The OFFICER agrees not to initiate any oral or written media interviews, issue press releases or make any other public disclosure concerning this Agreement without the prior written approval from the DISTRICT. The OFFICER will notify the Project Manager before releasing any information to the news media regarding any activities occurring on District Lands or any other DISTRICT business.
12. **LAW COMPLIANCE.** The OFFICER will abide by all applicable federal, state and local laws, rules, regulations and guidelines, including but not limited to District Land Use Rules, Chapter 40D-9, Florida Administrative Code (F.A.C.), attached hereto as Exhibit "D." The OFFICER will abide by all applicable laws, rules, regulations and guidelines of the law enforcement agency by which the OFFICER is employed.
13. **SCHEDULING.** Scheduling will be done, in advance, on a monthly basis. The OFFICER will submit a schedule to the Project Manager on the first day of each month that identifies the days and hours the OFFICER is available to work during the subsequent month. Each monthly schedule will be approved by the Project Manager.
14. **CONFLICT OF SCHEDULE.** The DISTRICT recognizes that the number of hours or the shift the OFFICER is available to work in an off-duty capacity may be limited by the OFFICER'S primary employment and other off-duty work obligations. The OFFICER will inform the DISTRICT as soon as possible when a schedule conflict develops. In the event of such a conflict, the OFFICER will be excused from the DISTRICT'S assigned schedule. The OFFICER may be rescheduled for the same number of off-duty work hours, according to the DISTRICT'S needs.
15. **ASSIGNMENT.** Except as otherwise provided in this Agreement, the OFFICER may not assign any of its rights or delegate any of its obligations under this Agreement without the prior written consent of the DISTRICT. If the OFFICER assigns its rights or delegates its obligations under this Agreement without the DISTRICT'S prior written consent, then the DISTRICT is entitled to terminate this Agreement. If the DISTRICT terminates this Agreement, then the termination is effective as of the date of the assignment or delegation. Any termination is without prejudice to the DISTRICT'S claim for damages.
16. **RESIDENCE.**
- a. The OFFICER agrees to live in the Residence in exchange for fulfilling security responsibilities and patrolling District Lands as specified in paragraph 6. The OFFICER will pay all costs resulting from the OFFICER'S occupation and use of the Residence, including but not limited to, charges for telephone, electricity, garbage, and utility service.
 - b. The OFFICER will be responsible for maintaining the floors, ceilings, cabinets, interior doors, walls and windows in a clean and well kept condition. The OFFICER will also be responsible for minor repairs such as faucet leaks, light bulb replacement, fences and other incidental expenses.
 - c. The DISTRICT will provide, maintain, repair and replace exterior fixtures and apparatuses which service the Residence including telephone lines, electrical wiring and lines, heating and air conditioning systems, gas lines, plumbing and water lines, roofs, structural damage, exterior insect treatment, wells and pumps, septic lines and tank and all appurtenant concrete pads. The DISTRICT'S responsibility to provide, maintain, repair and replace such fixtures will only extend to damage resulting from normal wear and tear, fire, water or acts of God. The OFFICER will promptly report any damage or necessary repair work to the DISTRICT to ensure damage to DISTRICT property is mitigated and repair costs are minimized. The OFFICER agrees to be

responsible for the repair or replacement of those fixtures and apparatuses which are damaged as a result of the OFFICER'S actions or the actions of others for whom the OFFICER may be liable during the OFFICER'S performance of this Agreement.

- d. The OFFICER may not construct any additions, porches, make any other structural modifications or alterations to the Residence, or otherwise modify or alter the Residence or any other structures on District Lands, without the prior written approval of the DISTRICT.
- e. The OFFICER will not keep as pets any animals other than normal domestic pets, such as a dog or cat unless otherwise authorized in writing by the DISTRICT. The domestic pets and any other animals authorized by the DISTRICT shall not be allowed to roam free or create a nuisance and shall be confined to the Residence. The OFFICER will be responsible for cleaning up after and repairing any damage caused by the OFFICER'S domestic pets or other authorized animals.

17. **INSPECTIONS.** The DISTRICT or its agents may, at any reasonable time or during the normal business hours of the DISTRICT, enter the Residence for the purpose of inspecting or making necessary repairs, including but not limited to installing or servicing electric, gas, septic tank, telephone, or water lines or other similar utility distribution lines, or managing or maintaining the District Lands and structures.

18. **INSURANCE.** During all times this Agreement remains in effect, the OFFICER must continuously maintain insurance coverage in the following kinds and amounts or limits with a company or companies authorized to do business in the State of Florida and will not commence security responsibilities under this Agreement until the DISTRICT has received an acceptable certificate of insurance showing evidence of such coverage. Certificates of insurance must reference the DISTRICT Agreement Number and the Project Manager. The OFFICER must submit proof of continuing coverage to the DISTRICT on an annual basis during the term of this Agreement.

- a. Vehicle Liability Insurance, including owned, non-owned and hired auto vehicles with the following minimum limits and coverage:

Bodily Injury per Person	\$100,000
Bodily Injury per Occurrence	\$300,000
Property Damage Liability	\$50,000
	or
Combined Single Limit	\$300,000

- b. Tenant's Liability Insurance \$100,000

The DISTRICT and its employees, agents, and officers must be named as additional insureds on the Tenant's Liability Insurance policy to the extent of the DISTRICT'S interests arising from this Agreement.

19. **TAXES.** If any ad valorem taxes, intangible property taxes, personal property taxes, personal income taxes or other liens or taxes of any kind are assessed or levied lawfully on the Residence as a result of the OFFICER'S use of the Residence during the term of this Agreement, the OFFICER will pay all taxes, assessments or liens, within ten (10) days after receiving written notice thereof from the DISTRICT. In the event the OFFICER fails to pay all taxes assessed or levied on the Residence within ten (10) days after receiving written notice thereof from the DISTRICT, the DISTRICT may, at its sole option, pay the taxes, assessments or liens in full together with any interest thereon at the maximum rate allowed by law and any administrative costs thereof incurred by the DISTRICT subject to immediate reimbursement from the OFFICER. If the OFFICER fails to pay the taxes, assessments or liens, then the DISTRICT may terminate this Agreement in accordance with paragraph 21 below.

20. **LIENS.** If the DISTRICT pays, or is compelled to pay, any money or do any act which requires the payment of money because the OFFICER has failed to perform any of the terms or conditions to be performed herein by the OFFICER, then the money paid by the DISTRICT, together with all interest allowed by law and attorney's fees and other expenses and obligations incurred by the DISTRICT, will be considered an obligation of the OFFICER with payment due immediately. This obligation of the OFFICER is collectible in the same manner and with the same remedies as if it had been a right originally reserved by the DISTRICT. The DISTRICT will not pay any money for which, under the provisions of this paragraph, it would be entitled to be reimbursed by the OFFICER, without giving the OFFICER five (5) days written notice of its intention to do so and without the OFFICER'S failure to make payment or do the acts required under this Agreement within the five day notice period.

21. **TERMINATION.**

- a. Either party may terminate this Agreement without cause by giving 90 days written notice to the other party. Termination is effective on the 90th day from receipt of notice.
- b. The DISTRICT may terminate this Agreement immediately if in the DISTRICT'S opinion the OFFICER has committed any action that is inconsistent with the intent of this Agreement, the DISTRICT'S policies and procedures, or that results in damage to District Lands.
- c. The OFFICER must immediately advise the DISTRICT in writing of any change in the OFFICER'S law enforcement status or termination of his employment as a certified law enforcement officer. The DISTRICT may terminate this Agreement upon notification of the OFFICER'S loss of law enforcement certification. Termination will be at the DISTRICT'S sole discretion and may be achieved upon immediate notification or upon providing 30 days written notice to the OFFICER, whichever the DISTRICT deems appropriate.
- d. If the OFFICER abandons or vacates the Residence without notice to the DISTRICT, the DISTRICT, at its sole option, may immediately terminate this Agreement.
- e. This Agreement may be terminated in the event contractual obligations result in a frequent or continuing conflict with the duties of the OFFICER'S primary employment or other off-duty law enforcement obligations.
- f. The DISTRICT'S right to terminate this Agreement under the circumstances set forth in this paragraph 21 is in addition to any other rights and remedies provided by law or this Agreement.

22. **SURRENDER OF RESIDENCE.** Upon termination of this Agreement, the OFFICER will surrender the Residence to the DISTRICT in the same repair and condition as on the effective date hereof, with the exception of ordinary wear and tear. Upon termination of this Agreement, the OFFICER will also deliver to the DISTRICT all property of the DISTRICT in the OFFICER'S possession, including but not limited to all keys to the Residence and to the gates on District Lands.

23. **PERSONAL PROPERTY DAMAGE.** The OFFICER will be responsible for any and all loss or damage to the OFFICER'S personal property by any cause whatsoever, including but not limited to theft, vandalism, sewage system failure, fire, flooding, hurricane, or act of God. The OFFICER will not be responsible for any loss or damage to the OFFICER'S personal property caused by the negligence of the DISTRICT'S agents, employees, or representatives.

24. **FAILURE TO RETURN OR REMOVE PROPERTY.** If the OFFICER fails to surrender the Residence or return all DISTRICT property, the DISTRICT will take any and all appropriate legal action to obtain its property. If the OFFICER abandons personal property at the Residence, then the DISTRICT, at its sole option, may remove such personal property. The OFFICER will be solely responsible for any costs

incurred by the DISTRICT in the removal of the OFFICER'S abandoned personal property from the Residence, and the DISTRICT will not be liable for any damage to personal property resulting from such removal.

25. **INDEMNIFICATION**. The OFFICER agrees to indemnify and hold harmless the DISTRICT and all DISTRICT agents, employees and officers from and against all injuries, deaths, losses, liabilities, claims, damages, judgments, expenses or actions, either at law or in equity, including attorney fees and costs, attorney fees and costs on appeal, and the costs of paraprofessionals working under the supervision of an attorney, caused or incurred, in whole or in part, as a result of any act or omission by the OFFICER or anyone for whose acts or omissions the OFFICER may be liable during the OFFICER'S performance under this Agreement. Nothing contained herein will constitute a waiver of the DISTRICT'S sovereign immunity under section 768.28, Florida Statutes, or to extend the limits of liability or recovery under section 768.28, Florida Statutes. This provision will survive the termination of this Agreement.

26. **FORCE MAJEURE**. The OFFICER is not excused or released from performing any of the acts, agreements, covenants, obligations or promises to comply with the terms and conditions of this Agreement if the DISTRICT is unable, prevented, or delayed in providing, maintaining or repairing utility services at the Residence due to conditions or causes beyond the DISTRICT'S control, including but not limited to natural disasters, government restrictions, and national or state emergencies.

27. **VENUE AND APPLICABLE LAW**. All claims, counterclaims, disputes, and other matters in question between the parties to this Agreement, arising out of or relating to this Agreement or the breach of it, will be decided in accordance with the laws of the State of Florida and by a court of competent jurisdiction within the State of Florida and venue shall lie exclusively in the County of Hernando.

28. **REMEDIES**. Unless specifically waived by the DISTRICT, the OFFICER'S failure to timely comply with any obligation in this Agreement will be deemed a breach of this Agreement and the expenses and costs incurred by the DISTRICT due to said breach will be borne by the OFFICER. Additionally, the DISTRICT will not be limited by the above but may avail itself of any and all remedies under Florida law for any breach of this Agreement. The DISTRICT'S waiver of any of the OFFICER'S obligations will not be construed as the DISTRICT'S waiver of any other obligations of the OFFICER.

29. **ATTORNEY FEES**. Should either party employ an attorney or attorneys to enforce any of the provisions of this Agreement, or to protect its interest in any matter arising under this Agreement, or to recover damages for the breach of this Agreement, the party prevailing is entitled to receive from the other party all reasonable costs, charges and expenses, including attorney fees, expert witness fees, fees and costs on appeal, and the cost of paraprofessionals working under the supervision of an attorney, expended or incurred in connection therewith, whether resolved by out-of-court settlement, arbitration, pre-trial settlement, trial or appellate proceedings, to the extent permitted under section 768.28, Florida Statutes. This provision does not constitute a waiver of the DISTRICT'S sovereign immunity or extend the DISTRICT'S liability beyond the limits established in section 768.28, Florida Statutes.

30. **THIRD PARTY BENEFICIARIES**. Nothing in this Agreement will be construed to benefit any person or entity not a party to this Agreement.

31. **DISCRIMINATION**. Pursuant to subsection 287.134(2)(a), Florida Statutes, an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity. By signing this Agreement, the OFFICER warrants that the OFFICER is not currently on the discriminatory vendor list and that the OFFICER has not been placed

on the discriminatory vendor list in the past 36 months. The OFFICER further agrees to notify the DISTRICT if placement on this list occurs.

32. **ENFORCEABILITY.** If any term or condition of this Agreement is held to be invalid or unenforceable under applicable law, all the remaining terms and conditions hereof will not be affected thereby but will remain in full force and effect.

33. **ENTIRE AGREEMENT.** No agreement or understanding, oral or in writing, unless incorporated herein, will be binding upon the parties.

34. **MODIFICATIONS.** This Agreement and the attached exhibits listed below constitute the entire agreement between the parties and, unless otherwise provided herein, may be amended only in writing, signed by all parties to this Agreement.

35. **DOCUMENTS.** The following documents are attached hereto and made a part of this Agreement. In the event of a conflict of contract terminology, priority will first be given to the language in the body of this Agreement, then to Exhibit "A," Map of the District Lands, then to Exhibit "B," Residence, then to Exhibit "C," Scope of Security Responsibilities, then to Exhibit "D," District Land Use Rules, Chapter 40D-9, F.A.C., and then to Exhibit "E," Monthly Patrol Log.

- Exhibit "A" – Map of the District Lands
- Exhibit "B" – Residence
- Exhibit "C" – Scope of Security Responsibilities
- Exhibit "D" – District Land Use Rules, Chapter 40D-9, F.A.C.
- Exhibit "E" – Monthly Patrol Log

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

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____ Date _____

(Type/print name of GOVERNING BOARD CHAIR)

OFFICER

By: _____ Date _____

(Type/print name of OFFICER)

AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND

FOR
RESIDENT SECURITY LEASE

DISTRICT APPROVAL	INITIALS	DATE
LEGAL	_____	_____
RISK MGMT	_____	_____
CONTRACTS	_____	_____
BUREAU CHIEF	_____	_____
DIRECTOR	_____	_____
GOVERNING BOARD	_____	_____

EXHIBIT "C"
SCOPE OF SECURITY RESPONSIBILITIES

The OFFICER will fulfill security responsibilities and patrol District Lands. The OFFICER'S responsibilities will include, but will not be limited to, the following:

- a. Interrupt or prevent unauthorized and illegal activities while patrolling District Lands for an average of 30 hours per month.
- b. Patrol areas on District Lands that include, but are not limited to, entry points, boundary fences, structures, property interior, campgrounds and recreational trails. Patrols will be conducted using a means of transportation with the capacity to traverse extreme terrain, i.e. a four-wheel drive or all-terrain vehicle, bicycle, horseback, or other means of transportation appropriate for a specific patrol area. If permitted by an off-duty employment or vehicle authorization or other appropriate form of consent from the law enforcement agency by which the OFFICER is employed, then the OFFICER will patrol District Lands in a marked patrol vehicle whenever possible. The OFFICER will immediately report any condition, situation, or incident that creates or presents a danger to the public, District Lands, or DISTRICT property.
- c. Enforce federal, state and local laws, rules, regulations and guidelines, including but not limited to the District Land Use Rules, Chapter 40D-9, F.A.C.
- d. Monitor structures and other DISTRICT property to prevent theft and vandalism.
- e. Respond to and manage any emergency situation occurring on District Lands when observed by the OFFICER or requested by the DISTRICT until DISTRICT personnel are available to assume responsibility of the emergency situation.
- f. Report fires immediately to the Project Manager by telephone.
- g. Document patrol hours and activities observed during each patrol utilizing the Monthly Patrol Log provided by the DISTRICT. In the Monthly Patrol Log, the OFFICER will record the number of contacts with the public, the activity in which the member or members of the public were engaged, each incidence of vandalism, fire, or property damage, any unusual situation or occurrence encountered by the OFFICER, and any other information the OFFICER deems relevant. The OFFICER will also include a brief narrative statement of the patrol activities and observations made during each patrol in the Monthly Patrol Log. On the first day of each month, the OFFICER will submit the Monthly Patrol Log documenting the preceding month's activities, including any activities observed during any partial month, to the Project Manager.
- h. Participate in periodic meetings as requested by the DISTRICT.

**EXHIBIT “D”
CHAPTER 40D-9
DISTRICT LAND USE RULES**

40D-9.021	Definitions
40D-9.101	Recreational Land Use Policy (Repealed)
40D-9.110	Scope and Applicability (Repealed)
40D-9.111	Access to and Closures of District Lands
40D-9.120	Commercial Recreational Activities
40D-9.130	Recreational Fishing
40D-9.131	Commercial Fishing
40D-9.140	Hiking
40D-9.150	Equestrian Activities; Use of Saddle Animals
40D-9.160	Bicycling
40D-9.170	Hunting
40D-9.171	Trapping
40D-9.180	Swimming
40D-9.181	Diving
40D-9.190	Dogs, Cats, or Other Animals
40D-9.191	Plant or Animal Removal, Destruction, or Harassment
40D-9.192	Introduction of Plants and Animals to District Lands
40D-9.200	Archaeological or Cultural Resources Removal, Alteration, or Destruction
40D-9.210	Disposal or Discharge of Waste
40D-9.220	Destruction, Removal, or Alteration of District Owned Facilities or Equipment
40D-9.230	Potentially Dangerous Equipment
40D-9.231	Fireworks and Explosives
40D-9.240	Posting or Distributing Bills
40D-9.250	Fires
40D-9.260	Camping
40D-9.270	Use of Motorized Vehicles, Recreational Vehicles, Boats, and Aircraft
40D-9.280	Unauthorized Facilities or Structures
40D-9.290	Other Uses; Use of Alcoholic Beverages on District Lands Prohibited
40D-9.300	Trespass After Notice (Repealed)
40D-9.310	Penalties (Repealed)
40D-9.320	Conflicting Rules
40D-9.330	Special Use Authorization

40D-9.021 Definitions.

When used in this part:

- (1) “Commercial” activities means selling or offering to sell any merchandise or service including those derived from the consumptive or non-consumptive recreational use of District Lands including, but not limited to, providing guide services or tours, or providing rental vehicles or animals for use on District Lands.
- (2) “Camping” means to use a vehicle, tent, or shelter, or to arrange bedding or both with the intent to stay overnight.
- (3) “Concession” means the privilege to establish a commercial operation or business on District Land.
- (4) “Designated road” means any road, path, land, or trail designated by name or number for public vehicular travel.
- (5) “District” means the Southwest Florida Water Management District, operating under the authority of Chapter 373, F.S.
- (6) “District Lands” means any real property in which the District has an equitable or legal interest that allows the District to possess or regulate entry upon the property.
- (7) “Entry point” means a designated location or boundary for public access to District Lands.
- (8) “Facility” or “Structure” means any object placed on District Lands, which is intended to be permanently attached to the land, or which would be considered a fixture under Florida Law.
- (9) “Fireworks” means any device as defined in Chapter 791, F.S.
- (10) “Mobility impaired persons” means a person eligible for a disabled person exemption parking permit pursuant to Section 320.0848, F.S.
- (11) “Motorized Vehicle” means any vehicle, which travels over land and is partially or completely powered by a motor, as well as animal-drawn carriages and buggies.
- (12) “Natural resource” means land, water, soils, flora, and fauna.



OFFICERS NAME: _____

PATROLLING PERIOD:

DATE	TIME		HOURS	USERS		PATROL AREA	WARNINGS	CITATIONS	ARRESTS	VEHICLE TYPE
	BEGIN	END		NUMBER	ACTIVITY					
TOTAL			0	0			0	0	0	

COMMENTS, NOTES, OBSERVATIONS:

[illegible]

I hereby certify and affirm that the hours worked are accurate and were necessary in the performance of my enforcement activities in conformance with the terms and conditions entered into with the District.

Verified

OFFICERS SIGNATURE DATE

PROJECT MANAGER _____ DATE _____

(13) “On foot” means activities such as hiking and jogging where travel is by foot only and does not involve any type of device, apparatus, or other means of enhancing mobility.

(14) “Recreational purposes” means resource-based outdoor recreational activities including, but not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, canoeing, boating, diving, wildlife watching, sailing, and jogging.

(15) “Recreational site” means an improved or unimproved site established to facilitate public use.

(16) “Resource-based” means an activity that depends on natural resources for its occurrence such as fishing, boating, camping, wildlife study, or hunting.

(17) “Special Use Authorization” means the granting of a privilege to go on or use District Lands for a certain purpose without conveying any property or possessory interest.

Rulemaking Authority 373.044, 373.113, 373.1391 FS. Law Implemented 259.105, 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.101 Recreational Land Use Policy.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40D-9.110 Scope and Applicability.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40D-9.111 Access to and Closures of District Lands.

(1) District Lands shall be open to the public during daylight hours only, unless otherwise posted.

(2) Public Access to District Lands is provided at designated entry points from public roadways. District Lands may be accessed from any adjacent waterway or waterbody at any point, unless otherwise posted.

(3) District Lands may be closed to public use during certain hours or for certain periods of time when such closure is necessary due to emergency conditions such as floods, severe weather events, and wildfires; or during prescribed burns, construction, or other land management activities if such activity presents a danger to the public. If a governmental entity other than the District is conducting the activity, that entity shall close District Lands with the concurrence of the District pursuant to this subsection.

(4) District Lands may be closed to public use in areas undergoing construction or restoration, or subject to other land or water management activities, where necessary to protect the site.

(5) District Lands may be closed to public use when such action is necessary to protect the water, natural or cultural resources of such lands.

(6) District Lands may be closed to public use when necessary to conduct research, studies, or data collection that has been approved or sponsored by the District.

(7) The District shall provide notice by signs when District Lands are closed for public use.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.120 Commercial Recreational Activities.

Any entity planning to conduct a commercial recreational activity consistent with these rules on District Lands shall contact the District and provide the following information prior to entry upon District Lands:

(1) Name of business and owner,

(2) Address of business and owner,

(3) Type of activity to be conducted on District Lands,

(4) Number of participants in the activity, and

(5) Duration of the activity.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.130 Recreational Fishing.

Recreational fishing as authorized and regulated by the Florida Fish and Wildlife Conservation Commission is allowed on District Lands except where specifically restricted by signs. The Florida Fish and Wildlife Conservation Commission requires any person engaging in recreational fishing to have appropriate fishing licenses in their possession, unless exempted by the Commission.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.131 Commercial Fishing.

Commercial fishing is prohibited on all District Lands unless authorized by a Special Use Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.140 Hiking.

Hiking is allowed on District Lands except where specifically restricted by signs. For the purposes of this subsection, hiking shall include jogging, wildlife watching, or any other activity where travel is by foot only and does not involve another activity described in this chapter.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.150 Equestrian Activities; Use of Saddle Animals.

(1) Equestrian activities and the use of saddle animals other than horses are allowed on District Lands, on designated trails or areas.

(2) The responsible party for each saddle animal on District Lands shall carry proof of negative Coggins test administered within the last twelve months for each such saddle animal while on District Lands.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.160 Bicycling.

Bicycling is allowed on District Lands only on designated trails or areas.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.170 Hunting.

Hunting is allowed on District Lands designated by the District. Under cooperative agreements with the District, the Florida Fish and Wildlife Conservation Commission (Commission) regulates and manages recreational hunting on District Lands designated as Type I Wildlife Management Areas. The Commission requires any person engaging in recreational hunting to have a valid hunting license and a wildlife management area stamp in their possession, unless exempted by the Commission. On District Lands not designated as Type I Wildlife Management Areas, the District allows hunting by permit where hunting is part of the site-specific management plan developed or authorized by the District. The District shall issue permits for specifically authorized hunts on District Lands and shall limit the number of permits based upon the conservation management goals and objectives contained within the specific management plan for the property. Any person engaging in hunting on District Lands during such authorized hunts must have in their possession a valid hunting license and a District permit.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 7-6-10.

40D-9.171 Trapping.

Trapping on District Lands is prohibited except by Special Use Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.180 Swimming.

Swimming is allowed on District Lands only in designated areas unless authorized by a Special Use Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.181 Diving.

Scuba diving, or the use of underwater breathing apparatus of a similar nature, is prohibited on District Lands unless authorized by a Special Use Authorization. A person issued a Special Use Authorization to perform a dive from District Lands shall submit a report informing the District of any scientific or archaeological evidence discovered during the dive within 30 days after completing the dive. To receive a Special Use Authorization for diving, the applicant must satisfy the requirements contained in Rule 40D-9.330, F.A.C., and must provide reasonable assurances that:

- (1) The dive is for a scientific or resource investigation purpose; and
- (2) The person performing the dive is certified for the type of dive to be performed.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.190 Dogs, Cats, or Other Animals.

Dogs and horses are allowed on District Lands only in designated areas. Dogs must be leashed or caged at all times unless they are authorized as part of an approved hunting program or authorized by a Special Use Authorization. Other types of domesticated animals, such as cats, are prohibited on District Lands.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.191 Plant or Animal Removal, Destruction, or Harassment.

All plants and animals on District Lands are protected. Removing, destroying, or harassing animals or plants from or on District Lands is prohibited except for specifically authorized research efforts, hunting and fishing activities authorized by permit or Special Use Authorization, or District initiated removals associated with reforestation, control of exotic or nuisance species, silvicultural timber harvests or other land management activities.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.059 FS. History—New 7-20-04.

40D-9.192 Introduction of Plants and Animals to District Lands.

The introduction or release of any plant or animal on District Lands is prohibited unless done pursuant to a District initiated land management or restoration activity.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.200 Archaeological or Cultural Resources Removal, Alteration, or Destruction.

All archaeological and cultural resources on District Lands are protected. Removal, alteration or destruction of archaeological or cultural resources is prohibited on District Lands unless authorized by a Special Use Authorization. The District shall consult the Florida Department of State, Division of Historical Resources, prior to authorizing the removal, alteration or destruction of any archaeological or cultural resources on District Lands. Archaeological or cultural resources means associated physical remnants and features contained in the ground including artifacts, fossils, bones, shell mounds, or primitive culture facilities or items. Any person discovering archaeological or cultural resources on District Lands shall notify the District of such discovery within 24 hours.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.210 Disposal or Discharge of Waste.

The disposal or discharge of any waste outside of designated waste collection facilities is prohibited on District Lands. The disposal of oil, gasoline or other hazardous substances is prohibited on District Lands.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.220 Destruction, Removal, or Alteration of District Owned Facilities or Equipment.

The destruction, removal or alteration of any District owned facilities, vehicles or other equipment is prohibited on District Lands. District owned facilities and equipment include but are not limited to water control structures, scientific study plots, photo points, transect lines, survey markers, public buildings, towers, recorders, gauges, signs, gates, fences and monuments.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.230 Potentially Dangerous Equipment.

The possession or use of potentially dangerous equipment on District Lands, as set forth below, is prohibited except:

- (1) For hunting purposes during specifically authorized hunts;
- (2) For District initiated land management activities;
- (3) As authorized by a Special Use Authorization.

Potentially dangerous equipment includes blow guns, crossbows, spear guns, or other devices capable of mechanically propelling an arrow, spear, or similar projectile. The use of paintball guns, paintball markers, and paintball equipment on District Lands is prohibited. Paintball equipment includes, but is not limited to: paint balls, paint gun refillable gas tanks, paint gun propellant canisters, and targets.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 7-15-12.

40D-9.231 Fireworks and Explosives.

The possession or discharge of any fireworks or explosives on District Lands is prohibited unless authorized by a Special Use Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History--New 7-20-04.

40D-9.240 Posting or Distributing Bills.

Distributing any handbills or circulars or posting, placing, or erecting any bills, notices, papers, signs or advertising devices or informational matter of any kind, excluding District or managing agency notices, is prohibited on all District Lands unless authorized by a Special Use Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History--New 7-20-04.

40D-9.250 Fires.

Igniting any fire on District Lands is prohibited except for District authorized prescribed burns, campfires in designated camping areas, or fires authorized by a Special Use Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History--New 7-20-04.

40D-9.260 Camping.

(1) Camping is allowed on District Lands at designated sites by permit only.

(2) Camping using a motorized vehicle is allowed on District Lands only in camping sites designated for this purpose. The use of a motorized vehicle is subject to Rule 40D-9.270, F.A.C.

(3) The District shall grant a permit for camping on District Lands with or without using motorized vehicles, subject to the following conditions:

(a) The District is given ten days prior written notice of the camp;

(b) The ten day prior written notice is delivered to:

Southwest Florida Water Management District

Land Use and Protection Section

Land Resource Department

2379 Broad Street, Brooksville, FL 34604-6899

(c) The campground capacity is not exceeded by the proposed camping activity.

(4) The length of stay for camping authorized by this section shall be no greater than seven continuous days.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History--New 7-20-04.

40D-9.270 Use of Motorized Vehicles, Recreational Vehicles, Boats, and Aircraft.

(1) Motorized vehicles that are licensed for Florida highway use are allowed on District Lands in designated areas. Use of all-terrain, off-road, or other motorized vehicles not licensed for Florida highway use is prohibited on District Lands except by a Special Use Authorization for access by mobility impaired persons. Special Use Authorizations for access by mobility impaired persons shall be issued by the Land Resources Director or the Director's designee pursuant to Rule 40D-9.330, F.A.C.

(2) Motorized vehicles licensed for Florida highway use shall be operated by licensed drivers only on roads designated as open for motorized vehicles.

(3) Motorized vehicles shall not exceed posted speed limits. If no speed limit is posted, the speed limit shall be 20 miles per hour.

(4) Boating is allowed on all District-owned waterways (canals, impoundments, etc.) subject to the following:

(a) Boats traveling within 500 feet of any District structure or levee shall not exceed idle speed unless otherwise indicated by signs.

(b) Boats shall not be operated in a manner which would damage plants, animals or other environmental resources.

(c) Boat use shall be limited to designated boat trails except in areas posted as open for boats.

(d) The District shall prohibit or limit boating in areas for public safety, resource protection, and protection of District facilities or equipment. Boating shall be limited by engine horsepower, speed, or vessel type as necessary for public safety, resource protection, or protection of District facilities or equipment, and these limitations shall be specific to each water body. Areas closed to boating and boating limitations shall be designated by signs.

(e) The mooring of any boat on any District Lands for more than 24 continuous hours is prohibited, unless otherwise posted.

(5) Boats on trailers shall only be launched from areas designated by signs.

(6) For the purposes of this section, the term "boating" includes both motorized and non-motorized boats.

(7) Taking off or landing aircraft on District Lands is prohibited unless authorized by a Special Use Authorization.

40D-9.280 Unauthorized Facilities or Structures.

(1) Constructing, erecting or maintaining any facility or any other structure of a permanent or semi-permanent nature on District Lands is prohibited unless authorized by a Special Use Authorization.

(2) Any unauthorized facility or structure discovered on District Lands shall be removed according to the following procedure:

(a) Upon discovery of the unauthorized facility or structure, District staff will post a notice on such facility or structure, for a period of 30 days, informing the owner that such facility or structure is not authorized on District Lands and that the owner must remove such facility or structure.

(b) The owner of an unauthorized facility or structure must remove such facility or structure within 30 days after the posting of the District notice.

(c) If the owner of the unauthorized facility or structure fails to remove such facility or structure within 30 days after posting of the District notice, the District will remove such facility or structure from District Lands or claim such facility or structure as District property. The District may seek reimbursement of costs for removal of any unauthorized facility or structure from the owner of such facility or structure.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

40D-9.290 Other Uses; Use of Alcoholic Beverages on District Lands Prohibited.

(1) Any recreational use of District Lands not authorized by this chapter is prohibited.

(2) The use of alcoholic beverages on District Land is prohibited.

(a) The sale and use of alcoholic beverages may be allowed on District Land that is cooperatively managed by another agency or local government when that agency or local government has adopted a rule or ordinance that allows the sale and use of alcoholic beverages in parks or facilities owned or managed by the agency or local government and makes such a request in writing.

(b) The rule or ordinance must, at a minimum, require \$1,000,000 liquor liability insurance, and the agency or local government must agree in writing to indemnify and hold the District harmless from any claims of liability resulting from events authorized by the agency or local government pursuant to its rule or ordinance at which alcoholic beverages are sold or used on District Land.

(c) If the conditions of paragraphs (a) and (b) are not met, the District shall deny a request by an agency or local government to allow the use of alcoholic beverages on District Land.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 9-11-11.

40D-9.300 Trespass After Notice.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40D-9.310 Penalties.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Repealed by Section 3, Chapter 2012-31, Laws of Florida, 5-27-12.

40D-9.320 Conflicting Rules.

If an agency or local government has entered into a cooperative land management agreement with the District regarding specific District Lands, the District's Land Use Rules shall apply if in conflict with the rules of the agency or local government unless the cooperative land management agreement addresses a specific land use, then the terms of the cooperative land management agreement shall apply.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 9-11-11.

40D-9.330 Special Use Authorization.

(1) A person must apply for a Special Use Authorization to use District Lands for activities not specifically provided for in this chapter.

(2) To receive a Special Use Authorization the applicant must provide reasonable assurance that:

(a) The requested use is natural resource-based,

(b) The requested use will not permanently alter District Lands or involve the placing of any structure or facility on District Lands,

(c) The requested use is consistent with the management plan for the District Lands involved,

- (d) The requested use will not harm the environmental or historical resources of the District Lands,
 - (e) The requested use will not cause unreasonable expense to the District,
 - (f) The requested use will not create a substantial risk of liability to the District,
 - (g) The requested use will not harm any dam, impoundment, works, water control structures, roads, or District owned facilities or equipment,
 - (h) The requested use will not interfere with District water management, leased, licensed, or authorized uses of the land, and
 - (i) The requested use will not interfere with any other use allowed by the rules in this chapter.
- (3) The District shall impose upon any Special Use Authorization issued pursuant to this Chapter such reasonable conditions as are necessary to assure that the use or activity authorized will meet the criteria set forth in this Chapter.
- (4) The Governing Board delegates to the Land Resources Director or a person designated by the Director, the authority to issue or revoke Special Use Authorizations pursuant to this section.
- (5) Any person may apply for a Special Use Authorization according to the following procedure:
- (a) Submit request to:
Southwest Florida Water Management District
Land Use and Protection Section
Land Resource Department
2379 Broad Street
Brooksville, FL 34604-6899
 - (b) If the requested use will create a substantial risk of liability to the District, the applicant can mitigate substantial risk of liability by:
 - 1. Providing proof of liability and property damage insurance naming the District as an additional insured in an amount sufficient to cover the cost of the liability which is posed to the District, or
 - 2. Providing waivers or releases of liability sufficient to eliminate the liability, which is posed to the District.
 - (c) The application shall be reviewed by the Land Resources Department for compliance with the criteria listed in this section and a recommendation regarding the application forwarded to the Land Resources Director.
 - (d) If the requested use satisfies all of the criteria set forth in this section, the Land Resources Director, or the Director's designee, shall issue the Special Use Authorization.
 - (e) If the requested use does not meet the criteria set forth in this section, the Land Resources Director, or the Director's designee, shall deny the Special Use Authorization application.
 - (f) The District's notices of intent to issue or deny a Special Use Authorization shall be governed by Chapter 28-106, F.A.C., and Rule 40D-1.1010, F.A.C.
 - (6) Any person receiving a Special Use Authorization from the District must have the Special Use Authorization in their possession at all times while on District Lands.
 - (7) The Land Resources Director, or the Director's designee, shall revoke a Special Use Authorization if the grantee violates the conditions of the authorization or engages in a use not specifically authorized.
 - (8) A Special Use Authorization does not eliminate the necessity to obtain any required federal, state, or local approval or permit prior to the start of any authorized use.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04.

RESOURCE MANAGEMENT COMMITTEE

January 19, 2016

Consent Agenda

2016 Florida Department of Transportation Mitigation Program Plan

Purpose

To request the Governing Board approve the District's Florida Department of Transportation (FDOT) Mitigation Plan for 2016 as required by Florida Statutes.

Background

Pursuant to Section 373.4137, F.S., the District is required to develop a mitigation plan for wetland impacts associated with FDOT roadway projects. The mitigation plan is annually updated to add and/or remove projects, incorporate revised wetland impact estimates from the FDOT, and make any necessary modifications to previously approved plans. The District's FDOT Mitigation Plan (Plan) is required to be developed by March 1 of each year and submitted to the District's Governing Board for approval then submitted to the Florida Department of Environmental for final approval.

Section 373.4137, F.S. requires the FDOT to identify projects where it is feasible for the mitigation requirements to be satisfied by a mitigation bank and exclude these projects from the project inventory in the 2016 FDOT Mitigation Plan. The FDOT has purchased or intends to purchase mitigation bank credits, if credits are available, to offset wetland impacts in all or part of thirty-four (34) projects that have not been permitted yet, with wetland impacts totaling an estimated 67.80 acres. These projects are listed below by basin and county.

Alafia River Basin

Hillsborough Co. - SR 60 from Dover Rd to SR 39 - 1.77 acres - Alafia River Mitigation Bank

Hillsborough River Basin

Pasco Co. - I-75/SR 56 Interchange from W of CR 54 to W of Cypress Ridge Blvd - 0.20 acre - Hillsborough River Mitigation Bank

Pasco Co. - SR 52 Extension from E of McKendree Rd to E of US 301 - 2.08 acres - Hillsborough River Mitigation Bank

Pasco Co. - US 301 from SR 56 (proposed) to SR 39/Paul Buchman Hwy - 0.60 acre - Bank to be identified

Hillsborough Co. - US 301 from Fowler Ave to Future SR 56 - 21.00 acres - Hillsborough River Mitigation Bank

Hillsborough Co. - SR 60 from Valrico Rd to Dover Rd - 0.11 acre - Hillsborough River Mitigation Bank

Tampa Bay Drainage Basin*

Hillsborough Co. - I-75 (SR 93A) NB on Ramp from EB/WB I-4 to South of Bypass Canal - 0.74 acre - Tampa Bay Mitigation Bank

Hillsborough Co. - I-75 (SR 93A) & SR 60 from S of SR 60 at SLIP Ramp to N of SR 60 at CSX - 0.40 acre - Bank to be identified

Hillsborough Co. - I-75 (SR 93A) from S of Selmon Expressway Overpass to N of SR 60 - 0.40 acre - Bank to be identified

Item 10

Hillsborough Co. - I-75 (SR 93A) from S of CSX/Broadway Ave to EB/WB I-4 Exit Ramp - 0.40 acre - Bank to be identified
Hillsborough Co. - I-4 (SR 400) from I-75 (SR 93A) to East of Williams Road - 0.40 acre - North Tampa Mitigation Bank
Hillsborough Co. - I-4 (SR 400) from Tampa Bypass Canal to East of I-75 - 0.40 acre - Bank to be identified
Hillsborough Co. - I-4 (Westbound) from W of Orient Rd to West of I-75 - 0.40 acre - Bank to be identified
Hillsborough Co. - I-4 (SR 400) EB from W of Orient Rd to W of I-75 (SR 93A) - 0.40 acre - Bank to be identified
Hillsborough Co. - Big Bend Rd from E of Dickman Rd to W of Wyandotte Rd - 0.20 acre - Tampa Bay Mitigation Bank
Hillsborough Co. - SR 60 (SR 589) from N of Independence to I-275 at Westshore - 0.20 acre - Bank to be identified
Hillsborough Co. - I-275/SR93 NB Flyover from SR 60 EB to I-275 NB - 0.20 acre - Bank to be identified
Hillsborough Co. - US 19 (SR 55) From N of Nebraska Ave to S of Timberlane Rd - 0.50 acre - Tampa Bay Mitigation Bank
Hillsborough Co. - Tri County Trail from CR 611 @ Keystone Rd to Pasco C/L - 0.80 acre - to be identified
Hillsborough Co. - SR 60 (Adamo Dr) from E of Falkenburg Rd to W of Lake Kathy Entrance - 2.30 acres - Tampa Bay Mitigation Bank
Hillsborough Co. - I-75 (SR 93A) SB off Ramp from S of Bypass Canal to EB/WB I-4 - 0.40 acres - Bank to be identified
Hillsborough Co. - I-275 @ I-4/I-275 from Rome to MLK/ I-4 from I-275 to Connector - 0.5 acre - Bank to be identified
Pinellas Co. - SR 686 at CR 611 (49th St) - 0.30 acre - Tampa Bay Mitigation Bank
Pinellas Co. - SR 686 from W of I-275 to W of 9th St N - 2.80 acres - Tampa Bay Mitigation Bank
Pinellas Co. - SR 694 (Gandy Blvd) from East US 19 (SR 55) to E of I-275 (SR 93) - 1.98 acres - Bank to be identified
Pinellas Co. - I-275 (SR 93) from S of 118th Ave N to S of 4th St N - 0.80 acre - Tampa Bay Mitigation Bank

**A number of these projects include forested impacts for which there is no mitigation currently available at a bank or within the District's Program in the Tampa Bay Basin*

Upper Coastal Drainage Basin

Citrus Co. - CR 490A/Halls River from W of Halls River to E of Halls River - 0.67 acre - Bank to be identified
Hillsborough Co. - SR 50/SR 50A from Co BB Rd to Broad St - 2.00 acres - Upper Coastal Mitigation Bank
Hillsborough Co. - SR 50/SR 50A Bypass from Broad St to Jefferson N St - 1.00 acre - Upper Coastal Mitigation Bank
Pasco Co. - US 41 from Ridge Rd to N of SR 52 - 0.12 acre - Upper Coastal Mitigation Bank
Pasco Co. - SR 52 (Schrader Hwy) US 41 to CR 581 - 16.70 acres - Bank to be identified
Pasco Co. - SR 52 (Schrader Hwy) US 41 to CR 581 - 18.00 acres - Bank to be identified
Pasco Co. - Tri County Trail from Pasco Co/L to S Terminus of Starkey Trail - 0.30 acre - Upper Coastal Mitigation Bank

Pasco Co. - Good Neighbor Trail Connector from W of Suncoast Parkway to Terminus - 0.10 acre - Upper Coastal Mitigation Bank
Pinellas Co. - US 19 (SR 55) from N of CR 95 to N of Nebraska Ave - 0.20 acre - Upper Coastal Mitigation Bank

The 2016 FDOT Mitigation Plan includes ten (10) new or renewed (deleted in previous years and added back to the Program in 2016) projects with 25.56 acres of projected wetland impacts that are requested to be mitigated through the existing District FDOT Mitigation Program. Of these, impacts from two (2) projects, including 22.20 acres of impacts, must be excluded from the District's FDOT Mitigation Plan as the mitigation that would offset the projected impacts is not available in the District's FDOT Mitigation Program. Listed below by basin and county are new FDOT projects, anticipated wetland impacts and proposed mitigation projects. All or a portion of the impacts listed below may be mitigated at a bank if credits are available when permits are applied for. All proposed impacts will be re-evaluated for appropriate mitigation requirements and location at the time of permit application.

Alafia Basin

Hillsborough Co. - SR 60 from Dover Rd to SR 39 - 1.06 acres*

*1.77 additional acres of estimated impacts from this project are designated for a mitigation bank.

Hillsborough River Basin

Hillsborough Co. - SR 60 from Valrico Rd to Dover Rd - 0.50 acre - Conner Preserve*

Hillsborough Co. - US 301 from Fowler Ave to Future SR 56 - 21.00 acres**

Pasco Co. - US 301 from SR 56 (Proposed) to SR 39/Paul Buchman Highway - 0.60 acre**

*0.11 additional acres of estimated impacts from this project are designated for a mitigation bank.

**These projects cannot be accommodated in the existing FDOT Mitigation Program.

Tampa Bay Drainage Basin

Pinellas Co. - SR 686 at CR 611 (49th St) - 0.40 acre - Bahia Beach*

Hillsborough Co. - SR 60 (Memorial Hwy) from I-275 to Spruce St - 1.00 acre - Bahia Beach**

Hillsborough Co. - I-275 (Howard Frankland) from N of Howard Frankland to S of SR 60 - 0.10 acre - Ft. DeSoto Park***

Hillsborough Co. - I-75 (SR 93A) NB on Ramp from EB/WB I-4 to South of Bypass Canal****

Hillsborough Co. - I-4 (SR 400) from I-75 (SR 93A) to East of Williams Road*****

*0.30 additional acre of estimated impacts from this project are designated for a mitigation bank.

**0.10 additional acre of estimated impacts from this project are designated for a mitigation bank.

***0.05 additional acre of estimated impacts from this project are designated for a mitigation bank.

****0.31 acre of estimated impacts from this project are designated for a mitigation bank, no mitigation currently available for 0.40 acre of forested impacts.

*****0.71 acre of estimated impacts from this project are designated for a mitigation bank, no mitigation currently available for 0.20 acre of forested impacts.

Withlacoochee Drainage Basin

Pasco Co. - Good Neighbor Trail Connector from W of Suncoast Parkway - 0.10 acre - Colt Creek State Park

Pasco Co. - SR 575 Over Withlacoochee River Bridge #140031 - 0.20 acre - Colt Creek State Park

In addition to those projects removed because impacts could be offset at a mitigation bank, the plan also removes three (3) previously submitted projects. The FDOT has indicated that these projects are no longer in their work plan, have been permitted without mitigation being required, or the FDOT will develop their own mitigation project. These projects and the submitted wetland impacts include:

Upper Coastal Drainage Basin

Pinellas Co. - SR 679 (Bayway) from N End of Boca Ciega Bridge to SR 682 (54th Ave S) - no impacts

Withlacoochee River Basin

SR 50 from US 98/McKethan Rd to US 301 (dropped)

SR 50 from Windmere Rd/Bronson Blvd to US 98/McKethan Rd (dropped)

The plan is available on compact disc and at the following link:

http://www.swfwmd.state.fl.us/projects/mitigation/docs/2016_DOT_Mitigation_Plan.pdf

Staff Recommendation:

Approve the District's 2016 Florida Department of Transportation Mitigation Plan.

Presenter: Jennifer Brunty, Project Manager 3, Project Management Office

RESOURCE MANAGEMENT COMMITTEE

January 19, 2016

Consent Agenda

Budget Transfer – Pasco County Heritage Pines Residential Reclaimed Water Service Project (N547)

Purpose

To request approval to transfer \$150,000 from the City of St. Petersburg Snell Isle Stormwater Vaults Project (N733), which was withdrawn by the cooperator, to the Pasco County Heritage Pines Residential Reclaimed Water Project (N547) to replace funds that were lapsed during the fiscal year (FY) 2015 encumbrance roll. The lapsed funds were moved out of the N547 project account to the District's General Fund.

Background

The District executed a Cooperative Funding Agreement with Pasco County on July 30, 2014 for the completion of the Heritage Pines Residential Reclaimed Water Service project. It is a multi-year funded project for the design, permitting and construction of reclaimed water transmission mains and distribution piping within 29 residential villages (725 residences) in the Heritage Pines community of northwest Pasco County. The project includes approximately 6,100 feet of reclaimed water lines to provide reclaimed water for irrigation within the community. The budget for the project is \$1,266,600, which was initially approved in FY2013-14 by the Governing Board (\$633,300 provided by Pasco County and \$633,300 provided by the District).

Benefits/Costs

The total cost and scope of the project has not changed; however, in a separate revenue agreement executed September 28, 2015, the Florida Department of Environmental Protection (DEP) provided \$300,000 in Springs Initiative funding to the District for the project. This FY2015 funding will be used to reduce the District and Pasco County portions equally by \$150,000 each. The updated funding allocations are District and Pasco County \$483,300 each and DEP \$300,000. During the evaluation of the recent FY2015 year-end fiscal encumbrance roll, \$150,000 of the District's share of the funds were accidentally lapsed; therefore, the District's budget for this project needs to be increased by \$150,000.

Staff Recommendation:

Staff recommends the Governing Board transfer \$150,000 budgeted for the withdrawn City of St. Petersburg Snell Isle Stormwater Vaults Project (N733) to replace the lapsed funds for the Heritage Pines Residential Reclaimed Water Project (N547).

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

RESOURCE MANAGEMENT COMMITTEE

January 19, 2016

Consent Agenda

Groundwater Quality Source Evaluation for the Rainbow Springs Group (P104)

Purpose

To request approval to initiate the Groundwater Quality Source Evaluation for the Rainbow Springs Group project without Florida Department of Environmental Protection (FDEP) revenue.

Project Proposal

The project will use available data sources, such as existing monitoring wells and water quality data, to identify the most probable primary source areas of nutrients and related recharge water from within a springshed and develop strategies for cost effective improvement of the quantity and quality of District spring systems. The project will be performed in two phases.

The first phase in the proposed project will include the following tasks: (1) hydrogeologic analysis of the springshed, (2) identify the sources and distributions of groundwater specific analytes in Floridan aquifer water, (3) map the distributions and intensities of geochemical processes represented by groundwater masses within the springshed and match them to geochemical fingerprints of water discharging from the spring vent(s), and (4) delineate source areas and “hot spots” of nutrient loading within the springshed.

The second phase will include recommendation of one or more remedial-design solutions to improve the quantity of the spring discharge and water quality at the spring vent(s) and identification of specific best management practices in the source area “hot spots”.

Benefits/Costs

The District received this project proposal during the solicitation of projects for FDEP Springs Funding in February 2015. The original proposal included Phases I and II totaling \$90,000. The District included funding for both phases of the project in its FY16 approved budget, with the District and FDEP each providing \$45,000. The proposed project was not selected by FDEP for funding, therefore staff request approval to pursue the Groundwater Quality Source Evaluation for the Rainbow Springs Group project without FDEP revenue. District funds, in the amount of \$90,000, are now requested to be used to fund the full project costs.

Staff Recommendation:

Approve initiation of the Groundwater Quality Source Evaluation for the Rainbow Springs, fully funded by the District (\$90,000), without FDEP revenue.

Presenter: Jennette M. Seachrist, P.E., Bureau Chief, Natural Systems and Restoration

Bureau

RESOURCE MANAGEMENT COMMITTEE

January 19, 2016

Consent Agenda

Lemon Bay Habitat Restoration (W560) Charlotte County

Purpose

To request approval for a Surface Water Improvement and Management (SWIM) project with the Lemon Bay Conservancy (Conservancy) to revise the project scope and cost and to incorporate additional federal grant funding through an amendment to the project agreement.

Background/History

This project is in response to an FY2013 cooperative funding request from the Conservancy to construct a habitat restoration project within the Wildflower Preserve on Lemon Bay in Charlotte County. The 80-acre preserve was purchased by the Conservancy in 2010 for conservation. The Conservancy paid \$750,000 for the property and requested a District match of \$750,000 for design, permitting and construction. The project objectives involve the creation of freshwater and estuarine wetlands and enhancement of the associated uplands. Exotic vegetation will be eliminated and native plantings will be established throughout the site. The District is the lead for design, permitting, and construction. The Conservancy will be responsible for providing a conservation easement over the property and long-term operation and maintenance of the site.

Benefits/Costs

The consultant has completed the 30 percent design plan. During the design process, opportunities to create additional freshwater and estuarine wetlands and to further enhance upland habitats were identified. The engineer's estimate for creating an additional 5 acres of wetlands and enhancing 54 acres of uplands, which increases the wetland restoration area from 9 acres to 14 acres, is \$500,400. The Conservancy sought out additional funds to cover the proposed increase and was successful in being awarded a \$420,000 federal grant from the National Oceanographic and Atmospheric Administration. In addition, the Conservancy reached out to donors and secured another \$75,000. The Conservancy is requesting a District match to the \$75,000 in the FY2017 cooperative funding cycle.

The FY2017 cooperative funding request (\$75,000) will be evaluated by staff and will be presented to the Governing Board in accordance with the Fiscal Year 2017 Cooperative Funding Initiative process. At this time, staff requests to amend the project scope and increase the project cost to only include funds obtained from the federal grant (\$420,000). Approval will allow the consultant to proceed with the next phase of design, incorporating the expanded project scope.

The project will establish natural systems habitat and improve water quality in Lemon Bay and Charlotte Harbor as originally intended.

Staff Recommendation:

- 1) Authorize amending the Lemon Bay Habitat Restoration (W560) project agreement to reflect the increase in the project scope, and the additional funds secured through federal grant funding (\$420,000);

Item 13

2) Authorize the Assistant Executive Director to sign the amendment.

Presenter: Jennette M. Seachrist, P.E., Bureau Chief, Natural Systems & Restoration

RESOURCE MANAGEMENT COMMITTEE**January 19, 2016*****Consent Agenda*****Authorize Submission of Preliminary Flood Insurance Rate Maps for the Peck Sink Watershed in Hernando County to the Federal Emergency Management Agency (P324)*****Purpose***

Request the Board's authorization to submit the preliminary Flood Insurance Rate Maps (FIRMs) for the Peck Sink watershed in Hernando County to the Federal Emergency Management Agency (FEMA). The detailed watershed management model for Peck Sink 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. Preliminary floodplain information was presented for review and comment during a public workshop held July 9, 2015. The preliminary floodplain information is ready to be incorporated into FEMA's mapping specifications and submitted to FEMA. Hernando County will coordinate with FEMA to produce the preliminary FIRMs at a future date.

Background/History

The District initiated a partnership with FEMA 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 and that priority was renewed following the El Niño weather event in 1997-1998. In addition to studies conducted by the District and others, information on floodplains (elevations) is available through the FEMA FIRMs. However, many of the existing maps do not accurately represent the flood-prone areas because either the initial studies were technically limited, or the maps are outdated due to significant land use changes since completion. 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 reached out to local governments and initiated the WMP in the late 1990s.

The District recognized a potential funding partner in FEMA as they had mutual goals to improve and modernize the existing FIRMs to better identify risks of flooding within the District. The District and FEMA executed a Cooperating Technical Partners (CTP) Memorandum of Agreement on September 14, 2001, to formalize the relationship. As a CTP, the District is eligible for federal funds to act as FEMA's partner in modernization of the FIRMs. Federal funds have allowed the District and local governments to accomplish significantly more than would have otherwise been possible. To date, the District has received approximately \$12 million in federal funds from FEMA for countywide map modernization projects in Pasco, Sarasota, Hernando, Marion, Polk, Hardee, DeSoto, Citrus, Sumter, Levy, and Highlands counties. FEMA also includes federal funding for the Map Modernization Management Support (MMMS) program to ensure MMMS partners can support the map modernization effort through activities that do not directly result in production of new or revised flood hazard maps. Since 2004, FEMA has provided \$1,133,860 in funding through the MMMS program.

In October 2007, staff provided a report to the Governing Board outlining staff's technical and procedural approach for development and professional oversight of watershed models. Since March 2008, staff has provided the Board a monthly update on the status of the District's WMP and FEMA Map Modernization, including an update on the progress and activities associated with these issues. Since November 2008, the Governing Board has authorized staff to submit

Item 14

preliminary FIRMs to FEMA for 19 watersheds in Hernando County, six watersheds in Pasco County, eight watersheds in Citrus County, three 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, and 15 watersheds in Marion County.

The floodplain information for the Peck Sink watershed in Hernando County was prepared by a District 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 model and floodplain data were built using 2007 topography and 2010 land use information. The District's Environmental Resource Permitting Advisory Group members (consultant and development community) were invited to attend the presentations of the floodplain information to the peer review consultant, and were provided opportunities to review and comment on the watershed model and floodplain information. For the public workshop held on July 9, 2015, approximately 1,010 affected property owners were notified of the workshop by mail and 34 attended. The floodplain information was also made available through the District's website. The watershed model and floodplain data reasonably reflect the verification storm events and represent best floodplain information available.

Watershed	Engineering Firm of Record	Peer Review
Peck Sink in Hernando County	CH2M Hill Engineers, Inc.	AMEC Environment & Infrastructure, Inc.

Staff Recommendation:

Authorize submittal of the preliminary FIRMs for the Peck Sink watershed in Hernando County to FEMA.

Presenter: Scott Letasi, P.E., PMP, Manager, Engineering and Watershed Management

RESOURCE MANAGEMENT COMMITTEE

January 19, 2016

Consent Agenda

Authorize Submission of Preliminary Flood Insurance Rate Maps for the Upper Peace River - Homeland Watershed in Polk County to the Federal Emergency Management Agency

Purpose

Request the Board's authorization to submit the preliminary Flood Insurance Rate Maps (FIRMs) for the Upper Peace River - Homeland watershed in Polk County to the Federal Emergency Management Agency (FEMA). The detailed watershed management model for Upper Peace River - Homeland 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. Preliminary floodplain information was presented for review and comment during a public workshop held October 29, 2014. The preliminary floodplain information is ready to be incorporated into FEMA's mapping specifications and submitted to FEMA. Polk County will coordinate with FEMA to produce the preliminary FIRMs.

Background/History

The District initiated a partnership with FEMA 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 and that priority was renewed following the El Niño weather event in 1997-1998. In addition to studies conducted by the District and others, information on floodplains (elevations) is available through the FEMA FIRMs. However, many of the existing maps do not accurately represent the flood-prone areas because either the initial studies were technically limited, or the maps are outdated due to significant land use changes since completion. 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 reached out to local governments and initiated the WMP in the late 1990s.

The District recognized a potential funding partner in FEMA as they had mutual goals to improve and modernize the existing FIRMs to better identify risks of flooding within the District. The District and FEMA executed a Cooperating Technical Partners (CTP) Memorandum of Agreement on September 14, 2001, to formalize the relationship. As a CTP, the District is eligible for federal funds to act as FEMA's partner in modernization of the FIRMs. Federal funds have allowed the District and local governments to accomplish significantly more than would have otherwise been possible. To date, the District has received approximately \$12 million in federal funds from FEMA for countywide map modernization projects in Pasco, Sarasota, Hernando, Marion, Polk, Hardee, DeSoto, Citrus, Sumter, Levy, and Highlands counties. FEMA also includes federal funding for the Map Modernization Management Support (MMMS) program to ensure MMMS partners can support the map modernization effort through activities that do not directly result in production of new or revised flood hazard maps. Since 2004, FEMA has provided \$1,133,860 in funding through the MMMS program.

In October 2007, staff provided a report to the Governing Board outlining staff's technical and procedural approach for development and professional oversight of watershed models. Since March 2008, staff has provided the Board a monthly update on the status of the District's WMP and FEMA Map Modernization, including an update on the progress and activities associated

Item 15

with these issues. Since November 2008, the Governing Board has authorized staff to submit preliminary FIRMs to FEMA for 19 watersheds in Hernando County, six watersheds in Pasco County, eight watersheds in Citrus County, three 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, and 15 watersheds in Marion County.

The floodplain information for the Upper Peace River - Homeland watershed in Polk County was prepared by a District consultant (Engineering Firm of Record), reviewed by District, City of Bartow, and County staff, and then reviewed by the District's independent peer review consultant (see table below). The watershed model and floodplain data were built using 2004 topography and 2007 land use information. The District's Environmental Resource Permitting Advisory Group members (consultant and development community) were invited to attend the presentations of the floodplain information to the peer review consultant, and were provided opportunities to review and comment on the watershed model and floodplain information. For the public workshop held on October 29, 2014, approximately 1,502 affected property owners were notified of the workshop by mail and 29 attended. The floodplain information was also made available through the District's website. The watershed model and floodplain data reasonably reflect the verification storm event and represent best floodplain information available.

Watershed	Engineering Firm of Record	Peer Review
Upper Peace River - Homeland watershed in Polk County	Ardaman & Associates, Inc.	The Balmoral Group, LLC

Staff Recommendation:

Authorize staff to submit the preliminary FIRMs for the Upper Peace River - Homeland watershed in Polk County to FEMA.

Presenter: Scott Letasi, P.E., PMP, Manager, Engineering and Watershed Management

RESOURCE MANAGEMENT COMMITTEE

January 19, 2016

Consent Agenda

Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Crews Lake in Pasco County (P256)

Purpose

To request the Board initiate and approve rulemaking to amend Rule 40D-8.624, Florida Administrative Code (F.A.C.), to adopt Minimum and Guidance Levels for Crews Lake in Pasco County, and accept the report entitled: "Proposed Minimum and Guidance Levels for Crews Lake in Pasco County, Florida", dated January 18, 2016.

Background/History

Minimum Levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Guidance Levels are used to describe expected water level fluctuations and serve as advisory information for the District, lakeshore residents and local governments, or to aid in the management of water control structures. Proposed minimum and guidance levels for Crews Lake have been developed using previously peer-reviewed methods adopted by the Governing Board.

A technical report outlining the development of newly proposed levels for Crews Lake was posted on the District's website and distributed to interested parties prior to a public workshop held on December 2, 2015 for discussion of the proposed levels. The workshop was held in Land O' Lakes near Crews Lake. During the workshop, District staff addressed stakeholder questions and concerns related to the proposed levels and other water management issues associated with Crews Lake and the surrounding area. No specific recommendations or alternatives to the proposed minimum levels were made by workshop participants. Following the workshop, District staff met independently with Pasco County and a local resident near Crew's Lake to further discuss the proposed minimum levels. All stakeholder input has been summarized and will be made available to the Board upon request.

Based on available water level records, the currently proposed minimum levels for Crews Lake are being met, so development of a recovery strategy is not required. In the event that adopted levels for the lake are not met, the recovery strategy outlined in Rule 40D-80.073, F.A.C., would be applicable to the lake.

Staff has prepared rule amendments that delete the currently adopted Guidance Levels for Crews Lake in Table 8-3 within Rule 40D-8.624(13), F.A.C., and add proposed Guidance and Minimum Levels to Table 8-2 within Rule 40D-8.624(12), F.A.C., as indicated in the exhibit for this agenda item. Staff is prepared to address any Board concerns regarding the proposed levels or the methods used for their development.

Benefits/Costs

Adoption of Minimum Levels for Crews Lake will support the District's water supply planning, water use permitting, and environmental resource permitting programs. Adoption of Guidance Levels will provide advisory information for the construction of lakeshore development, water dependent structures, and operation of water management structures. A Statement of

Estimated Regulatory Costs is not required for adoption of the proposed levels for Crews Lake, as this rulemaking is not expected to result in any adverse impact to small businesses or to directly or indirectly increase regulatory costs in excess of \$200,000 within one year of implementation. Ratification by the Legislature also is not necessary for this rulemaking as it is not expected to increase certain legislatively identified costs in excess of \$1 million in the aggregate within five years after the implementation of the rule.

Upon Governing Board approval of the proposed levels, staff will submit a notice to the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with formal rulemaking without further Governing Board action. If substantive changes are necessary as the result of comments received from the public or from reviewing entities such as OFARR or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

- A. Accept a report entitled, "Proposed Minimum and Guidance Levels for Crews Lake in Pasco County, Florida", dated January 18, 2016.
- B. Authorize staff to make any necessary minor clarifying edits to the report or rule language that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously adopted Guidance levels and to add new Guidance and Minimum Levels for Crews Lake in Pasco County as shown in the exhibit. See Exhibit

Presenter: Douglas A. Leeper, MFLs Program Lead, Natural Systems and Restoration Bureau

EXHIBIT

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (11) No change.

(12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(13), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.					
Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (p) No change.					
(q) In Pasco County Within the Coastal Rivers Basin	Big Fish, Lake S-21, T-24, R-19E no change				
	<u>Crews, Lake S-20, T-24S, R18E</u>	<u>55.3'</u>	<u>52.4'</u> (CAT 1)	<u>51.0'</u> (CAT 1)	<u>48.9'</u>
	Green, Lake S-16, T-26, R-18E through Unnamed Lake No. 22 S-27, T-24S, R-18E No change.				
(r) through (cc) No change.					

(13) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a) through (p) No change.			
(q) In Pasco County Within the Coastal Rivers Basin LAKES			

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
Crews, Lake S16, T24S, R18E	55.00'	52.00'	50.00'
Garden, Lake S16, T25S, R16E through Worrell, Lake (Bass Lake) S26, T25S, R16E No change.			
(r) through (cc) No change.			

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, 11-25-12, 2-21-13 (12)(f), 2-21-13(12), (13), 9-3-13, 1-7-15, 7-1-15, 9-21-15, _____.

RESOURCE MANAGEMENT COMMITTEE

January 19, 2016

Consent Agenda

FARMS - Madmac Property Holdings, LLC (H733), Hillsborough County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Madmac Property Holdings, LLC and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$10,556 (50 percent of total project costs). Of this amount, \$10,556 is requested from the Governing Board FARMS Funds. Total project costs are estimated at \$21,112.

Project Proposal

The District received a project proposal from Madmac Property Holdings, LLC for their property totaling 59 acres of strawberries and small vegetables located in east Hillsborough County, within the Dover Plant City Water Use Caution Area, and within the Southern Water Use Caution Area. This project will involve automation of an irrigation pump station to offset Upper Floridan aquifer groundwater used for the irrigation of 59 acres of strawberries and small vegetables. The Water Use Permit (WUP) authorizes annual average groundwater withdrawals of 213,500 gallons per day (gpd). FARMS project components consist of remotely operated irrigation pump start/stop automation equipment.

Benefits/Costs

The proposed project involves water quantity best management practices for supplemental irrigation and qualifies for a 50 percent cost-share reimbursement rate under the FARMS Program. Using an estimated five percent savings of permitted quantities for daily irrigation, or 10,675 gpd, yields a daily cost of \$1.18 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for strawberry operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval, the Governing Board will have \$4,779,644 remaining in its FARMS Program budget.

Staff Recommendation:

- 1) Approve the Madmac Property Holdings, LLC project for a not-to-exceed project reimbursement of \$10,556 with \$10,556 provided by the Governing Board;
- 2) Authorize the transfer of \$10,556 from fund 010 H017 Governing Board FARMS Fund to the H733 Madmac Property Holdings, LLC project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

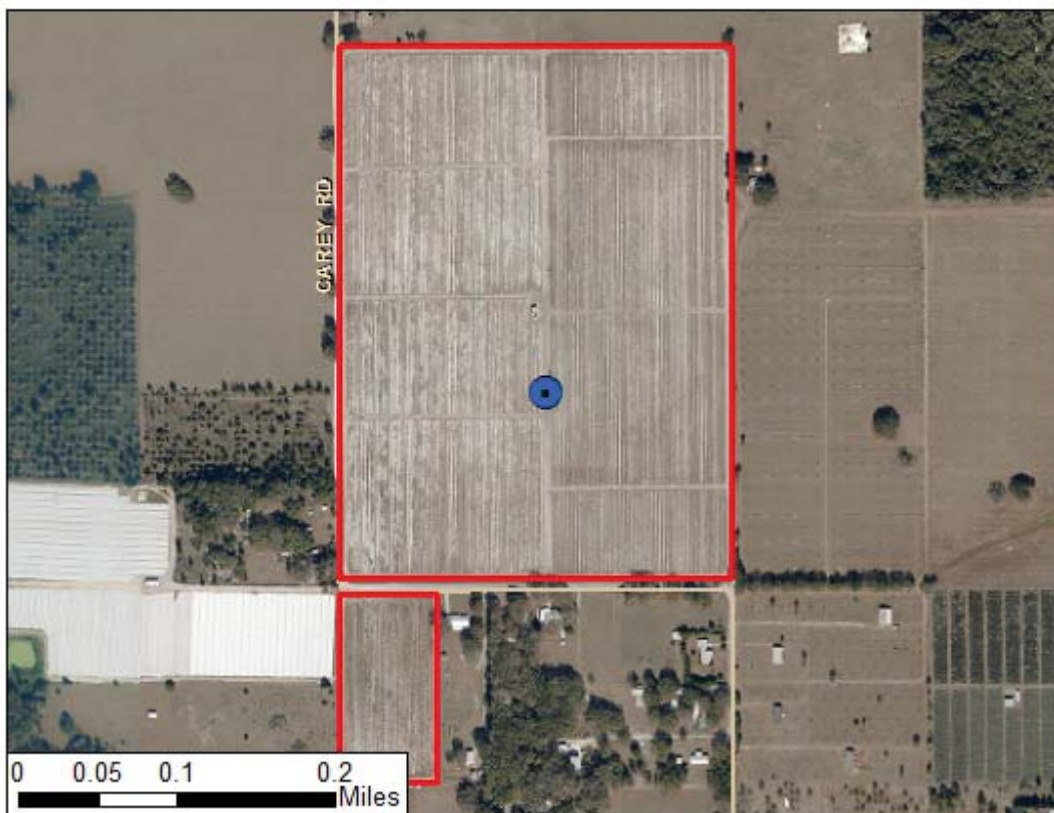
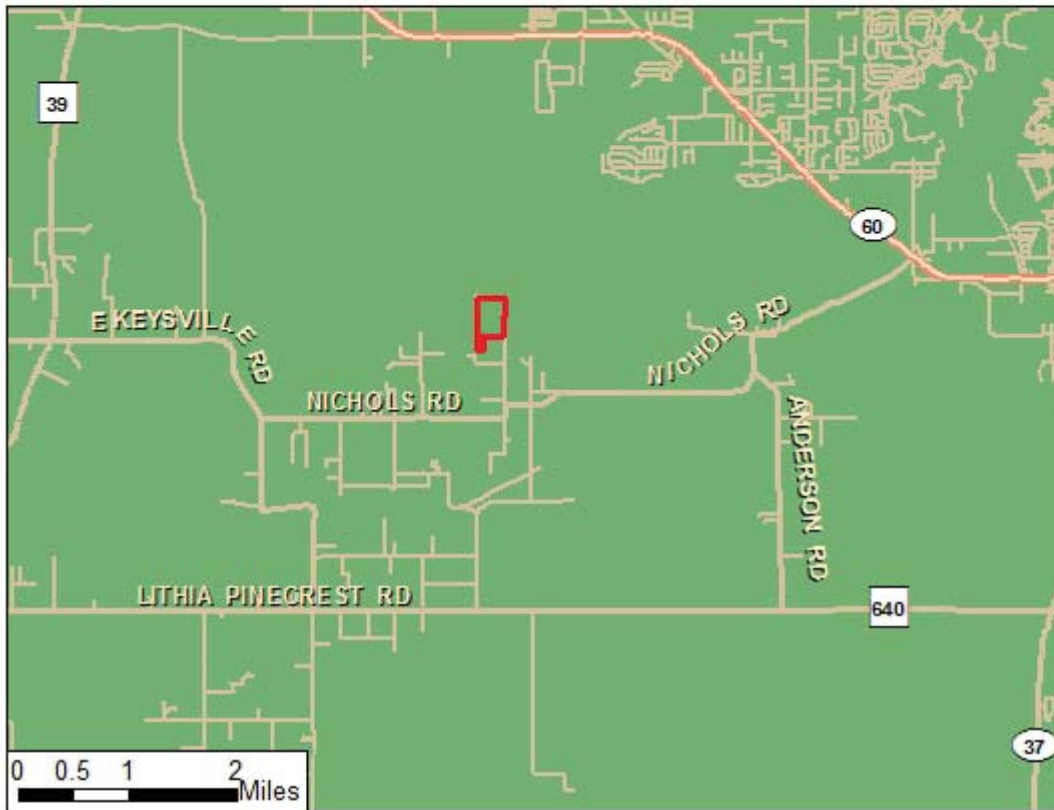
Presenter: Jennette M. Seachrist, P.E., Bureau Chief, Natural Systems and Restoration

Bureau

Location Map

Madmac Property Holdings, LLC

FARMS Project - (H733)



Legend

- WUP Boundary 20002564
- Irrigation_Pump_Station_Automat

Hillsborough Count

Southwest Florida Water Management District

KPC, 12/8/2014
2014 Aerial
2013 NAVTEQ

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

Consent Agenda

Revise Board Policy 130-2, Administrative Fees

In FY2015, the District's executive management team established a multi-divisional project team to -

- Validate the District's ePermitting system's compliance with Chapter 1B-26, F.A.C. for electronic records management
- Develop a plan to address any records that may be non-compliant with Chapter 1B-26 and any deficiencies in existing processes, policies, and other authoritative guides
- Establish a methodology that can be replicated in the future to validate other District electronic recordkeeping systems

While working on the project, staff identified potential changes to Board Policy 130-2 that should help the District remain compliant with public records laws.

Board Policy 130-2 authorizes staff to charge fees for providing copies of district records. The only recommended change to this one-paragraph policy is to provide District senior staff, with concurrence from the Executive Director's delegate (identified in Board Policy 190-1, amended in September 2015) with the flexibility to waive the authorized fees when relevant extenuating circumstances exist.

Staff Recommendation:

Approve the policy changes as presented in the exhibits to this item.

Presenter: Earl Rich, Bureau Chief, General Services

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: ADMINISTRATIVE FEES			
SECTION/ BUREAU:	FINANCE	NUMBER:	130-2
		PAGE:	1 of 1
APPROVED BY:		EFFECTIVE DATE:	
	MICHAEL BABB, CHAIR	SUPERSEDES:	04/06/83

STATEMENT OF POLICY:

A fee ~~shall~~ may be charged to any citizen, private or public organization or government agency for recovering the ~~cost of materials~~ and labor costs associated with providing ed copies of from the District's records. These fees shall represent the approximate cost incurred by the District/~~Basins~~ to provide the service to the public. Reciprocal agreements between the District and other governmental entities to waive fees may be executed by the Executive Director or designee. Waiver of fees may be granted by a Division Director or higher to individuals or firms under contract to the District. On a limited basis, and with the concurrence of the Records Management Liaison Officer, a Bureau Chief can request a waiver of any material and/or labor fees should relevant extenuating circumstances exist with a public records request.

AUTHORITY:

Section 119.07, F.S., and Chapter 373, F.S.

REFERENCE:

N/A

SUPERSEDES:

<p align="center">BOARD POLICY</p> <p align="center">SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</p>			
<p>TITLE: ADMINISTRATIVE FEES</p>			
<p>SECTION/ BUREAU:</p>	<p>FINANCE</p>	<p>NUMBER: 130-2</p>	<p>PAGE: 1 of 1</p>
<p>APPROVED BY:</p>	<p>MICHAEL BABB, CHAIR</p>	<p>EFFECTIVE DATE:</p>	<p>SUPERSEDES: 04/06/83</p>

STATEMENT OF POLICY:

A fee may be charged to any citizen, private or public organization or government agency for recovering the material and labor costs associated with providing copies of District records. These fees shall represent the approximate cost incurred by the District to provide the service to the public. Reciprocal agreements between the District and other governmental entities to waive fees may be executed by the Executive Director or designee. Waiver of fees may be granted by a Division Director or higher to individuals or firms under contract to the District. On a limited basis, and with the concurrence of the Records Management Liaison Officer, a Bureau Chief can request a waiver of any material and/or labor fees should relevant extenuating circumstances exist with a public records request.

AUTHORITY:

Section 119.07, F.S., and Chapter 373, F.S.

REFERENCE:

N/A

SUPERSEDES:

Attachment: 130-2-Administrative Fees CLEAN VERSION (2144 : Revise Board Policy 130-2)

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

Consent Agenda

Budget Transfer Report

Purpose

Request approval of the Budget Transfer Report covering all budget transfers made during the month of December 2015.

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 December 2015.

Presenter: Linda S. Howard, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
December 2015

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category	Reason For Transfer	Transfer Amount
<u>Executive Approved</u>				
1	General Services Sinking Fund - Field Equipment	General Services Equipment - Outside	Transfer from Field Equipment Sinking Funds to the appropriate project and expenditure category for the replacement of a 9 year-old Fleet Services UTV where repairs exceed the value.	10,040.00
2	Information Technology Other Contractual Services	Information Technology Software Maintenance	Transfer of funds originally budgeted for modifications to the Human Resources Information System and Payroll software. Expenditures were less than anticipated. The funds are needed for the unanticipated cost increase in software maintenance for these systems.	28,695.00
3	Natural Systems & Restoration Grant - Financial Assistance	Water Resources Grant - Water Conservation	Transfer of funds originally budgeted for the City of Largo - Pinellas Trail Stormwater Quality Improvement Cooperative Funding Initiative (CFI) project. The funds are no longer needed due to cancellation of the project by the City of Largo. Funds are needed to re-align budgeted funds to the appropriate watershed area that will be receiving the project benefits from the Pasco County Ultra-Low-Volume Toilet Rebate Program, Phase 8 CFI project.	8,993.00
4	Natural Systems & Restoration Salaries FICA	Finance Salaries FICA	Transfer of funds orginally budgeted for Natural Systems and Restoration Bureau salaries. Salary expenditures will be less than anticipated due to an unexpected vacancy. The funds are needed to extend a Finance Bureau temporary position through fiscal year-end.	20,000.00
5	Information Technology Salaries Public Affairs Other Contractual Services	Finance Temp Contracted Services	Transfer of funds originally budgeted for the District's "Restoring Our Springs" survey and Information Technology Bureau (ITB) salaries. The survey was completed under budget and there has been an unexpected vacancy in the ITB. The funds are needed for contracted administrative support for the Procurement section.	32,000.00
Total Executive Approved				\$ 99,728.00
<u>Finance Bureau Chief Approved</u>				
1	Information Technology Other Contractual Services	Information Technology Software Development	Transfer of budgeted funds to the appropriate project and expenditure categories for the upgrade of the Laboratory Information Management System (LIMS) software.	8,417.00
2	Information Technology Travel - Training Training Costs for Materials & Facilities	Information Technology Contractual Services for Training Software Development	Transfer of budgeted funds to the appropriate expenditure categories for the upgrade of LIMS software.	15,090.00
3	Operations & Land Management Other Contractual Services	Operations & Land Management Other Contractual Services	Transfer of budgeted funds to the appropriate section for land management activities to be carried out by Field Operations staff.	500,000.00
4	Information Technology Other Contractual Services	Information Technology Cloud Software Usage Fees	Transfer of budgeted funds to the appropriate expenditure category for cloud services for the Affordable Care Act tracking and reporting.	15,156.00
5	Information Technology Software	Information Technology Other Contractual Services	Transfer of budgeted funds to the appropriate expenditure category for modifications to the District's Florida Retirement System (FRS) reporting program to comply with State requirements.	3,000.00
6	Natural Systems & Restoration Contracted Construction	Natural Systems & Restoration Contracted Services - District-led CFI	Transfer of budgeted funds to the appropriate expenditure category for the Rogers Park Low Impact Development Implementation project where the District is the lead.	100,000.00
7	Natural Systems & Restoration Contracted Construction	Natural Systems & Restoration Consultant Services	Transfer of budgeted funds to the appropriate expenditure category for the Kings Bay Revegetation project.	13,946.52

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
December 2015

Item No.	--- TRANSFERRED FROM ---	--- TRANSFERRED TO ---	Reason For Transfer	Transfer Amount
	Bureau / Expenditure Category	Bureau / Expenditure Category		
8	Various Bureaus Salaries	Various Bureaus Salaries	Transfer of Board designated encumbered funds, approved September 29, 2015, to the appropriate bureaus and project categories for the staff merit based increases and performance incentives awarded in accordance with Board Policy 710-3.	34,299.58
9	Data Collection Parts and Supplies	Data Collection Equipment - Outside	Transfer of budgeted funds to the appropriate expenditure category for the purchase of a new portable pump to assist with repairing and plugging wells as part of the new well repair and maintenance program.	1,154.00
10	General Services Fuels and Lubricants	General Services Equipment - Inside	Transfer of funds originally budgeted for fuel and lubricants. Expenditures are anticipated to be less than budgeted due to continued low prices on fuel and petroleum products. The funds are needed to purchase a floor scrubbing machine for the Fleet garage to remove the build-up of grease and oils on the garage floor.	4,950.00
Total Finance Bureau Chief Approved				<u>\$ 696,013.10</u>
Total Transfers for Governing Board Ratification				<u>\$ 795,741.10</u>

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

GENERAL COUNSEL'S REPORT

January 19, 2016

Consent Agenda

Interagency Agreement Between the SJRWMD and the SWFWMD -- Designation of Regulatory Responsibility – Tom Thayer Citrus, Inc. – Lake County

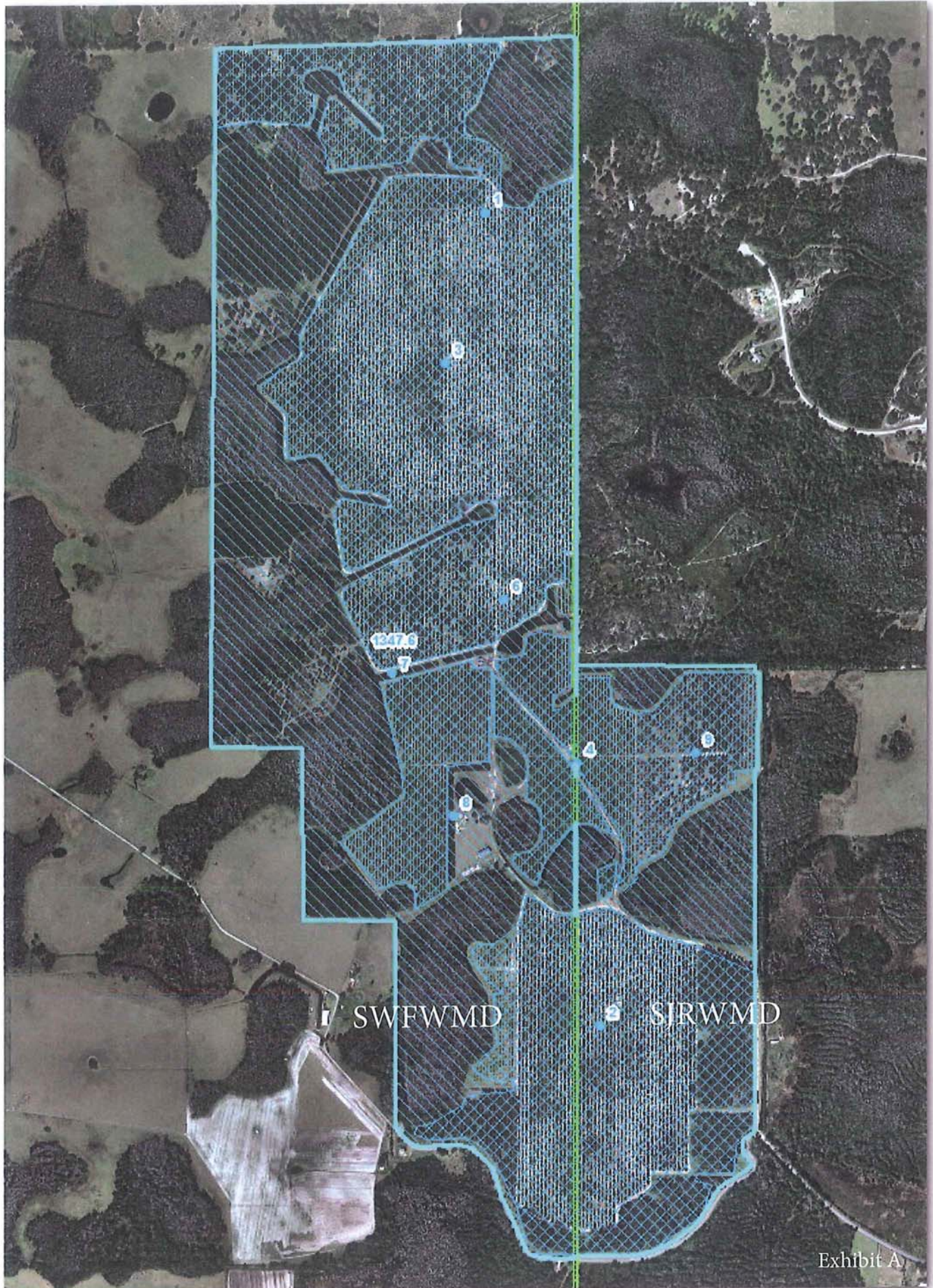
Tom Thayer Citrus, Inc. submitted Water Use Permit (“WUP”) Application No. 20001347.006 (the “Application”) to the Southwest Florida Water Management District (“SWFWMD”) to renew and modify its existing WUP for its agricultural operations in Lake County, Florida (the “Property”). The Application requests authorization to withdraw 544,800 gallons per day on an annual average basis, and 2,110,900 on a peak month basis, for agricultural use. Although the predominant portion of the Property lies within the SWFWMD, a smaller portion of the Property lies within the jurisdictional boundaries of the St. Johns River Water Management District (“SJRWMD”), as depicted on the map attached hereto as Exhibit A. SWFWMD has prior permitting history for the Project.

Section 373.046(6), Florida Statutes, authorizes a water management district to designate, through an interagency agreement, regulatory responsibility to another water management district over a project located within the jurisdictional boundaries of both districts. Because the SWFWMD has prior permitting history for the Project and because the majority of the Project boundary lies within the SWFWMD, both Districts agree that responsibility should be assumed by the SWFWMD for review and issuance of the WUP for the entirety of the Project. An interagency agreement approved by both district governing boards is necessary to authorize SWFWMD to issue a WUP to the applicant for the entire Project. SJRWMD has already executed the agreement.

Staff Recommendation:

Approve the Interagency Agreement between the St. Johns River Water Management District and the Southwest Florida Water Management District for Designation of Regulatory Responsibility for a WUP for Tom Thayer Citrus, Inc.

Presenter: Michael Bray, Assistant General Counsel



GENERAL COUNSEL'S REPORT

January 19, 2016

Consent Agenda

Final Order of Dismissal with Prejudice – Kenneth Monduori et al. v. Wilds Land Company, LLC, et al. and SWFWMD – ERP Application No. 702310

The District issued a Notice of Intended Agency Action for approval of Environmental Resource Permit Application No. 702310 ("Application") to Wilds Land Company, LLC, Robert E. Van Worp, Judson Van Worp, and Robert Van Worp ("Permittees") on November 13, 2015. The Application authorized the construction of a stormwater management system serving a 17-lot single family subdivision known as Wilds at Hawks Landing located in Pinellas County. The total project area is 13 acres. The stormwater management system will consist of three interconnected ponds that will provide attenuation and water quality treatment through effluent filtration. In order to allay any concerns over impacts to the 100-year floodplain and the potential for off-site impacts, District staff required Permittees to provide additional information and modeling over and above that available in the latest hydrologic model for the basin. The additional modeling required used site specific and supplemental survey information, as well as information from plans for adjacent developments. Overall, the modeling indicated that for the 100-year, 24-hour storm event, no adverse impacts are anticipated with the construction of the project.

On December 3, 2015, the District received a timely Petition regarding the Application from Kenneth Monduori, Rosemarie Monduori, Ron Schroder, Valarie Schroder, Rafael Tejada, Idelfia Tejada, Donald Smith, Diane Smith, Joseph Ryser, Sarah Ryser, Barbara Spath, Samuel Harmon, Darlene Fett, Michael Heard, Betsy Heard, Margaret Omar, Robert Omar, Gordan Dore, Caren Dore, Shilp Patel, Dashan Patel, Les Moffatt, and Darlene Moffatt ("Petitioners"). Petitioners maintain that the construction of the project will cause additional flooding in the area, and that the Application should be denied.

Section 120.569, Florida Statutes ("F.S."), addresses the requirements for filing a petition or request for administrative hearing on final agency action. Subsection 120.569(2)(c), F.S., provides that a petition for administrative hearing shall be dismissed if it is not in substantial compliance with the requirements set forth in Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code ("F.A.C."), or if it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect. Rule 28-106.201(2), F.A.C., contains the items that a petition challenging agency action and requesting an administrative hearing must contain.

On December 15, 2015, the District issued an Order of Dismissal Without Prejudice ("Order") dismissing the Petition 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(2), F.A.C. The Order granted Petitioners leave to file an amended petition curing the noted defects within 14 days of the date of the Order. On December 29, 2015, Petitioners filed a timely Amended Petition. The Amended Petition is also not in substantial compliance with the requirements of Section 120.569(2)(c), F.S. and Rule 28-106.201(2), F.A.C.

Section 120.569(2)(c), F.S., provides a petition for administrative hearing shall be dismissed if it is not in substantial compliance with the requirements set forth in Uniform Rules of Procedure Chapter 28-106, F.A.C., and that Petitioners are entitled to at least one opportunity to file a timely amended petition curing the defects. The Order provided Petitioners an opportunity to cure the defects in the Petition, which Petitioners attempted to do in submitting the Amended Petition; however, the Amended Petition is not in substantial compliance with the requirements set forth in Chapter 28-106, F.A.C. Accordingly, pursuant to Section 120.569(2)(c), F.S., the Amended Petition shall be dismissed with prejudice.

Board Policy No. 160-4 does not delegate to the General Counsel the authority to enter a final order of dismissal with prejudice when a timely insufficient amended petition is filed. As a result, the attached draft Final Order of Dismissal with Prejudice is submitted for consideration by the Governing Board.

Staff Recommendation:

Approve the Final Order of Dismissal with Prejudice, dismissing the request for administrative hearing filed by Kenneth Monduori, Rosemarie Monduori, Ron Schroder, Valarie Schroder, Rafael Tejada, Idelfia Tejada, Donald Smith, Diane Smith, Joseph Ryser, Sarah Ryser, Barbara Spath, Samuel Harmon, Darlene Fett, Michael Heard, Betsy Heard, Margaret Omar, Robert Omar, Gordan Dore, Caren Dore, Shilp Patel, Dashan Patel, Les Moffatt, and Darlene Moffatt with prejudice.

See Exhibit

Presenter: Adrienne E. Vining, Senior Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 16-____

KENNETH MONDUORI, ROSEMARIE
MONDUORI, RON SCHRODER,
VALARIE SCHRODER, RAFAEL
TEJEDA, IDELFIA TEJEDA, DONALD
SMITH, DIANE SMITH, JOSEPH
RYSER, SARAH RYSER, BARBARA
SPATH, SAMUEL HARMON,
DARLENE FETT, MICHAEL HEARD,
BETSY HEARD, MARGARET OMAR,
ROBERT OMAR, GORDAN DORE,
CAREN DORE, SHILP PATEL,
DASHAN PATEL, LES MOFFATT, and
DARLENE MOFFATT,

Petitioners,

v.

App. ID No. 702310
ERP No. 43041612.001

WILDS LAND COMPANY, LLC,
ROBERT E. VAN WORP, JUDSON VAN WORP,
ROBERT VAN WORP, and
SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,

Respondents.

_____/

FINAL ORDER OF DISMISSAL WITH PREJUDICE

THIS MATTER came before the SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT ("District"), upon the request for a formal administrative
hearing submitted by KENNETH MONDUORI, ROSEMARIE MONDUORI, RON
SCHRODER, VALARIE SCHRODER, RAFAEL TEJEDA, IDELFIA TEJEDA, DONALD

SMITH, DIANE SMITH, JOSEPH RYSER, SARAH RYSER, BARBARA SPATH, SAMUEL HARMON, DARLENE FETT, MICHAEL HEARD, BETSY HEARD, MARGARET OMAR, ROBERT OMAR, GORDAN DORE, CAREN DORE, SHILP PATEL, DASHAN PATEL, LES MOFFATT, and DARLENE MOFFATT ("Petitioners") concerning the District's agency action approving Environmental Resource Permit ("ERP") Application No. 702310 ("Application") to WILDS LAND COMPANY, LLC, ROBERT E. VAN WORP, JUDSON VAN WORP, and ROBERT VAN WORP ("Permittees"). The District hereby finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On November 13, 2015, the District issued Notice of Intended Agency Action for approval of the Application to Permittees, authorizing the construction of a stormwater management system serving a 17-lot single family subdivision known as Wilds at Hawks Landing located in Pinellas County.

2. On December 3, 2015, the District received a timely Petition regarding the Application from Petitioners.

3. On December 15, 2015, the District issued an Order of Dismissal Without Prejudice ("Order") dismissing the Petition on the grounds that it was not in substantial compliance with the requirements of Section 120.569(2)(c), Florida Statutes ("F.S."), and Rule 28-106.201(2), Florida Administrative Code ("F.A.C."). The Order granted Petitioners leave to file an amended petition curing the noted defects within 14 days of the date of the Order. A copy of the Order is attached hereto and incorporated by reference as Exhibit A.

4. On December 29, 2015, Petitioners filed a timely Amended Petition. A copy of the Amended Petition is attached hereto and incorporated by reference as Exhibit B.

CONCLUSIONS OF LAW

5. Section 120.569, F.S., addresses requirements for filing a petition or request for administrative hearing on final agency action. Subsection 120.569(2)(c), F.S., provides that a petition for administrative hearing shall be dismissed if it is not in substantial compliance with the requirements set forth in Uniform Rules of Procedure Chapter 28-106, F.A.C., or if it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect.

6. Rule 28-106.201, F.A.C., requires that initiation of administrative proceedings shall be made by written petition to the agency responsible for rendering final agency action. Rule 28-106.201(2), F.A.C., requires that a petition challenging agency action and requesting an administrative hearing must contain the following:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;

- (d) A statement of all disputed issues of material fact and, if none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating the action petitioner wishes the agency to take with respect to the agency's proposed action.

7. The Amended Petition failed to comply with paragraph (f) of Rule 28-106.201(2), F.A.C.

8. Section 120.569(2)(c), F.S., provides a petition for administrative hearing shall be dismissed if it is not in substantial compliance with the requirements set forth in Uniform Rules of Procedure Chapter 28-106, F.A.C., and that Petitioners are entitled to at least one opportunity to file a timely amended petition curing the defects.

9. Pursuant to Section 120.569(2)(c), F.S., the Order provided Petitioners an opportunity to cure the defects in the Petition, which Petitioners attempted to do in submitting the Amended Petition.

10. The Amended Petition is not in substantial compliance with the requirements set forth in Chapter 28-106, F.A.C. Accordingly, pursuant to Section 120.569(2)(c), F.S., the Amended Petition shall be dismissed with prejudice.

STATEMENT OF THE ORDER

Based upon the foregoing, the Amended Petition is hereby dismissed with prejudice on the grounds that it is not in substantial compliance with the requirements of Section 120.569(2)(c), F.S. and Rule 28-106.201(2), F.A.C.

DONE AND ORDERED by the Governing Board of the Southwest Florida Water Management District this _____ day of January 2016.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: _____
Michael A. Babb, Chair

Attest: _____
Jeffrey M. Adams, Secretary

Filed this _____ day of
January 2016.

Deputy Agency Clerk

Copies furnished to:

Wilds Land Company, LLC
Attn: Marc Rutenberg
2611 Keystone Road, Suite B-4
Tarpon Springs, FL 34688

Robert E. Van Worp
3001 Hawks Landing Blvd.
Palm Harbor, FL 34685

Michael and Betsy Heard
5875 Hawks Corner
Palm Harbor, FL 34685

Margaret and Robert Omar
2855 Hawks Landing Blvd.
Palm Harbor, FL 34685

Judson Van Worp
3001 Hawks Landing Blvd.
Palm Harbor, FL 34685

Robert Van Worp
3001 Hawks Landing Blvd.
Palm Harbor, FL 34685

John C. Landon, P.E.
Landon, Moree & Associates, Inc.
31622 US Highway 19 North
Palm Harbor, FL 34684

Kenneth and Rosemarie Monduori
2785 Hawks Landing Blvd.
Palm Harbor, FL 34685

Ron and Valarie Schroder
5884 Hawks Corner
Palm Harbor, FL 36485

Rafael and Idelfia Tejeda
2755 Hawks Landing Blvd.
Palm Harbor, FL 36485

Donald and Diane Smith
2899 Hawks Landing Blvd.
Palm Harbor, FL 34685

Joseph and Sarah Ryser
2960 Waters Edge Road
Palm Harbor, FL 34685

Barbara Spath
3279 Roxmere Drive
Palm Harbor, FL 34685

Samuel Harmon
3110 Roxmere Drive
Palm Harbor, FL 34685

Darlene Fett
3102 Roxmere Drive
Palm Harbor, FL 34685

Gordan and Caren Dore
2615 Hawks Landing Blvd.
Palm Harbor, FL 34685

Shilp and Dashan Patel
2877 Hawks Landing Blvd.
Palm Harbor, FL 34685

Les and Darlene Mofatt
2610 Hawks Landing Blvd.
Palm Harbor, FL 34685

Adrienne E. Vining
Senior Attorney
Office of General Counsel
Southwest Florida Water Management
District
7601 US 301 North
Tampa, FL 33637-6759

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

KENNETH MONDUORI, ROSEMARIE
MONDUORI, RON SCHRODER,
VALARIE SCHRODER, RAFAEL
TEJEDA, IDELFIA TEJEDA, DONALD
SMITH, DIANE SMITH, JOSEPH
RYSER, SARAH RYSER, BARABARA
SPATH, SAMUEL HARMON,
DARLENE FETT, MICHAEL HEARD,
BETSY HEARD, MARGARET OMAR,
ROBERT OMAR, GORDAN DORE,
CAREN DORE, SHILP PATEL,
DASHAN PATEL, LES MOFFATT, AND
DARLENE MOFFATT,

Petitioners,

App. ID No. 702310
ERP No. 43041612.001

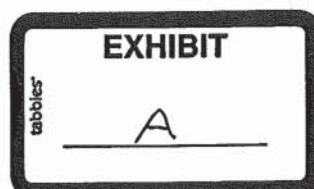
v.

WILDS LAND COMPANY, LLC AND
SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,

Respondent.

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER came before the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ("District") upon the filing of a petition ("Petition") by the above-named Petitioners ("Petitioners") concerning the District's Notice of Final Agency Action approving Environmental Resource Permit ("ERP") Application No. 702310 ("Application") to Wilds Land Company, LLC ("Permittee"). The District hereby finds, concludes and orders as follows:



FINDINGS OF FACT

1. On November 13, 2015, the District issued a Notice of Final Agency Action for approval of the Application to Permittee, authorizing the construction of a stormwater management system serving a 17-lot single family subdivision known as Wilds at Hawks Landing ("Project") in Pinellas County. The stormwater system will consist of three interconnected ponds that will provide water quality treatment and attenuation. Wetland mitigation is not required for this Project.

2. On December 3, 2015, the District received a timely Petition regarding the Application from Petitioners. The Petition was submitted via facsimile. A copy of the Petition is attached hereto as Exhibit "A."

CONCLUSIONS OF LAW

3. Section 120.569(2)(c), Florida Statutes ("F.S."), requires that a petition include the items required by Chapter 28-106, Florida Administrative code ("F.A.C."). Section 120.569(2)(c), F.S., also specifies that a petition shall be dismissed if it is not in substantial compliance with these requirements. Dismissal of a petition occurs, at least once, without prejudice to the petitioner allowing the petitioner to file a timely amended petition, curing the defects.

4. Rule 28-106.201, F.A.C., requires that initiation of administrative proceedings shall be made by written petition to the agency responsible for rendering final agency action. Rule 28-106.201(2), F.A.C., requires that a petition challenging agency action and requesting an administrative hearing must contain the following:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;

- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact and, if none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating the action petitioner wishes the agency to take with respect to the agency's proposed action.

5. The Petition fails to comply with paragraphs (b), (d), (e), and (f) of Rule 28-106.201(2), F.A.C. Further, the relief requested in the Petition pursuant to paragraph (g) of Rule 28-106.201(2), F.A.C., specifically requesting that the District conduct additional research concerning the Project, is not the type of relief available to Petitioners through this process. Instead, the Petitioners shall provide a statement of the relief sought stating precisely how the agency shall modify the Application or stating reversal of the Application is requested.

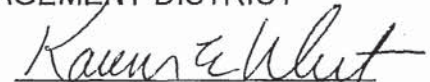
STATEMENT OF THE ORDER

Based upon the foregoing, the Petition is hereby dismissed without prejudice on the grounds that it is not in substantial compliance with the requirements of Section 120.569(2)(c), F.S., and Rule 28-106.201(2), F.A.C. Petitioners are granted leave to file an amended petition curing the noted defects within 14 days of the date of entry of this Order. If a timely and sufficient amended petition is filed, the amended petition will be referred to the Division of Administrative Hearings. If no amended petition is filed, a final order dismissing the Petition with prejudice will be entered by the undersigned. If an untimely or insufficient amended petition is filed, the District Governing Board may enter a final order dismissing the petition with prejudice.

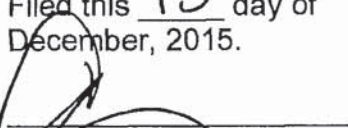
DONE AND ORDERED this 15th day of December, 2015.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By:


Karen West
General Counsel

Filed this 15th day of
December, 2015.


Deputy Agency Clerk

Copies furnished to:

Wilds Land Company, LLC
Attn: Marc Rutenberg
2611 Keystone Road, Suite B-4
Tarpon Springs, FL 34688

Kenneth and Rosemarie Monduori
2785 Hawks Landing Blvd.
Palm Harbor, FL 34685

Ron and Valarie Schroder
5884 Hawks Corner
Palm Harbor, FL 34685

Rafael and Idelfia Tejeda
2755 Hawks Landing Blvd.
Palm Harbor, FL 34685

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Shilp and Dashan Patel
2877 Hawks Landing Blvd.
Palm Harbor, FL 34685

Les and Darlene Mofatt
2610 Hawks Landing Blvd.
Palm Harbor, FL 34685

Jessica Stephans
Adrienne Vining
Office of General Counsel
Southwest Florida Water Management
District
7601 US 301 North
Tampa, FL 33637

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P 1/6

Petition Filed on December 3, 2015

RECEIVED

DEC 03 2015

OFFICE OF
GENERAL COUNSEL**(a) To Agency:** Southwest Florida Water Management DistrictTampa Service Office
7601 Highway 301 North, Tampa, Florida 33637 -6759**Project Name:** Wilds at Hawks Landing**App ID / Permit No.** 702310 /43041612-001**County:** Pinellas ``Sec/TWP/Rge: S35/T27S/R/ 16E**(a) To Agency :** U.S. Army Corp of Engineers

Tampa Permits Section

10117 Princess Palm, Suite 120, Tampa, Florida 33610

(b) Petitioner: Kenneth & Rosemarie Monduori

2785 Haws Landing Blvd. Palm Harbor, Florida 34685

Tel. 727 458-2583

Email: kmunduori@yahoo.com**Petitioner:** Ron & Valarie Schroder HOA of Hawks Land . Secertery

5884 Hawks Corner , Palm Harbor, Florida 36485

Tel. 727 386-8440

Email: himay10anc@gmail.com**Petitioner:** Rafael & Idelfin Tejeda

2755 Hawks Landing Blve. , Palm Harbor, Florida 34685

Tel: 727 385-6076

Email: rafaelt@verizon.net

EXHIBIT

A

Page 1 of 6

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P 2/6

Petitioner: Donald & Diane Smith

2899 Hawks Landing Blvd, Palm Harbor, Florida 34685

Tel: 727 474-5516

Email: djsmith222@aol.com**Petitioner:** Joseph & Sarah Ryser

2960 Waters Edge Road., Palm Harbor, FL 34685

Tel: 727 223-9043

Email: joeryser@batt.net**Petitioner:** Barbara Spath -- VP of HOA for Glenridge East

3279 Roxmere Drive, Palm Harbor, Florida 34685

Tel: 727 787-7201

Email: brspath@gmail.com**Petitioner:** Samuel Harmon -- President of HOA for Glenridge East

3110 Roxmere Drive, Palm Harbor, Florida 34685

Tel: 727 282-8197

Email: harmonsrus@yahoo.com**Petitioner:** Darlene Fett -- Secretary of HOA for GlenRidge East

3102 Roxmere Drive Palm Harbor, FL 34685

Tel: 727 812-7038

Email: jdfett80@tampabay.rr.com

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P 3/6

Packet Pg. 88

Petitioner: Michael & Betsy Heard

5875 Hawks Corner , Palm Harbor, Florida 34685

Email: betsymorganandherd.com

Petitioner: Margaret & Robert Omar

2855 Hawks Landing Blvd. , Palm Harbor Florida 34685

Tel: 727 786-1946

Email: margaretomar@hotmail.com

Petitioner: Gordan & Caren Dore

2615 Hawks Landing Blvd. ,Palm Harbor, Florida 34685

Tel: 727 458-4549

Email: gedore@gmail.com

Petitioner: Shilp & Dashan Patel

2877 Hawks Landing Blvd, Plam Harbor, Florida 34685

Tel: 727 266-4088

Email: darshanypatel@hotmail.com

Petitioner: Les & Darlene Moffatt

2610 Hawks Landing Blvd, palm Harbor, FL 34685

Tel: 727 772-9104

Email: lmoffatt@tampabay.rr.com

Additional Petitioner's can be supplied upon request.

Page 3 of 6

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P 4/6

(c) As residents of Hawks Landing together with the communities of Glenridge East, and Ridgemoor have been following the application process for the Wilds development which is being considered on the VanWorp property at 3001 Hawks Landing Blvd. The developer and their engineers have struggled with getting approval for building 21 homes which has now been reduced to 17 homes on a 20 acre parcel of land that is more than 1/3 wetlands.

The parcel is primarily woods made up of very mature pine and long leaf trees that contribute handsomely to water absorption during our wet periods. The project fundamentally calls for the elimination of most of the mature tree growth and elevating the parcel some 4-6 feet by the addition of fill dirt. This elevation activity will greatly exacerbate the already extreme water drainage and run off through the Brooker Creek Preserve. This drainage flows from the northeast boundary of Pinellas County to the southwest. The flow goes directly through Hawks Landing/ Glenridge East and then into the neighborhoods of Tarpon Woods. The residents on Glenridge East border this land to the north and currently suffer with runoff from the VanWorp parcel.

The records show the extreme flooding damage this has done to the neighborhoods mentioned. With multiple attempts by the County to do proper remediation. The most recent attempt was in 2013. The heavier rainfall this year (2015) has also demonstrated that this remediation was less than successful.

Our understanding over the 3 years this plan has been in progress was that three government Agencies would determine the feasibility of the development, and viability of the plan as it relates To the ecological impacts both to the Brooker Creek Preserve as well as the impact to the neighboring communities. These agencies were to be SWFWMD, Pinellas County's Development Review Department and the Army Corps of Engineers. Watching the developers several failures to

Page 4 of 6

2015-12-03 09:16

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P 5/6

convince the first of these agencies of the feasibility of their plan, we were all grateful for the logic, and wisdom of those passing judgment as well as the circumspect involvement of those in leadership positions. This year was very much the same as 2012/2013 & 2014 in terms of rainfall and water runoff. It was the first such year since the Swift Mud involvement of the developers plan evaluation, it had an overwhelming effect on our communities and we have the photographed evidence. It was very gratifying that the Swift Mud/County leadership came to evaluate the results and they were a part of our photographic display.

Standing water around our homes (17" deep), erosion of our water runoff area to the extreme of causing Mature 30" trees to fall as well as the demonstration of major flooding again in the Tarpon Woods neighborhood that resembled the pre-remediation condition.

It is this set of facts that cause our neighborhood to question how any logical driven unbiased Organization could come to a conclusion to approve the Wilds project.

It appears to us, who live with this flooding coming into the vicinity of our lanai areas, that someone has miscalculated the expected ramifications of the developers plan. What was evidenced two out of the last four years in our communities with regard to water drainage is without the "Wilds" development. With the Wilds they will remove the mature woods, elevate the land 4" - 6" and pave over huge amounts of water absorbing sandy soil resulted in magnified runoff exposure.

If this project the "Wilds" passes it will cause a hardship to all of the home owners of Hawks Landing and Glenridge East as we will now be forced with the burden to purchase Flood Insurance for our homes. We are requesting additional investigation and research the water runoff of this project.

Page 5 of 6

2015-12-03 09:16

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P 6/6

- (d) This petition was received to me on November 15th thru the SWFWMD Web site.
- (e) As we stated in © we have many concerns to request additional research on this highly sensitive environmental area. We feel this will only impact the already water runoff issue's we have in this area.
- (f) We the home owners of Hawks Landing and Glenridge East feel the water issue is not resolved nor addressed in the modeling current approved by SWFWMD , with the filling of two ponds and the vacate of wetlands can , and will not support the proper drainage to protect the homeowners of these two subdivision.
- (g) We believe additional research must be done to assure the homeowners of Hawks Landing and Glenridge East that the approval of SWFWMD will not cause hardship upon the home owners and have them to purchase flood insurance and cause major and even destroy their property by a flood due to the project the Wilds
- (h) Pictures and statements can be supplied upon request for the past few years.

Page 6 of 6



15-12-29 08:53

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P 1/8

Packet Pg. 92

Petition Filed on December 29, 2015

2nd Petition Filed(A) To Agency: Southwest Florida Water Management District

Tampa Service Office

7601 Highway 301 North, Tampa, Florida 33637 -6759

Project Name: Wilds at Hawks Landing

App ID / Permit No. 702310 ERP No. 43041612.001

County: Pinellas''Sec/TWP/Rge: S35/T27S/R/ 16E

(A) To Agency : U.S. Army Corp of Engineers

Tampa Permits Section

10117 Princess Palm, Suite 120, Tampa, Florida 33610

Explanation why each Petitioner below holds a interest and concern in the Wilds project.

The below Petitioner's live in the boarding areas of the Wilds project to the South and to the North.

This project will cause much hardship as the home owners know the current issue with the draining and flooding which exist during a normal rain event each year and will now need to purchase flood insurance to protect their homes. We the home owners are filing this petition for a hearing as we will be affected by the agency determination..

(B) Petitioner's: Kenneth & Rosemarie Monduori

2785 Haws Landing Blvd. Palm Harbor, Florida 34685

Tel. 727 458-2583

Email: kmunduori@yahoo.com

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2015-12-29 08:53

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P 2/8

Petitioner: Ron & Valarie Schroder - HOA of Hawks Land , Secretary

5884 Hawks Corner , Palm Harbor, Florida 36485

Tel. 727 386-8440

Email: hlmay10apc@gmail.com

Petitioner: Rafael & Idelfia Tejeda

2755 Hawks Landing Blvd. , Palm Harbor, Florida 34685

Tel: 727 385-6076

Email: rafaelt@verizon.net

Petitioner: Robert & Evelyn Panzanaro

2777 Hawks Landing Blvd. Palm Harbor, Florida 34685

Tel: 727 786-1946

Email: bobpanz63@gmail.com

Petitioner: Donald & Diane Smith

2899 Hawks Landing Blvd, Palm Harbor, Florida 34685

Tel: 727 474-5516

Email: djsmith222@aol.com

Petitioner: Joseph & Sarah Ryser

2960 Waters Edge Road., Palm Harbor, Fl 34685

Tel: 727 223-9043

Email: joeryser@aol.net

2015-12-29 08:53

carrolwood mortgage 8139605397 >>

P 3/8

Packet Pg. 94

Petitioner: Barbara Spath – VP of HOA for Glenridge East
3279 Roxmere Drive , Palm Harbor, Florida 34685

Tel: 727 787-7201

Email: brspath@gmail.com

Petitioner: Samuel Harmon – President of HOA for Glenridge East
3110 Roxmere Drive, Palm Harbor , Florida 34685

Tel: 727 282-8197

Email: harmonsrus@yahoo.com

Petitioner: Darlene Felt – Secertary of HOA for GlenRidge East
3102 Roxmere Drive Palm Harbor, FL 34685

Tel: 727 812-7038

Email: jdfelt80@tampabay.rr.com

Petitioner: Michael & Betsy Herd
5875 Hawks Corner , Palm Harbor, Florida 34685

Email: betsymorganandherd.com

Petitioner: Margaret & Robert Omar
2855 Hawks Landing Blvd. , Palm Harbor Florida 34685

Tel: 727 786-1946

Email: margaretomar@hotmail.com

2015-12-29 08:53

carrolwood mortgage 8139605397 >>

P 4/8

Packet Pg. 95

Petitioner: Gordan & Caren Dore

2615 Hawks Landing Blvd. ,Palm Harbor, florida 34685

Tel: 727 458-4549

Email: gedore@gmail.com

Petitioner: Christiaan & Elga Lohler

2935 Hawks Landing Blvd. Palm Harbor Florida 34685

Tel: 727 277-6755

Email: lohler@aol.com

Petitioner: Shilp & Dashan Patel

2877 Hawks Landing Blvd. Plam Harbor, Florida 34685

Tel: 727 266-4088

Email: darshanvpatel@hotmail.com

Petitioner: Dan & Olga Boudreau

5892 Hawks Corner, Plam Harbor, Florida 34685

Tel: 727 789-3292

Email: danielboudreau1618@gmail.com

Petitioner: Les & Darlene Moffatt

2610 Hawks Landing Blvd, palm Harbor, Fl 34685

Tel: 727 772-9104

Email: lmoffatt@tampabay.rr.com

Note : Additional Petitioner's can be supplied upon request.

2015-12-29 08:53

carrolwood mortgage 8139605397 >>

P 5/8

Packet Pg. 96

(C) The Petitioner received notice thru the SWI'WMD web site on November 15, 2015

(D) **This is a statement of all disputed issues of material and fact's .** As residents of Hawks Landing together with the communities of Glenridge East, and Ridgemoor have been following the application process for the Wilds development which is being considered on the VanWorp property at 3001 Hawks Landing Blvd. The developer and their engineers have struggled with getting approval for building 21 homes which has now been reduced to 17 homes on a 20 acre parcel of land that is more than 1/3 wetlands.

The parcel is primarily woods made up of very mature pine and long leaf trees that contribute handsomely to water absorption during our wet periods. The project fundamentally calls for the elimination of most of the mature tree growth and elevating the parcel some 4-6 feet by the addition of fill dirt. This elevation activity will greatly exacerbate the already extreme water drainage and run off through the Brooker Creek Preserve. This drainage flows from the northeast boundary of Pinellas County to the southwest. The flow goes directly through Hawks Landing/ Glenridge East and then into the neighborhoods of Tarpon Woods. The residents on Glenridge East border this land to the north and currently suffer with runoff from the VanWorp parcel.

The records show the extreme flooding damage this has done to the neighborhoods mentioned With multiple attempts by the County to do proper remediation. The most recent attempt was in 2013. The heavier rainfall this year (2015) has also demonstrated that this remediation was less than successful.

2015-12-29 08:54

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P 6/8

Our understanding over the 3 years this plan has been in progress was that three government Agencies would determine the feasibility of the development, and viability of the plan as it relates To the ecological impacts both to the Brooker Creek Preserve as well as the impact to the neighboring communities. These agencies were to be SWFWMD, Pinellas County's Development Review Department and the Army Corps of Engineers. Watching the developers several failures to convince the first of these agencies of the feasibility of their plan, we were all grateful for the logic, and wisdom of those passing judgment as well as the circumspect involvement of those in leadership positions. This year was very much the same as 2012/2013 & 2014 in terms of rainfall and water runoff. It was the first such year since the Swift Mud involvement of the developers plan evaluation, it had an overwhelming effect on our communities and we have the photographed evidence. It was very gratifying that the Swift Mud/County leadership came to evaluate the results and they were a part of our photographic display.

Standing water around our homes (17" deep), erosion of our water runoff area to the extreme of causing Mature 30" trees to fail as well as the demonstration of major flooding again in the Tarpon Woods neighborhood that resembled the pre-remediation condition.

It is this set of facts that cause our neighborhood to question how any logical driven unbiased Organization could come to a conclusion to approve the Wilds project.

It appears to us, who live with this flooding coming into the vicinity of our lanai areas, that someone has miscalculated the expected ramifications of the developers plan. What was evidenced two out of the last four years in our communities with regard to water drainage is without the "Wilds" development.

2015-12-29 08:54

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P 7/8

With the Wilds they will remove the mature woods, elevate the land 4"- 6" and pave over huge amounts of water absorbing sandy soil resulted in magnified runoff exposure.

If this project the "Wilds" passes it will cause a hardship to all of the home owners of Hawks Landing and Glenridge East as we will now be forced with the burden to purchase Flood Insurance for our homes. We are requesting additional investigation and research the water runoff of this project.

As we stated in with the judgment of the Wilds project of additional land fill and inner structure of raising the property to a elevation of 21' from 16' and the removal of trees and wet lands without the Permit of the Army Core full review and approval. We are disputing the SWFMUD filing the approval based on their findings alone.

(E) We the home owners of Hawks Landing and Glenridge East feel the water issue is not resolved nor addressed in the modeling current approved by SWFWMD , with the filling of two ponds and the vacate of wetlands can , and will not support the proper drainage to protect the homeowners of these two subdivision. As this plan has not been approved by Army Core or Pinellas County.

(F) We believe additional research must be done to assure the homeowners of Hawks Landing and Glenridge East that the approval of SWFWMD will not cause hardship upon the home owners and have them to purchase flood insurance and cause major and even destroy their property by a flood due to the project the Wilds. This is a request for a reversal or modification of the agency's for future review of the Wilds project.

(G) We the Petition's wish the relief to the Agency to take with respect to additional full review with the other Agency's IE Army Core and Pinellas County as we Petition's oppose this action of approval by SWFMUD.

2015-12-29 08:54

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Pictures and statements can be supplied upon request for the past few years or check
recorded email and prior pictures.

If all of the above request for a administrative hearing is not in the correct format or does not meet
the in the Rules 28-106.201 and 28-106.301 F.A.C. by the Agency, then we would like to request a 30
day extension until we can obtain proper review by attorney of law.

EXECUTIVE DIRECTOR'S REPORT

January 19, 2016

Consent Agenda

Approve Governing Board Meeting Minutes - December 15, 2015

Staff Recommendation:

Presenter: Robert R. Beltran, P.E., Executive Director

MINUTES OF THE MEETING
GOVERNING BOARD
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

DECEMBER 15, 2015

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m. on December 15, 2015, at the District's Tampa Service Office. The following persons were present:

Board Members Present

Michael A. Babb, Chair
Randall S. Maggard, Vice Chair
Jeff Adams, Secretary
David W. Dunbar, Treasurer
H. Paul Senft, Member
George Mann, Member
Wendy Griffin, Member
Bryan Beswick, Member
Michael A. Moran, Member
Ed Armstrong, Member
Kelly Rice, Member
John Henslick, Member

Board Members Absent

Tommy Bronson, Member

Staff Members

Robert R. Beltran, Executive Director
Brian Armstrong, Assistant Executive Director
David T. Rathke, Chief of Staff
Karen West, General Counsel
Kurt Fritsch, Inspector General
John J. Campbell, Division Director
Ken Frink, Division Director
Mark A. Hammond, Division Director
Alba E. Más, Division Director

Board's Administrative Support

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

A list of others present 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 Web site (www.WaterMatters.org).

PUBLIC HEARING (Audio – 00:00)

1. Call to Order

Chair Michael Babb called the meeting to order and opened the public hearing. Secretary Adams stated a quorum was present.

2. Invocation and Pledge of Allegiance

Chair Babb offered the invocation. Chair Babb led the Pledge of Allegiance to the Flag of the United States of America.

Chair Babb 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 Babb 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 Babb stated that comments would be limited to

Attachment: GB-12152015 - draft (2248 : Approve Governing Board Meeting Minutes - December 15, 2015)

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 Babb recognized employees who have reached at least 20 years in service with the District and thanked them for their service. This item was provided for the Board's information, and no action was required. Mr. Junior Beatty, Ms. Carol Lynch, Ms. Dianna Brass, Ms. Gwen Brown and Ms. Margie Hagin were recognized.

4. Additions/Deletions to Agenda

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer.

Mr. Beltran, Executive Director, deleted the following items from the agenda:

Consent Agenda

Resource Management Committee

8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Crews Lake in Pasco County (P256)

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

42. Escrow Agreement Notification - Mabry Carlton Ranch, Inc., SWF Parcel Nos. 21-694-102 and 21-694-103C

Chair Babb 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 00:6:35)

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

Chair Babb noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda. There were 12 *Request to Speak* cards submitted.

Karen West, General Counsel, cautioned the Board Members on discussion of this item due to the potential challenge to the permit.

Mr. Chet Joyner, resident, spoke in opposition of the Morris Bridge Sink Project.

Mr. Phil Compton, Friends of the River, spoke in opposition of the Morris Bridge Sink Project.

Mr. Rick Brown, Friends of the River, spoke in opposition of the Morris Bridge Sink Project.

Mr. Ken Bailey, Sierra Club, spoke in opposition of the Morris Bridge Sink Project.

Mr. Martin Kelly, resident, spoke in favor of the Morris Bridge Sink Project.

Mr. Rick Tschantz, Hillsborough County Environmental Protection Commission, spoke in opposition of the Morris Bridge Sink Project.

Ms. Janet Dougherty, Hillsborough County Environmental Protection Commission, spoke in opposition of the Morris Bridge Sink Project.

Mr. Brad Baird, City of Tampa, spoke in favor of the Morris Bridge Sink Project.

Mr. Sid Flannery, resident, spoke in opposition of the Morris Bridge Sink Project.

Mr. John Ovink, Friends of the River, spoke in opposition of the Morris Bridge Sink Project.

Ms. Carol Dell, resident, spoke in opposition of the Morris Bridge Sink Project.

Mr. Warren Hogg, spoke in favor of the Morris Bridge Sink Project.

CONSENT AGENDA

Chair Babb asked that before the Board considers action on the Consent Agenda whether there is anyone in the audience who wishes to address the Board regarding an item listed on the Consent Agenda.

Chair Babb stated he received no *Request to Speak* cards for any agenda items.

Regulation Committee

6. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20006968.008 - James D. Brewer & Robert C. Brewer / Lee Branch (DeSoto County)

Staff recommended the Board approve the proposed permit.

Operations, Lands and Resource Monitoring Committee - None

Resource Management Committee

7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lakes Buddy and Pasadena in Pasco County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Lakes Buddy and Pasadena in Pasco County, Florida," dated October 12, 2015.
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously adopted minimum and guidance levels with the proposed minimum and guidance levels for Lakes Buddy and Pasadena in Pasco County as shown in the Exhibit A.

8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Crews Lake in Pasco County (P256)

Staff recommended the Board:

- A. Accept a report entitled, "Proposed Minimum and Guidance Levels for Crews Lake in Pasco County, Florida", dated November 30, 2015.
- B. Authorize staff to make any necessary minor clarifying edits to the report or rule language that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously adopted Guidance levels and to add new Guidance and Minimum Levels for Crews Lake in Pasco County as shown in the exhibit.

9. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lake Clinch in Polk County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Lake Clinch in Polk County, Florida," dated December 2, 2015.
- B. Authorize staff to make any necessary minor clarifying edits to the report and rule language that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously adopted minimum and guidance levels with the proposed minimum and guidance levels for Lake Clinch in Polk County as shown in the Exhibit A.

10. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Lake Wailes in Polk County (P256)

Staff recommended the Board:

- A. Accept a report entitled, "Proposed Minimum and Guidance Levels for Lake Wailes in Polk County, Florida", dated November 15, 2015.
- B. Authorize staff to make any necessary minor clarifying edits to the report and rule language that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously adopted Minimum Levels, add Guidance Levels and change the name used for Lake Wailes in Polk County as shown in the Exhibit.

11. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lake Starr in Polk County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Lake Starr in Polk County, Florida" dated December 1, 2015.
- B. Authorize staff to make any necessary clarifying edits to the report or rule language that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Lake Starr in Polk County as shown in the Exhibit.

12. Authorize Submission of Preliminary Flood Insurance Rate Maps for the East Citrus Withlacoochee River Watershed Management Plan in Citrus County to the Federal Emergency Management Agency (N090)

Staff recommended the Board authorize submittal of the preliminary FIRMs for the East Citrus Withlacoochee River watershed in Citrus County to FEMA.

13. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Lake Stafford East, Priest Prairie Drain, and West Marion Watersheds in Marion County to the Federal Emergency Management Agency (N290/N313/N367)

Staff recommended the Board authorize submittal of the preliminary FIRMs for the Lake Stafford East, Priest Prairie Drain, and West Marion watersheds in Marion County to FEMA.

14. Stormwater Improvements - Water Quality - Marion County - Rainbow River NW 119 Ave. Stormwater Retrofit- Scope Change (WR02)

Staff recommended the Board approve to revise the project description from construction of a wet detention system to construction of a dry detention system and revise the measurable benefit of total nitrogen removal from 29 lbs/yr to 24 lbs/yr.

15. Implementation of BMPs Within the Sunset Beach Watershed-Phase VI (N674)

Staff recommended the Board approve revision to the resource benefit of the Phase VI project to remove an estimated 44 lbs/year of Total Nitrogen, 5 lbs/year of Total Phosphorus and 1,360 lbs/year of Total Suspended Solids.

16. Mobbly Bayou Wilderness Preserve FDOT Mitigation Site Phase 2 – Project Lead Change (D052)

Staff recommended the Board approve to change the project lead agency from Pinellas County to the District for the construction and maintenance portion of the Mobbly Bayou Wilderness Preserve FDOT Mitigation project.

17. SWIM - Conservation Easements for Restoration Projects, SWF Parcel No. 21-130-104C, MLK Park Low Impact Design and Wetland Restoration, (W323) and SWF Parcel No. 13-130-102C, Ulele Spring Restoration (W356) City of Tampa

Staff recommended the Board accept the conservation easements for SWF Parcel No. 21-130-104C, MLK Park Low Impact Design and Wetland Restoration and SWF Parcel No. 13-130-102C, Ulele Spring Restoration Project.

Finance/Outreach & Planning Committee

18. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for November 2015.

General Counsel's Report

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

- None

20. Rulemaking - None

Executive Director's Report

21. Approve Governing Board Meeting Minutes - November 17, 2015

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. Motion carried unanimously. (Audio 00:50:47)

Chair Babb relinquished the gavel to the Finance/Outreach Planning Committee Chair Dunbar who called the Committee meeting to order. (Audio – 00:50:58)

Finance/Outreach & Planning Committee

Discussion

22. Consent Item(s) Moved for Discussion - None

23. Legislative Update

Ms. Colleen Thayer, Public Affairs Bureau Chief, provided an update on the Governor's Florida First Budget. The budget totals 79.3 billion dollars, this is an increase from 78.4 billion dollars in 2015. This includes one billion dollars in tax cuts. The environmental budget totals 3.5 billion dollars. This includes general revenue and trust fund dollars. Ms. Thayer presented a breakdown of the environmental budget. She emphasized that recurring funds for land management budgeted for water management districts of approximately 12 million dollars are in the 2016 budget.

Board Member Senft asked if any of the 30 million dollars for water supply has been earmarked for any specific projects. Ms. Thayer responded in the negative.

This item is provided for information only.

24. Investment Advisors Contract Renewal Options

Ms. Linda Howard, Finance Bureau Chief, provided a presentation on the investment advisors contract renewal options. She provided a history of how investments were handled prior to 2013. Since 2013, the District has had two advisors, one is Public Trust Advisors who manages the short term investments and PFM Asset Management who manages the long term investments. Ms. Howard provided a background on each company. The Public Trust Advisors contract will end on July 1, 2016. The PFM Asset Management contract will end July 24, 2016.

Ms. Howard provided a short-term and long-term pricing comparison for the District versus other municipalities.

Ms. Howard clarified that the Board needs to determine: the number of investment firms the District would like to contract with; does the District want to renew with the current investment firms; does the District want to “piggy back” with a comparable contract with other governmental entities; or rebid the contract.

Finance Chair Dunbar explained this is for a three year contract. Discussion ensued. Board Member Moran asked about the determination of going with a three year contract. Ms. Howard responded it is a standard term recommendation. There are exit clauses included in the contract. Discussion ensued.

Board Member Senft asked if there is information on the rate of return for the other water management districts. Ms. Howard responded she did not have an update. Discussion ensued which specifically addressed the option of “piggy backing”. Finance Chair Dunbar asked that staff review the contracts that the District could “piggy back” on and present the information to the Board in January.

Staff requested the Governing Board provide direction as to which option to pursue.

A motion was made to use a single provider. The motion was seconded. Motion carried unanimously. (Audio 01:17:50)

25. Preliminary Fiscal Year 2016-17 Budget

Mr. John Campbell, Management Services Bureau Chief, presented the preliminary Fiscal Year 2016-17 budget. This presentation included: a time line; expenditure goals and outcomes; expenditures by category; comparison of FY2015-16 adopted budgets versus the FY2016-17 preliminary budget by categories and programs; overview of revenue budget and sources; projected available reserves; cooperative funding; and long-term funding plan.

Staff recommended the Board approve the January 15, 2016 submittal of the *FY2016-17 Preliminary Budget Submission* report to the Florida Legislature.

A motion was made and seconded to approve staff’s recommendation. Motion carried unanimously. (Audio 01:38:53)

Submit & File Reports - None

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

30. Development of Regional Impact Activity Report

31. Significant Activities Report

Treasurer Dunbar relinquished the gavel to the Resource Management Committee Chair Senft who called the Committee meeting to order. (Audio – 01:40:33)

Resource Management Committee

Discussion

32. Consent Item(s) Moved for Discussion - None

33. Fiscal Year 2016-17 Cooperative Funding Process

Mr. Jay Hoecker, Project Manager, provided a presentation on the FY2016-17 Cooperative Funding Process. This presentation included: overview of cooperative funding process schedule; summary of cooperative funding applications received; summary of the Florida Department of Protection (FDEP) springs applications received; project evaluation criteria; the meeting schedule and proposed topics to be discussed.

Mr. Hoecker provided an overview that displayed a comparison of cooperative funding requests from fiscal year 2011 through 2017. He also provided a breakdown by region.

Staff recommended the Board approve the proposed February and April subcommittee meeting schedule and agenda topics staff has proposed for the February regional subcommittee meetings. See Regional Application Booklets at <http://www.swfwmd.state.fl.us/business/coopfunding/>

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:47:44)

Submit & File Reports

34. Status of the Southern Water Use Caution Area Recovery Strategy

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 Senft adjourned the meeting and relinquished the gavel to Regulation Committee Chair Moran who called the Regulation Committee meeting to order. (Audio 01:49:18)

Regulation Committee

Discussion

37. Consent Item(s) Moved for Discussion - None

38. Denials Referred to the Governing Board

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

Submit & File Reports – None

Routine Reports

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

39. Overpumpage Report - December 2015

40. Individual Permits Issued by District Staff - December 2015

Regulation Committee Chair Moran relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard who called the Committee meeting to order.
(Audio – 01:49:38)

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

41. Consent Item(s) Moved for Discussion - None

42. Escrow Agreement Notification – Mabry Carlton Ranch, Inc., SWF Parcel Nos. 21-694-102 and 21-694-103C

~~Staff recommended the Board proceed in accordance with the decision made by Sarasota County Board of County Commissioners regarding the Escrow Agreement with Mabry Carlton Ranch, Inc.~~

43. Hydrologic Conditions Report

Mr. Granville Kinsman, Hydrologic Data Manager, provided a presentation on the hydrologic conditions report.

There is a decline in overall trends due to lack of rainfall. Most of the rain received has occurred in the southern part of the District. Groundwater in northern, central and southern counties is considered above normal. Lake levels in the District are considered to be in the normal range. The reservoirs in the District are considered full.

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.

Submit & File Reports

44. Surplus Lands Biennial Assessment Quarterly Update

The Board was provided with a written report.

Routine Reports

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

45. Structure Operations

46. Significant Activities

Committee Chair Maggard adjourned the Committee meeting. (Audio – 01:54:23)

General Counsel's Discussion

Discussion

47. Consent Item(s) Moved for Discussion – None

Ms. Karen West, General Counsel, provided the Board with an update on the final order mediation in the case of McClash, et al versus land trust and the District. An impasse has been filed and the appeal will proceed.

Ms. West also provided an update on a hearing related to the Skyway Gun Club versus the District. She stated arbitration, as originally ordered, the second complaint is allowed to proceed. A two day hearing has been scheduled for January.

Submit & File Reports - None

Routine Reports

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

48. December 2015 - Litigation Report

49. December 2015 - Rulemaking Update

Committee/Liaison Reports

50. Agricultural & Green Industry Advisory Committee

The Board Members were provided with a written summary.

51. Other Committee/Liaison Reports

Executive Director's Report

52. Executive Director's Report

Mr. Beltran, Executive Director, provided an update on the audit of the Sarasota Estuary Bay Program. He stated the District's Auditor General will have a report prepared by February for discussion.

53. Chair's Report

Chair Babb read a prepared statement outlining the criteria associated with the closed session that will begin at 11:00 a.m.

54. Other

None

55. Employee Milestones

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

11:00 A.M. TIME CERTAIN CLOSED DOOR ATTORNEY-CLIENT SESSIONS
V. PARSONS WATER AND INFRASTRUCTURE, INC.

The meeting was adjourned at 10:58.

Chair

Attest:

Secretary

**Governing Board Meeting
January 19, 2016**

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

23. Consent Item(s) Moved for Discussion

24. Peace River Manasota Regional Water Supply Authority Phase 1 Pipeline and Punta Gorda
RO Projects.....(30 minutes) ...111

Submit & File Reports

25. Five-Year Water Resource Development Work Program113

Routine Reports

26. Minimum Flows and Levels Status Report114

27. Significant Water Resource and Development Projects116

RESOURCE MANAGEMENT COMMITTEE

January 19, 2016

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Mark A. Hammond, P.E., Director, Resource Management

RESOURCE MANAGEMENT COMMITTEE

January 19, 2016

Discussion Item

Peace River Manasota Regional Water Supply Authority Phase 1 Pipeline and Punta Gorda RO Projects

Purpose

To request approval of the Peace River Manasota Regional Water Supply Authority (PRMWSA) Phase 1 Pipeline and Punta Gorda RO projects.

Background

At its July 21, 2014 meeting, the Governing Board approved District funding for design of the Peace River Manasota Water Supply Authority Phase 1 Interconnect. The Phase 1 Interconnect involves the construction of an approximately 6.3 mile pipeline to extend the Authority's DeSoto Transmission Main along US-17 southward to the City of Punta Gorda's Shell Creek Water Treatment Facility. The Board required the execution of any necessary contracts for the Authority to construct the Phase 1 Interconnect prior to the District executing an agreement to provide funding for the Phase 1 Interconnect.

During the last year, the Authority has worked to get the necessary contracts and funding in place for the Phase 1 Interconnect and is requesting Governing Board approval to allow the Authority to move forward with design and construction of the Phase 1 Interconnect. Construction costs are estimated at \$12 million; the PRMWSA has commitments of \$4 million from a State appropriation and \$2 million of funding from the City of Punta Gorda. Consistent with Board Policy 130-4, the State funding would "come off the top" resulting in \$8 million to be funded by the PRMWSA and District.

The PRMWSA is requesting the District consider the request as Rural Economic Development Initiative (REDI) and waive the typical 50 percent funding match requirements and fund the project at 75 percent funding, as is the District's practice with REDI projects. DeSoto County is a REDI community and the Phase 1 Interconnect provides a critical back up point of connection and supply to DeSoto County. Additionally, the PRMWSA is the exclusive provider for water for DeSoto County and therefore, is acting on behalf of the County. The PRMWSA is requesting the District provide \$6 million to be matched by the \$2 million the PRMWSA has committed from Punta Gorda for a total of \$8 million in District/PRMWSA funds. These funds combined with the State appropriation of \$4 million complete the \$12 million cost for construction. If costs come in under \$12 million, all savings would be used to reduce the District's contribution. Additionally, PRMWSA staff offered to work with its member governments to commit to investing up to \$6 million over the next 20 years in conservation and reuse related projects

Also, at its July 21, 2014 meeting, the Governing Board approved District funding for the Punta Gorda RO study. The Board required that any State funding be used consistent with the Board Policy and the execution of any necessary contracts for the Authority to construct the Phase 1 Interconnect prior to the District executing an agreement to provide funding for the Punta Gorda RO study. The City of Punta Gorda is requesting Governing Board approval of the Punta Gorda RO project, based on the commitments achieved associated with the Phase 1 Interconnect.

The Punta Gorda RO project involves the design and construction of a 4 million gallon per day (mgd) brackish groundwater RO facility located at the City's Shell Creek facility. The RO facility would include the brackish water wellfield, treatment, blending, and concentrate disposal facilities. Estimated costs for design and construction of the facilities are \$29.2 million. The RO study costs are estimated at \$3 million of which the District previously approved up to \$1.5 million in funding. The City is requesting the District fund 50 percent of the design and constructions costs or \$14.6 million. District funding would be contingent upon verified favorable results of the RO study; and in addition a third-party review of the 30 percent design for the RO facilities.

Benefits/Costs

The PRMRWSA Phase 1 Interconnect provides a critical back up connection and supply to DeSoto County and a "plant to plant" connection of the City of Punta Gorda's water supply facilities to the regional sytem. The Phase 1 Inteconnect estimated costs are \$12 million for design and construction with the State contributing \$4 million, Punta Gorda contributing \$2 million, and the District contributing \$6 million. Any additional State funding that the PRMRWSA receives for the Phase 1 Interconnect would come "off the top" consistent with Board Policy.

The Punta Gorda RO project provides 4 mgd of supply, interconnected to the regional system, and is estimated to cost \$32.2 million including \$3 million for the RO study. The District has budgeted \$1.5 million for the study and would need to approve funding of an additional \$14.6 million for a total of \$16.1 million. Any State funding that the City receives for the RO study and/or project would come "off the top" consistent with Board Policy.

Staff Recommendation:

- 1) Consider recognizing the PRMRWSA Phase 1 Interconnect as a REDI project and provide up to \$6 million for the project.
- 2) Approve funding the Punta Gorda RO project with the District contributing up to \$16.1 million;
- 3) Authorize the Assistant Executive Director to sign the agreements.

Presenter: Mark A. Hammond, P.E., Resource Management Division Director

RESOURCE MANAGEMENT COMMITTEE

January 19, 2016

Submit and File Report

Five-Year Water Resource Development Work Program

Purpose

To inform the Board of the Florida Department of Environmental Protection's (DEP) approval of the District's 2016 Five-Year Water Resource Development Work Program (Work Program).

Background/History

The District is required by Florida Statutes (Subsection 373.536(6)) to prepare a Work Program each year. This Work Program describes the District's implementation strategy for the water resource and water supply development components of the approved Regional Water Supply Plan (RWSP). The current Work Program covers the period from fiscal year (FY) 2016 through FY2020, and is a comprehensive discussion of the District's projects and activities intended to assist in making water resources available to meet demands. A draft of the Work Program must be submitted to DEP and specified state and local government officials within 30 days after adoption of the District's final budget. The Governing Board authorized the submittal of the draft Work Program at the September 29, 2015 meeting. District staff submitted the draft on October 2, 2015.

The DEP reviewed the draft Work Program and responded to the District in a letter received November 16, 2015. The letter states the DEP's approval of the proposed expenditures for water resource and water supply development, and the Work Program's consistency with the RWSP. No revisions to the Work Program were necessary. The next steps are for the DEP to prepare and submit a final evaluation report to the Governor, President of the Senate, and Speaker of the House of Representatives. The District's final Work Program will be resubmitted as part of the 2016 Consolidated Annual Report as required by Florida Statutes (Subsection 373.036(7)).

Staff Recommendation:

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

Presenter: Mark A. Hammond, P.E., Director, Resource Management Division

RESOURCE MANAGEMENT COMMITTEE**January 19, 2016*****Routine Report*****Minimum Flows and Levels Report**

Florida law (Section 373.042, Florida Statutes) requires the state water management districts or the Department of Environmental Protection (DEP) to establish minimum flows and levels (MFLs) for aquifers, surface watercourses, and other surface water bodies to identify the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. District staff continues to work on various phases of MFLs development for water bodies on the District's MFLs Priority List and Schedule. The following status reflects the work completed for MFLs scheduled for adoption or reevaluation during calendar years 2015 through 2024 as well as changes that have occurred since the last Governing Board meeting. This report is consistent with the 2016 Priority List approved by the Governing Board in October 2015 and submitted to the DEP in November 2015 for final review, and with the metric summaries submitted annually to the DEP.

Phase 1. (Data collection). No additional data collection activities were completed during the prior month. Data collection is complete for thirty-eight of the seventy-four systems scheduled for adoption/reevaluation in calendar years 2015 through 2024.

Phase 2. (Data analysis and draft MFLs report). No internal draft MFLs reports were completed during the prior month. Phase 2 activities are complete for seventeen of the seventy-four systems scheduled for adoption/reevaluation in calendar years 2015 through 2024.

Phase 3. (a. Presentation of draft MFLs to Governing Board, b. public meetings, peer review report and c. Governing Board acceptance of final report).

- a) No draft MFLs reports were presented to the Governing Board during the current reporting period. A total of six draft MFLs reports have been submitted to the Governing Board for the systems scheduled for adoption/reevaluation by 2024.
- b) No public meetings were held during the past month. Peer review and/or public meetings have been completed or deemed unnecessary for ten of the seventy-four systems scheduled for adoption/reevaluation by 2024.
- c) A final MFLs report for Crews Lake was submitted to the Board during the current reporting period. A total of ten systems scheduled for adoption/reevaluation from 2015 through 2024 have been completed and presented to the Governing Board.

Phase 4. (Development of Recovery Plan). No new recovery plans were developed during the prior month. Many of the lakes scheduled for reevaluation have existing recovery plans which will be assessed as part of the reevaluation process. For the seventy-four systems scheduled for adoption or reevaluation through 2024, two recovery strategies are in place that are applicable to four systems, nine systems do not need a recovery strategy, and it has not been determined if the remaining systems will be covered by an existing recovery strategy or require development of a new strategy.

Phase 5. (Governing Board Approval of MFLs Rule). MFLs rule amendments for five lakes (Buddy, Pasadena, Clinch, Starr and Wailes) were approved during the December meeting.

Item 26

MFLs rules have been adopted or reevaluated by the Governing Board for eight of the systems scheduled for adoption during calendar years 2015 through 2024.

Staff Recommendation:

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

Presenter: Yonas Ghile, Senior Environmental Scientist, Springs and Environmental Flows

RESOURCE MANAGEMENT COMMITTEE

January 19, 2016

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. For greater detail, refer to the Project Information Management System (PIMS) write-ups or request information directly from the project manager identified with the project.

Watershed Management Program/Federal Emergency Management Agency Map Modernization

The District initiated a partnership with the Federal Emergency Management Agency (FEMA) to modernize flood insurance rate maps (FIRMs) as part of its Watershed Management Program (WMP). Flood protection and floodplain information has been a priority at the District since the inception of the organization, and that priority was renewed following the El Niño weather event in 1997-1998. In addition to studies conducted by the District and others, information on floodplains (elevations) is available through the FEMA FIRMs. However, many of the existing maps do not accurately represent the flood-prone areas, either because the initial studies were technically limited or the maps are outdated due to significant land use changes. Accurate floodplain information is vital to local government planning and zoning, and to the District's regulatory program and the land owners. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local governments' understanding of their flood protection level of service, the District reached out to local governments and initiated the WMP in the late 1990s. Additionally, the District and FEMA executed a Cooperating Technical Partners (CTP) Memorandum of Agreement on September 14, 2001, to formalize the relationship and to improve the existing FIRMs to better identify risks of flooding within the District. As a CTP, the District is eligible for federal funds to act as FEMA's partner in modernization of the FIRMs. Federal funds have allowed the District and local governments to accomplish significantly more than would have otherwise been possible. To date, the District has received \$12.1 million in federal funds from FEMA for countywide map modernization projects for Pasco, Sarasota, Hernando, Marion, Polk, Hardee, DeSoto, Citrus, Sumter, Levy, and Highlands counties. The Map Modernization Program also includes federal funding for management support. FEMA began FIRM updates for Hillsborough and Marion counties before the District became a CTP. FEMA issued its letter of determination finalizing the FIRMs for Hillsborough and Marion counties, and the FIRMs became effective on August 28, 2008. Typically, the map modernization process includes the following steps: The community and District assess the mapping needs, the project is scoped, topographic data is acquired and watershed modeling is completed. The District and an independent peer reviewer analyze the data, which is then provided to the public for their verification. Updates are made incorporating the input from the public and peer reviewer, and the information is presented to the Governing Board for approval. After the approval, data is forwarded to FEMA, mapping is initiated, and the digital flood insurance rate maps (DFIRMs) are produced. **FEMA FIRMs Status:** Citrus County: The FIRMs became effective on September 26, 2014. DeSoto County: The FIRMs became effective on November 6, 2013. Hardee County: The FIRMs became effective on November 6, 2013. Hernando County: The FIRMs became effective on February 2, 2012. Highlands County: The FIRMs became effective on November 18, 2015. Hillsborough County: The FIRMs became effective in August 2008. Levy County: The FIRMs became effective on November 2, 2012. Manatee County: The FIRMs became effective on March 17, 2014. Marion County: The FIRMs became effective in August 2008. Pasco County: The FIRMs became effective on

September 26, 2014. Polk County: The Preliminary DFIRM Community Coordination (PDCC) meeting and three Open House meetings were held in May 2015. Preliminary DFIRM information was also submitted to FEMA in May for publication in the Federal Register. The notice was published on July 17, 2015. Polk County: The appeal period began on August 19, 2015 and closed November 17, 2015. Sarasota County: The PDCC meeting and Public Meeting Open Houses were conducted in January 2015. Additional public meetings were also held in February, March and April. The appeal period began on January 30, 2015 and closed on April 30, 2015. FEMA issued comment and appeal resolution letters dated October 12, 2015. Local governments provided follow-up comments on November 10, 2015. FEMA is currently reviewing the comments. Sumter County: The FIRMs became effective on September 27, 2013. ***New Activities Since Last Meeting***: Highlands County: The FIRMS became effective on November 18, 2015. Polk County: The appeal period began on August 19, 2015 and closed on November 17, 2015. Staff are reviewing the comments that were received. *Project Manager: Scott Letasi*

Myakka River Watershed Initiative and Flatford Swamp Hydrologic Restoration

The Myakka River Watershed Initiative (MRWI) is a comprehensive project that will illustrate the effects of land use conversions and alterations and evaluate best management practices (BMPs) for environmental restoration alternatives. A primary focus of the MRWI is the Flatford Swamp area. The overall objective is to restore historic water quantity regimes, improve water quality, natural system, and reduce floodplain impacts in the watershed in ways that can also provide a benefit to water supplies in the SWUCA. In February 2006, the Governing Board allocated \$500,000 to hire a consultant team to perform elements of the WMP and for the collection of topographic information in eastern Manatee County using light detection and ranging (LiDAR) mapping technologies. Several outreach meetings were held to solicit stakeholder input and gather data. 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 and, as a result, a Memorandum of Understanding that outlines the development of a scope of work for a feasibility study to determine Mosaic's potential uses for excess water from Flatford Swamp received Governing Board approval in November 2010. A subsequent revenue agreement with Mosaic was executed. The District acted as the lead party in the feasibility study, and a consultant services contract with Ardaman & Associates for the study was executed on September 20, 2011. Land Management staff indicated that more planning is needed to implement the pilot burn and herbicide treatment on portions of the Flatford property as part of the wetland restoration evaluation; therefore, it will be postponed until fiscal year (FY) 2015. Staff has identified several monitoring needs for the wetland restoration evaluation and are investigating several broad-scale vegetation monitoring and mapping techniques. The options under consideration are anticipated to provide improved ground level data, improved visualization of exotics and tree canopy height data. The Feasibility Study with Mosaic was finalized in March 2013. Singhofen and Associates, Inc., submitted the conceptual BMP analysis, completing the final deliverable for the MRWI on December 20, 2013. Several of the conceptual BMPs explored identified properties that would be impacted if the restoration BMPs were implemented, such as Tatum Sawgrass rehydration, Blackburn Canal diversion, and Clay Gully diversion. Staff and Mosaic continue to look forward for a mutually agreeable partnership for the Flatford Restoration project. Staff is also researching an injection option at Flatford for the excess water to recharge the aquifer and discussed the need for more information on total dissolved solids in the Avon Park formation at the swamp. Mosaic and District staff held a meeting to discuss modeling results from Mosaic's consultants on August 28, 2014. District staff assessed results of Mosaic modeling scenarios on all of the Salt Water Intrusion Minimum Aquifer Level (SWIMAL) monitoring wells. Presentation was made to the Myakka Coordinating Council Meeting on November 14, 2014. Presentation was made to the Executive Committee on project status. ***New Activities Since Last Meeting***: A TWA was

executed investigating the feasibility of a streamlined injection option at the swamp. A kick-off meeting is planned for early January 2016. *Project Managers: Lisann Morris/Kris Kaufman*

Lower Hillsborough River MFLs Recovery Strategy - Implementation

At the August 2007 meeting, the Governing Board established minimum flows and approved a recovery strategy for the lower Hillsborough River (LHR). As required by statute, if the actual flow of a water course is below the proposed minimum flow or is projected to fall below the proposed minimum flow over the next 20 years, a "recovery strategy" must be developed as part of the minimum flow development process. In the case of the LHR, a recovery strategy was needed. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flow. Projects planned under the recovery strategy 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) (8.2 cfs or 5.3 mgd) transferred to the reservoir from the TBC is being pumped to the base of the Hillsborough River Dam. This amount of fresh water, in combination with up to 21 cfs or 13.6 mgd supplied from Sulphur Springs to the base of the dam by the City of Tampa (COT), has been sufficient to meet minimum flow requirements on many days. A COT request for a variance to deadlines for completion of recovery strategy projects was approved at the June 2011 Governing Board meeting and the deadlines for project completion were extended as follows: Lower Weir - December 1, 2011; Upper Weir and Pump House - October 1, 2012; Blue Sink project - December 31, 2013. The District received notification from the COT on November 7, 2011, that the Sulphur Springs Run Lower Weir project was complete. The pumping facilities on the Upper Weir at Sulphur Springs were completed in January 2012 and are now operational. The COT conducted a pump test in February 2013 to check the capacities of the existing pumps at Structure 161 on the Harney Canal of the TBC. At its December 2013 meeting, the Governing Board approved the issuance of a water use permit to the COT to withdraw 2 mgd from the Blue Sink for minimum flows as specified in the recovery strategy. At the February 2014 meeting, the Governing Board approved the signing of a cooperative funding agreement (N492) with the COT to construct pumping facilities on the Harney Canal and the Hillsborough River Reservoir to divert minimum flows to the LHR. Updates on the LHR recovery strategy have been provided to the Governing Board on an annual basis and the first of three rule-required five-year recovery status assessments was presented to the Governing Board in March 2015. The COT issued plans and specs for the Blue Sink pump station and pipeline project in March 2015; executed an agreement for construction management and a well mitigation program for the project in June 2015; and issued notices to proceed with pump station construction and pipeline construction in July and August 2015, respectively. In May 2015, the Governing Board authorized staff to initiate and complete rulemaking to repeal the reservation rule concerning use of water from Morris Bridge Sink for recovery of minimum flows in the LHR. District staff participated in a pre-application meeting with DEP in June 2015 to discuss water use permit applications for pumping up to 3.9 mgd from Morris Bridge Sink and the ongoing transfer of water from the TBC to the LHR for minimum flow recovery. Water use applications for these withdrawals were submitted to the DEP by the District in August 2015. Repairs to the District pump station at the dam were completed in July 2015, with expectations that similar repair work would be completed at the District S-162 pump station, which is used to pump water from the lower to the middle pool of the TBC when needed for minimum flows recovery in the LHR. A modeling project addressing environmental benefits associated with various minimum flow implementation options was completed for the District in July 2015. In August 2015, the District accepted the COT's final basis of design report for the replacement S-161 pump station and Hillsborough River Dam siphon projects. A no-cost time extension for the District/COT agreement for the Investigation of Storage and Supply Options project was completed in October 2015. The DEP held a public meeting on November 4, 2015 concerning the water use permit application submitted by the District for withdrawals from Morris Bridge Sink for LHR recovery. On November 9, 2015, the

DEP released a notice of intent to issue a water use permit to the District for withdrawals from the TBC for LHR recovery. **New Activities Since Last Meeting:** On December 4, 2015, the DEP released a notice of intent to issue a water use permit to the District for withdrawals from Morris Bridge for LHR recovery. On December 17, 2015, the DEP issued a water use permit to the District for withdrawals from the TBC for LHR recovery. The COT is proceeding with the 60 percent design for the replacement S-161 pump station and Hillsborough River Dam siphon projects, while development of a COT/District agreement for funding the projects continues. A draft operations and maintenance agreement for use of existing facilities during implementation of S-161 pump station and dam siphon project is being reviewed by the District. Negotiations between the District and a consultant are ongoing for a TWA addressing design of a pump station, transfer station and pipeline for the proposed diversion of water from Morris Bridge Sink. *Project Managers: Doug Leeper/Diana Koontz*

TECO's Polk Power Station Reclaimed Water Interconnects to Lakeland/Polk County/Mulberry

- **Reuse Project:** This regional project, consisting of transmission pipelines, pump stations, storage tank, advanced treatment and deep injection well, will provide up to 10 mgd of reclaimed water from several domestic wastewater treatment facilities to Tampa Electric Company's (TECO) power facility in southwest (SW) Polk County (Polk Power Station). The reclaimed water is necessary as TECO is expanding the Polk Power Station generation capacity. The District 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 to up to 7 mgd by including approximately 0.75 mgd of reclaimed water from the Southwest Polk County Water Reclamation Facility and 0.30 mgd of reclaimed water from the City of Mulberry. Based upon updated treatment requirement specifications and construction bids received by TECO in 2010 and 2012, the project cost estimates increased from \$65,686,800 to \$72,686,800 in FY2012 and to \$79,529,977 in FY2014. In FY2012 through FY2014, TECO received funding increases in the Governing Board budget to complete the estimated \$79 million 7 mgd project. TECO submitted a formal amendment request in July 2014 (after all bids and estimates were received) to upsize the project by 43 percent from 7 mgd to 10 mgd (expandable to 17 mgd) and increase total costs by 22 percent to \$96,960,725. In January 2015, the Governing Board approved the expansion to 10 mgd and approved increasing the total project cost to \$94,810,725; and increasing the total District share to \$44,601,957 ad valorem and \$3,526,063 in Water Resource and Protection (WRAP) funds. The expanded project agreement to 10 mgd was executed in mid-July 2015. The increase improves cost-effectiveness (from \$2.74/1,000 gallons to an eventual estimated \$2.34/1,000 gallons) and will utilize 100 percent of all available reclaimed water from Lakeland, Mulberry and SW Polk beyond 2040. The final remaining \$2,150,000 (\$1,075,000 District share) in project cost increase related to the Polk SW transmission line was approved through the in-cycle FY2016 Cooperative Funding Initiative (CFI) process (resulting in a final \$96,960,725 total project cost). Phase I of the project was originally anticipated to utilize all 7 mgd of available reclaimed water by 2013; however, due to the economic downturn and reduced power demands, TECO delayed the expansion of power generation capacity (Unit 6) until 2017. The delay and planned expansion required an extension of the District funding agreement to complete the project in 2017. TECO is replacing, to the greatest extent possible, 3 to 5 mgd of existing groundwater uses in 2015-2016 with reclaimed water before the full project expansion is complete in 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. While two disposal wells were drilled by TECO,

only injection well number one (IW-1) was eligible for District cooperative funding. The IW-1 and IW-2 wells were completed in March 2013. TECO's pipeline contractor (Westra) started in March 2013, routing and design of the Polk SW and Mulberry segments is ongoing, construction of the reclaimed water treatment system (except for one final RO skid) and construction of the related storage tank (Precon) at the TECO facility is completed and on-line. To date, the District has 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 \$27,351,361 has been reimbursed and another \$8,824,959 is in the process of being reimbursed. A portion of the District cost increase was received out-of-cycle in FY2015 (\$4,700,000) to avoid construction interruption and to avoid demobilization/remobilization costs. A total of \$2,975,000 was budgeted in the FY2016 budget to complete the District's share (\$1,900,000 in FY2016 was approved at the January 2015 Governing Board and the remaining \$1,075,000 was approved through the CFI process). ***New Activities Since Last Meeting:*** The project continues to utilize Lakeland's effluent to supply 3 to 5 mgd, thereby reducing groundwater pumping at the TECO Polk Power Facility. Design and permitting of the Mulberry and Polk SW portions continues. Full commissioning and testing to the 10 mgd capacity is anticipated in 2017.
Project Manager: Anthony Andrade

- **Aquifer Recharge Projects:** In 2009, the District funded a recharge study (H076) as part of the Regional Reclaimed Water Partnership Initiative to assess the feasibility of using highly treated reclaimed water to recharge the Upper Floridan aquifer (UFA) in the southern Hillsborough and Polk county areas. Findings from the study indicate that it is possible to develop direct and indirect aquifer recharge projects to improve UFA water levels and provide opportunities for additional groundwater withdrawals. MWH Americas, Inc., completed the Feasibility of Using Reclaimed Water for Direct and Indirect Aquifer Recharge in the Tampa Bay Area Study and a total of \$481,149 in District FY2008 funding was reimbursed. The costs associated with developing these projects were found to be comparable to costs of other planned alternative water supply projects. Since completing the study, several local governments have expressed interest in assessing the applicability of aquifer recharge in their areas. District staff is working with these entities to develop and implement project plans to assess the site specific feasibilities of implementing aquifer recharge projects to address their individual needs. Prior to initiating work, District staff also reviews project tasks to avoid as much duplicative efforts as possible between cooperators. The District project managers are researching active recharge projects to identify positive results or issues requiring further investigation.

- **Currently-Funded Aquifer Recharge Projects - FY2015-FY2016 Cooperative Funding**

- **City of Clearwater - Groundwater Replenishment Project - Phase 3**

This is an ongoing project which previously completed work on a pilot test of Clearwater's reclaimed water purification treatment system and one groundwater recharge injection site. Results from the water purification plant 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 NTBWUCA, and increasing the City's future water supply potential from their existing wellfields. Phase 3 of this project is for the design, third party review, permitting and construction for the full-scale water purification plant and the injection and monitor well systems to recharge 2.4 mgd annual average of purified reclaimed water at Clearwater Northeast Water Reclamation Facility. Public outreach will be a critical function throughout the design and construction. The total project cost for the project is \$28,680,000 (based on conceptual level cost estimate until the 30 percent design and third party review is completed). The City of Clearwater's contribution is \$14,340,000 and the District contribution will also be \$14,340,000. Of the District's contribution, \$1,544,000 was approved in FY2015, and an additional \$2,131,600 was approved in FY2016. FY2017 budget request is for \$5,654,400 and future funding will need to be \$5,000,000. The District previously contributed \$1,751,548 for desktop feasibility

and pilot treatment test phases of this project. The project is anticipated to begin in January 2016 and will proceed in accordance with a detailed project plan and work schedule. Completion of construction and beginning of facility operations is currently scheduled for April, 2021. ***New Activities Since Last Meeting:*** Contract executed in late December 2015. Project kickoff meeting conducted on January 12, 2016. Contractors in the process of generating 30 percent design. *Project Manager: Robert Peterson*

▪ **Pasco County - Reclaimed Water Natural Systems Treatment and Restoration Project**

A desktop feasibility study to assess using 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, as well as 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 DEP occurred on March 31, 2015, to discuss the ERP for the project, and on April 7, 2015, to discuss the NPDES permit. A field visit with DEP 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 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 measureable benefit of at least 2.2 mgd of reclaimed water on a ten-year annual average were reasonable. On August 27, 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 the 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 meeting. The Board also directed staff to enter into an agreement for fifty 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 and is awaiting approval at an upcoming County Commission meeting. The 60 percent costs were received on October 29, 2015. ***New Activities Since Last Meeting:*** The 90 percent design was received on December 18, 2015 and is currently being reviewed by District staff. The 90 percent costs are expected in mid-January 2016. The draft NPDES and ERP permits have been received as of December 18, 2015. The regular weekly teleconference calls have continued. *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 County's Big Bend facility near Apollo Beach in southern Hillsborough County. The goal of the project is to improve water levels within the Most Impacted Area of the SWUCA and possible 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 and monitoring activities are ongoing. *Project Manager: Mark Barcelo*

Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program

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 is estimated that 626 flow meters and 961 AMR devices will need to be installed within the 256-square mile DPCWUCA. 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. 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 December 23, 2015, a total of 377 flow meters have been installed (61 percent complete) and 475 AMR units have been installed (49 percent complete). *Project Manager: Kevin Coughlin*

Staff Recommendation:

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

Presenter: Mark A. Hammond, P.E., Resource Management Division Director

Governing Board Meeting

January 19, 2016

FINANCE/OUTREACH & PLANNING COMMITTEE

Discussion Items

28. Consent Item(s) Moved for Discussion
29. Investment Advisors Contract Renewal Options(15 minutes) ...124
30. Legislative Update(10 minutes) ...125

Submit & File Reports

31. Status of the 2016 Consolidated Annual Report126
32. 2015 Districtwide Public Perception Survey Results.....127

Routine Reports

33. Treasurer's Report and Payment Register130
34. Monthly Financial Statement.....131
35. Monthly Cash Balances by Fiscal Year132
36. Comprehensive Plan Amendment and Related Reviews Report133
37. Development of Regional Impact Activity Report136
38. Significant Activities Report138

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: David Rathke, Chief of Staff

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

Discussion Item

Investment Advisors Contract Renewal Options

Purpose

To determine strategy related to the current investment advisor contracts which will expire in July of 2016.

Background

The District currently has two investment advisor firms: Public Financial Management (PFM) and Public Trust Advisors (PTA). Both firms are performing at or near the benchmarks set by the District. This is the third year of a 3 year contract which ends in July 2016. Both firms have knowledgeable staff and resources. The District has split the portfolio into a short term and a long term bucket. Staff presented to the Board several options in December including the following:

- Extend existing contracts with PFM and PTA
- Piggyback off of a similar contract with one or both advisors
- Bid Services

The Board decided to consolidate services into one Advisor contract. In addition, the Board directed staff to review current contracts with piggyback terms and report back with a recommendation. Staff reviewed several available contracts and verified factors including experience of the firm, experience of assigned staff, local presence, contract terms, and fees.

Staff Recommendation:

Staff recommends that the District enter into a piggyback agreement with Public Trust Advisors (Hernando County Clerk of the Court) at the end of its existing contract.

Presenter: Linda S. Howard, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

Discussion Item

Legislative Update

The 2016 Legislative Session begins January 12th and is scheduled to conclude March 11th. Legislators continue to file bills prior to the start of the regular Session.

At this point the District is tracking more than two dozen bills on topics ranging from public records to administrative procedures, taxation, land, and water resources. Bills include the Organizational Structure of the Department of Environmental Protection (HB561/SB400), Implementation of the Water and Land Conservation Constitutional Amendment (HB989/SB1168), Administrative Procedures (HB183/SB372), Sale of Surplus Lands (HB359/SB546), and the water bills, Environmental Resources (HB7005/SB552).

Budget issues will also be a priority this Session as the one Constitutional mandate is for the Legislature to develop a budget. That will include the allocation of dollars in the Land Acquisition Trust Fund.

Public Affairs staff will again provide weekly updates of pending legislation and related budget issues as they progress.

Staff Recommendation:

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

Presenter: Colleen Thayer, Bureau Chief, Public Affairs

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

Submit and File Report

Status of the 2016 Consolidated Annual Report

Purpose

To provide the Board information on the preparation of the District's Consolidated Annual Report and to solicit input prior to the February 23 Board meeting.

Background/History

Section 373.036, Florida Statutes (F.S.) requires the water management districts to prepare a "Consolidated Water Management District Annual Report." The agency formerly produced these components individually and submitted them to the Governing Board for approval at various times of the year. The Consolidated Annual Report aims to streamline these required reporting documents so that they now come forward in one package.

The eight chapters that make up the Report are substantially complete and are provided as exhibits. Staff will finalize all required document components in February. The finished report will be a part of the Board packet for the February meeting. The report includes the following components:

The Water Management District Performance Measures Annual Report

The Minimum Flows and Levels Annual Priority List and Schedule

The Annual Five-Year Capital Improvements Plan

The Alternative Water Supplies Annual Report

The Five-Year Water Resource Development Work Program

The Florida Forever Work Plan

The Mitigation Donation Annual Report

The Strategic Plan 2014-2018 (updated January 2016), and the 2015 Strategic Plan Annual Work Plan

This consolidated report is a significant communication tool for the District. The statute requires the report be submitted by March 1 of each year to the Governor, Department of Environmental Protection, President of the Senate, and Speaker of the House of Representatives. "In addition, copies must be provided . . . to the chairs of all legislative committees having substantive or fiscal jurisdiction over the districts and the governing body of each county in the district having jurisdiction, or deriving any funds for operations of the district. Copies of the consolidated annual report must be made available to the public, either in printed or electronic format."

Staff Recommendation:

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

Presenter: Trisha Neasman, Planning Lead, Public Affairs Bureau

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

Submit and File Report

2015 Districtwide Public Perception Survey Results

Staff Recommendation:

This item is provided for the Board's information only; no action is required.

Presenter: David Rathke, Chief of Staff

2015 Districtwide Public Perception Survey Results

Purpose

To report results of the 2015 Districtwide Public Perception Survey, which was conducted to identify behaviors, knowledge, attitudes and opinions of residents Districtwide.

Background/History

Districtwide public perception surveys help the District better understand residents' opinions, knowledge, attitudes and behaviors regarding water conservation, water quality protection and District perception. This information assists the District in designing messages and educational programs, evaluating program successes, and understanding and trending the public's perception of the District over time.

Research Results

The 2015 Districtwide Public Perception Survey was conducted via telephone February 12–March 15, 2015. There were 384 surveys completed in each of the four Planning Regions, totaling 1,536 completed surveys.

Key findings from the 2015 Districtwide Public Perception Survey are as follows:

- 57% of residents had heard of the District, while 39% had not.
- Of residents who had heard of the District, 52% gave the District a positive (“excellent” + “good”) rating, while 9% gave it a negative (“poor” + “terrible”) rating. The remaining 39% gave a rating of “OK” or “don’t know.”
- Just more than half of residents (54%) rate the overall health of natural water resources as positive (“excellent” + “good”), while 12% give negative ratings (“poor” + “terrible”).
- In the Northern Planning Region, 53% of residents gave the District a positive (“excellent” + “good”) rating — this is up from 34% in 2013 or 19 percentage points. In addition, more than half of residents in the Northern Planning Region (61%) rate the overall health of natural water resources as positive (“excellent” + “good”) — this is up from 48% in 2013 or 13 percentage points. These significant increases may be a result of additional staff outreach in implementing the “Restoring Our Springs!” campaign.
- Facebook and YouTube are the most widely used social media among residents with more than 57% using Facebook and 41% using YouTube at least once a week.
- Consistent with Amendment 1 support, three out of four residents (75%) support the District buying and managing undeveloped lands for conservation purposes.

In planning the 2015 Districtwide Public Perception Survey, staff incorporated questions from previous surveys to determine trends over time. Survey results show that public awareness of the District has steadily decreased over the last decade. One explanation is that residents' awareness of the District is impacted by critical events, the media's coverage of these events, and people's daily conversations about these events.

Have you ever heard of the Southwest Florida Water Management District, sometimes called Swiftmud?

	2015	2013	2009	2006	2004	2003
Yes	57%	66%	63%	69%	62%	74%
No	39%	33%	32%	28%	34%	26%
Don't Know	4%	1%	5%	3%	4%	-----

In contrast, of residents who had heard of the District, the percentage of residents who give the District a positive rating (“excellent” + “good”) has steadily increased over the past decade.

How would you rate the Southwest Florida Water Management District’s performance?

	2015	2013	2010	2009	2006	2004
Positive	52%	46%	48%	40%	46%	37%
Negative	9%	10%	9%	9%	13%	8%
OK or Don’t Know	39%	44%	43%	51%	41%	54%

The survey was also used to examine residents’ reactions and willingness to use “purified” versus “reclaimed” water. The 2013 Districtwide Public Perception Survey used the term “reclaimed” water while the 2015 Districtwide Public Perception Survey defined and used the term “purified” water. Across the board, residents are more willing to use “purified water” than “reclaimed water,” with ratings up 15 to 34 percentage points from 2013. These results confirm the 2012 Recharge Study results, which found that the term “purified water” should be used to increase the acceptance of reused water for drinking and other uses.

Questions related to lawn irrigation perceptions and behaviors as well as land conservation and recreation were also included in the 2015 survey.

To view the 2015 Districtwide Public Perception Survey Final Report or to see reports from other research conducted by the District, visit WaterMatters.org/SocialResearch/.

Costs

The 2015 Districtwide Public Perception Survey’s cost was \$41,395.20. Funds for this survey were approved as part of the FY2013 Education Program Evaluation and Research program (P261).

Staff Recommendation:

This item is provided for the Board’s information only; no action is required.

Presenter: David Rathke, Chief of Staff

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

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 December 31, 2015, 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).

The Treasurer's Report Exhibit will be provided under separate cover.

Staff Recommendation:

These items are presented for the Committee's information, and no action is required.

Presenter: Linda S. Howard, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

Routine Report

Monthly Financial Statement

Purpose

Presentation of the December 31, 2015, 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 Three Months Ended December 31, 2015."

Exhibit will be provided under separate cover.

Staff Recommendation:

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

Presenter: Linda S. Howard, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

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 December 31, 2015.

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.

Exhibit will be provided under separate cover.

Staff Recommendation:

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

Presenter: Linda S. Howard, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

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, 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: Colleen Thayer, Bureau Chief, Public Affairs

Local Government Comprehensive Plan Amendment and Related Reviews Report

As of January 4, 2016

Project	Amendment Type	Assigned	Completed	Description	10YWSFW
Auburndale 15-2	ESR	10/26/2015	11/9/2015	Map amendment. No substantive comments.	<input type="checkbox"/>
Avon Park 15-2	ESR	11/9/2015	12/10/2015	Map amendments. Comments addressed need to substantiate water supply and encouraged maximization of reuse and water conservation	<input type="checkbox"/>
Bartow 15-2	ESR	10/8/2015	11/4/2015	Text amendments. No substantive comments.	<input type="checkbox"/>
Belleair Beach 15-1	ESR	12/9/2015		Text amendments.	<input type="checkbox"/>
Brooksville 15-1	ESR	12/24/2015		Water Supply Facilities Work Plan	<input checked="" type="checkbox"/>
Charlotte 15-7	ESR	11/30/2015	12/22/2015	Text amendment. No substantive comments.	<input type="checkbox"/>
Charlotte County 15-6	ESR	10/28/2015	11/9/2015	Map amendment. Provided relevant regulatory information.	<input type="checkbox"/>
Haines City 15-2	ESR	10/19/2015	11/4/2015	Map amendments. Comments encouraged early regulatory coordination.	<input type="checkbox"/>
Hernando 15-2	ESR	10/20/2015	11/20/2015	Map amendments. Comments addressed wetlands and floodplains.	<input type="checkbox"/>
Highlands 15-1	ESR	12/31/2015		Map amendment.	<input type="checkbox"/>
Hillsborough 15-5	ESR	11/23/2015	12/17/2015	Map amendments. Comments addressed floodplains, wetlands, regulatory coordination and coordination with Tampa Bay Water concerning the County's increasing potable water demands.	<input type="checkbox"/>
Largo 15-7	ESR	12/18/2015		Map amendment. No materials yet.	<input type="checkbox"/>
Longboat Key 15-3	ESR	10/8/2015	10/26/2015	Text amendments. Comment addressed the need for recognition of the statutory requirement for the update of the Ten-Year Water Supply Facilities Work Plan.	<input type="checkbox"/>
Manatee 15-1	ESR	10/8/2015	10/26/2015	Text amendments. No substantive comments.	<input type="checkbox"/>
Manatee 15-2	ESR	12/9/2015		Text amendment.	<input type="checkbox"/>
Marion 15-1	ESR	12/31/2015		Map amendment.	<input type="checkbox"/>
Marion 15-2	ESR	12/31/2015		Map amendment.	<input type="checkbox"/>
Pasco 15-9	ESR	10/20/2015	11/18/2015	Map amendment. No substantive comments.	<input type="checkbox"/>

Attachment: CPARR (2275 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Pinellas 16-2	ESR	12/8/2015	12/14/2015	Map and text amendments. Commented on need for documentation addressing water supply coordination with Tampa Bay Water.	<input type="checkbox"/>
Polk 15-13	ESR	11/24/2015	12/11/2015	Map amendments. Comments addressed floodplains, wetlands, modifications to existing permits and early regulatory coordination.	<input type="checkbox"/>
Sarasota 15-6	ESR	10/5/2015	10/2/2015	Text amendment. Commented on need for potable water supply analyses.	<input type="checkbox"/>
Sarasota 15-7	ESR	10/7/2015	10/20/2015	Text amendment. No substantive issues identified.	<input type="checkbox"/>
Sarasota 15-8	ESR	10/22/2015	11/10/2015	Text amendments. No substantive comments. 10/28/2015	<input type="checkbox"/>
St. Petersburg 15-5	ESR	11/20/2015		Text amendments. No substantive comments.	<input type="checkbox"/>
Tampa 15-2	ESR	10/7/2015	11/4/2015	Several text amendments. Comments addressed need for language recognizing the Ten-Year Water Supply Facilities Work Plan.	<input type="checkbox"/>
Winter Haven 15-3	ESR	12/22/2015		Text amendments.	<input type="checkbox"/>
Yankeetown 15-1	ESR	12/23/2015		Text amendments.	<input type="checkbox"/>
Yankeetown 15-2	ESR	12/23/2015		Text amendments.	<input type="checkbox"/>

AR Alternative
ACSC Area of Critical State Concern
CIE Capital Improvement Element
DRI Development of Regional Impact
EAR Evaluation and Appraisal Report
ESR Expedited State Review
WSFWP Water Supply Facilities Work Plan

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

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: Colleen Thayer, Bureau Chief, Public Affairs

DRI Activity Report

As of January 4, 20

Project	DRI Location	DRI App Type	Date Assigned	Date Completed	Description
Ridgewood Lakes DRI	Polk County	ADA	10/12/2015	10/20/2015	This is a Substantial Deviation for phases 2 and 3. The proposal includes boundary expansion to include additional lands and changing approved development mix. DEO requested feedback on the Development Order. Review identified no substantive issues.
Sarasota County Interstate Business Center	Sarasota County	NOPC	12/2/2015	12/22/2015	Proposes to extend the buildout date, reflect a recent conversion of 75 multi-family units in place of 136,000 sq. feet of office space and add 105,000 square feet of self-storage use and 130 hotel rooms. Comments encouraged early ERP coordination.

ADA Application for Development Approval
DRI Development of Regional Impact
NOPC Notice of Proposed Change
Pre-App Pre-Application Meeting
SD Substantial Deviation

Attachment: DRI Activity Report (2274 : Development of Regional Impact Activity Report)

FINANCE/OUTREACH & PLANNING COMMITTEE

January 19, 2016

Routine Report

Significant Activities Report

Staff Recommendation:

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

Presenter: Colleen Thayer, Bureau Chief, Public Affairs

Finance/Outreach and Planning Committee
January 19, 2016

Routine Report

Significant Activities Report

Public Affairs Bureau:

The Public Affairs Bureau supports the District's mission through a broad range of activities. Staff serves as liaisons with local, state and federal government officials and represents the District with a number of community organizations. Staff also advocates the District's legislative priorities and develops and implements strategies to acquire state and federal appropriations. Further, staff provides government and agency assistance, Board and Advisory Committee support, and outreach and strategic planning for the District.

Legislation and Policy

The Public Affairs Bureau acts as the District's day-to-day representatives before the Florida Legislature and U.S. Congress. This includes educating officials and staff regarding the mission of the District, providing information on issues and legislation, and coordinating our legislative program with other state and federal agencies. The department recommends, develops and executes the District's legislative program based on Governing Board and executive staff direction. Public Affairs staff works with executive, legal and other departments to develop and manage internal District legislative procedures and policies. ***New Activities since Last Meeting:*** Staff is preparing for the start of the 2016 Legislative Session, which begins January 12, 2016. All committee meetings have concluded. To date, executive appointments being monitored by the District have been heard and passed through both Senate Environmental Preservation and Conservation and the Senate Ethics and Elections committees. Additionally, SB546, the Sale or Exchange of Surplus Lands continues to move forward. This legislation, among other provisions, enables the Districts to expedite the sales of smaller, less valuable lots.

External Affairs

As part of the District's public affairs program, the External Affairs Section of the Public Affairs Bureau is responsible for (1) developing effective relationships with local elected and public officials and their staff, (2) serving as the District's day-to-day liaison with local officials, (3) facilitating coordination of District programs to assist local government entities, (4) assisting local governments with water supply planning and land use decisions (5) promoting the mission of the District and (6) helping to develop and foster sound public policy on water resource related issues. To meet these responsibilities, the section has developed long-standing programs and tactics, including but not limited to, project tours, e-mail alerts and one-on-one meetings. ***New Activities Since Last Meeting:***

- **2015 City of Winter Haven Run Off Election** — Seat 1 incumbent James H. "JP" Powell was defeated by challenger William J. Twyford. Seat 3 incumbent Peter Chichetto defeated challenger Kemp Brinson. The new Commissioners will start their terms and elect a mayor during their first meeting in January.
- **Ribbon Cutting: Trail Head of Lutz Lake Fern Road** — Hillsborough County Commissioner Kevin Beckner and County staff acknowledged the District and community partners from the Keystone Civic Association.
- **Marion County Commission** — Staff gave a presentation on the Rainbow River SWIM Plan. The presentation included an overview of the Rainbow River and the efforts of the Springs Coast Steering Committee. The plan includes issues, drivers, quantifiable objectives, management actions and a list of projects that will improve the health of the Rainbow River. Following the presentation the Board approved a resolution in support of

the plan.

- **Peace River Manasota Regional Water Supply Authority Board** — The Water Authority Board discussed the draft agreement between the City of Punta Gorda and the Authority for the Phase 1 pipeline. The Board voted unanimously to approve the agreement. The Authority is going to request up to 75% cooperative funding from the District rather than the usual 50%. This percentage increase request would be an alternative to requesting a policy change regarding how state appropriations are used.
- **Hernando County Commission** — The Board approved four cooperative funding agreements between the District and Hernando County. All four agreements involve watershed studies within the District's Water Management Program. Two of the projects approved are for FY2016 and the other two are for amendments to previously approved agreements. The watersheds included in this most recent round of agreements are Squirrel Prairie, Weeki Wachee Prairie, Crews Lake Outlet, and Peck Sink.
- **Highlands County Legislative Delegation Meeting** — Several residents spoke on the Lake McCoy project, which is being cooperatively funded through the District with the Highlands County Soil and Water Conservations District (HCSWCD). The HCSWCD is lead on the project and FDOT is supposed to provide design and construction. The project is designed to improve water quality from runoff off HWY 27 into Lake McCoy. FDOT was provided a District contract last September and just recently informed the district they were unable to sign the contract under its current terms, District staff will be working with FDOT on the contract terms. Thirty residents around Lake McCoy have also invested \$500 each into this project and are concerned about the project delays. Staff informed the delegation of an upcoming meeting in January with the District, FDOT and the HCSWCD to resolve the delays.
- **Marion County Commission** — The Board approved two cooperative funding agreements with the District for FY2016. The first agreement is for the construction and maintenance of stormwater BMPs to retrofit three dry retention ponds within 2 miles of the Rainbow River (WR04). The second agreement is for a recurring toilet rebate program (N678). The two projects total \$960,000 with the District reimbursing up to 50%. The Board also named Tracy Straub, county engineer, as the representative on the Springs Coast Management Committee. Tracy will replace Flip Mellinger as Marion County's representative on the committee. Doug Andrews, Interim Public Works Director, was named as the alternate to Tracy.
- **Hillsborough County EPC** — During its regular meeting, the EPC discussed the District's WUP application for withdrawals from The Morris Bridge Sink. EPC staff sought support from County commissioners to file for an extension of time in which to issue a petition challenging the proposed permit, further evaluate the proposed permit to determine if it contains "reasonable assurances" that the pumping will comply with state statutes and rules, meet with the parties (SWFWMD, Tampa, FDEP) to alternatively consider more targeted and measurable permit conditions, and come back to the BOCC with a final recommendation regarding a challenge to the permit. The BOCC overwhelmingly supported its staff's recommendations.

Community Services

In addition to acting as the District's liaison to local government, the Public Affairs Bureau is responsible for the primary "grassroots and grasstops" efforts with local community organization and groups. These include the agricultural community, environmental groups, business associations and others. These relationships provide a pivotal component of the District's legislative program and allow for opportunities to communicate the District's mission, policies and the goals. ***New Activities Since Last Meeting:***

- **Citrus County Ag Alliance** — Staff provided an update on the Kings Bay SWIM Plan that was recently approved by the Springs Coast Management Committee. The plan is scheduled for approval by the Steering Committee on January 6th. Staff explained how

stakeholders including agriculture have been involved with the development of the SWIM plan.

- **TOO FAR, Inc.** — Rep. Jimmie T. Smith was the guest speaker at the TOO FAR monthly meeting. Rep. Smith discussed several bills that he is supporting ranging from animal shelters to permitting for small businesses. He would like to see permit applications accepted electronically so that potential business owners do not have to hire lawyers and engineers to simply apply for permits. Rep. Smith also discussed redistricting and announced that he plans to run for Sen. Charlie Dean's Senate seat.

Springs Protection Outreach

This Surface Water Improvement and Management (SWIM) Program initiative education project began in FY2005 with a focus on minimizing further water quality impacts from landscaping and other homeowner practices -- like over-fertilization and leaky septic tanks -- that increase nitrates in springs. More recently, District efforts are focused on increasing the public's understanding of springs issues and its support of the District's actions to restore the springs.

New Activities Since Last Meeting:

- Completed a video of the Hunters Cove Revegetation Project. The footage will be used by District staff to document the progress of the pilot project, and for traditional and social media promotion.

Internal Communications

Staff continues to improve communication to District staff and provide them with timely and accurate information through the internal communications program. As part of the program, *Currents*, the weekly employee newsletter, is sent via email on Mondays and includes special dates and important employee-related information. In addition, Communications staff continues to coordinate all-user emails to ensure all messages are clear and consistent. ***New Activities***

Since Last Meeting:

- The 2015 Employee Survey was distributed to staff on Nov. 30 and closed on Dec. 18. A total of 395 employees completed the survey, for a response rate of about 68 percent. Results were analyzed and a report was developed and posted on the Currents Intranet. The results of the survey will be used to develop the FY2016 Internal Communications Plan.
- Staff re-launched *Currents*, the internal newsletter, through the GovDelivery platform to provide an updated look and readership analytics.
- The name, branding and communications plan was finalized for Project DIVE, the District's new continuous improvement initiative. The program will launch on Jan. 25.
- Changes were made and finalized to the Award of Excellence nomination form in response to employee feedback. The new form is simpler and makes the nomination process easier for staff. Nominations will close on Jan. 29.
- Staff finalized the 2016 Your Health Matters wellness initiative communications plan. As part of the plan, the 2016 Fitness Challenge was launched on January 1 and "Brag Boards" were hung on each campus for staff to post and share fitness and race information. In addition, Color Me Fit, a five-week Florida Blue class, is being offered in January and registration is open for the February health screenings.

Social Media

Social media allows the District to send information directly to the public in a timely, cost efficient way. The District's social media platforms are used to communicate the District's mission and culture. ***New Activities Since Last Meeting:***

- The Withlacoochee River Watershed Initiative video earned an Emmy Award from the National Academy of Television Arts & Sciences Suncoast Chapter in the Photographer category.
- The District uses Facebook to promote special events, news and public interest stories like

an increase in seagrass coverage, water-saving gift ideas for the holidays and the opening of the new portion of the Upper Tampa Bay Trail. The District's Facebook page now has 6,713 likes.

- Twitter is used on a regular basis to post news releases and other important information to 2,024 followers to date.
- The WaterMatters Blog had 2,278 views in the past month.
- The District's Pinterest boards had 49 views for the past month.
- Google+ had 1,979 views for the past month.

Strategic Communications Planning

Public Affairs staff members work with staff from various bureaus to plan outreach efforts related to projects and programs that directly impact residents. This is done by analyzing any communications challenges that may exist and creating plans to address those challenges. Staff assists with the planning, execution and evaluation of these efforts. ***New Activities Since Last Meeting:***

- Advising Structure Operations about options for stakeholder involvement with the potential removal of two boat lifts on structures on Lakes Fannie and Smart in Winter Haven. The manually-operated boat lifts are in disrepair and have been taken out of service. Signs are posted to inform canal users. Staff is contacting the Lake Region Lakes Management District to discuss the issue.
- An Emergency Operations Communications Protocol has been finalized, which will be incorporated in the District's new Flood Event Protocol, which is under development.

Research

Research is used to plan communications strategies, enhance program design, and evaluate programs. Visit WaterMatters.org/SocialResearch for the database of the District's social research. ***New Activities Since Last Meeting:***

- Staff submitted a "Submit and File" report of the results from the 2015 Districtwide Public Perception Survey for the January 2016 Governing Board meeting.
- The 2015 Employee Opinion Survey was conducted to help guide how to best implement internal communications, increase Employee Committee participation, evaluate the effectiveness of the "Your Health Matters" wellness initiative and improve the Award of Excellence employee recognition program.

Florida Water StarSM (FWS) Certification Program

FWS is a voluntary certification program for builders, which encourages water efficiency in appliances, plumbing fixtures, irrigation systems and landscapes, as well as water quality benefits from best management practices in landscapes. The program includes certifications for new homes, existing homes, commercial properties and communities. This is the program's sixth year in the District. ***New Activities Since Last Meeting:***

- Presented the FWS program to the Withlacoochee Regional Water Supply Authority board to share program criteria and inform board members of builder requirements to obtain a \$1,000 FWS-certified home rebate, which is currently offered by Citrus County Utilities. The rebate is available to builders in Sugarmill Woods and Citrus Hills.
- Created a FWS advertisement that will be emailed weekly during the months of December, January and February through the Tampa Bay Builder Association's weekly TBBA Talks e-blast.
- Participated in a meeting at the Toho Water Authority to educate turf growers and irrigation professionals about FWS landscape requirements and determine opportunities to work together to ensure all industries are successful. The approximately 25 participants included the SWFWMD, SFWMD, SJRWMD, the Turfgrass Producers of Florida, the Florida Turfgrass Association, the Florida Irrigation Society, Toho Water Authority, city and county

utilities, and others including the chair of the District's Green Industry Advisory Committee, Mac Carraway.

- Presented the Florida Water StarSM (FWS) program at the Manatee County Extension Office's "Landscape and Irrigation Professionals" workshop. The more than 30 landscape and irrigation professional attendees learned about how to design water-efficient irrigation systems, how to become FWS Accredited Professionals and about the District's mission and goals related to water resource protection.
- Created a poster highlighting water conservation behaviors, retrofit recommendations, Citrus County Utility rebate availability and the FWS program. The posters will be displayed in community welcome centers throughout Citrus County.
- Promoted via social media the certification of Pinellas Heights Apartments as the first FWS-certified community in Pinellas County, which also marked the achievement of more than 1,000 certified properties within our District.
- Participated in a meeting with conservation and regulatory staff to set the foundation for a water conservation initiative team, determine potential residential outdoor CFI conservation projects and provide input from the irrigation and turf industry perspectives regarding future conservation programs, initiatives and regulation.
- Filmed a video at the Starkey Ranch Welcome Center to promote the property as the first community welcome center to achieve FWS certification. The video will be promoted via social media by the District, Wheelock Development, Starkey Ranch and the irrigation designer Ballenger and Company, Inc. Staff also shot a photo of the plaque presentation, which was serviced to Pasco County print media.
- Completed a FWS one-page flier to promote the FWS rebate program to builders, which is being offered by Citrus County Utilities. The FWS program coordinator has had discussions with Sweetwater Homes and Citrus Hills Construction regarding the rebate program. Both builders are interested in the rebate and are expected to provide a response regarding participation by the end of January.
- Completed a FWS one-page flier to promote the FWS program to builders across the District. The flier will be emailed to builders after networking at conferences, meetings and events.
- Agreements: Builders who intend to incorporate FWS criteria in current or future projects sign non-binding participation agreements. This District has 32 signed agreements representing approximately 1,094 properties.
- Certifications: As of Nov. 17, this District has certified 1,068 properties.

Water Conservation Hotel and Motel Program (Water CHAMPSM)

Water CHAMP promotes water conservation in hotels and motels by encouraging guests to use their towels and linens more than once during their stay. Participants receive program materials free of charge. In 2008, the Districtwide five-year water audit confirmed Water CHAMP participants saved an average of 17 gallons of water per occupied room per day. Based on these audit findings, the cost benefit for the program, using the total cost amortized over five years, is \$0.47 per thousand gallons of water saved. Additionally, based on the audit results and occupancy rates, it is projected that 156 million gallons of water was saved by participating properties in FY2014. ***New Activities Since Last Meeting:*** Water CHAMP has 370 participants.

Youth Education

As part of the Youth Water Resources Education, the District provides funding to school districts to implement grade-level field study programs and other water-resources programming. These programs include Splash! school grants, which provide funding up to \$3,000 per school to enhance student knowledge of freshwater resources issues. The Youth Education program also includes teacher training materials, curriculum tools and publications for students and educators. ***New Activities Since Last Meeting:***

- Sponsoring a teacher workshop with Hardee County Public Schools and FWC's Florida Youth Conservation Centers Network to provide hands-on training to 60 teachers in grades 4, 7 and 11. The District is providing one watershed model and one groundwater model that will be demonstrated during the February workshop along with water quality lesson plans. The models will be made available on loan to teachers from the school district's headquarters for use in Hardee County's K-12 schools.
- Assisted 14 teachers with information and changes to Splash! grants from seven school districts.

Decision-Maker Water Schools

The District provides funding to implement decision-maker water schools, which provide elected officials, decision makers, and community leaders with factual information about their county's water resources and encourages improved public policy and decision making regarding water resource issues. ***New Activities Since Last Meeting:*** No new activity to report.

Visual Communications Print & Graphics

The print team provides prepress layout, illustration and design of publications and displays for the Public Affairs Bureau and general Districtwide support. ***New Activities Since Last Meeting:*** Completed the November Executive dashboard; the FWS flier for Citrus Utilities Rebate Program; Colt Creek & Hampton Tract and Cypress Creek Wellfield signs; Employee Committee Calendar; the Project DIVE logos and the 2015 Annual Agency Reuse Report Cover.

Visual Communications Web

The web team designs and develops website content and code. ***New Activities Since Last Meeting*** — Feral Hog Hunts Phase 2 registration successfully concluded; published FDOT Mitigation Draft Report on WaterMatters; updated MFL reports on WaterMatters; Water News You Can Use eNewsletter distributed to 13,769 recipients with a 21 percent open rate; R programming support section launched on Currents; staff recognition photo gallery launched on Currents; and ongoing updates on Currents intranet.

Monthly web trends: Overall site traffic for December was 72,577 visits, with 176,362 total pageviews. Site visits and pageviews were both down by 6% from last month. Year-to-year, site visits and total pageviews were both up 8% from the same period in 2014.

Most popular webpages: Recreation (52,142 pageviews; down 1% from last month and up 12% from same period last year); ePermitting (14,469 pageviews; down 3% from last month and up 1% from same period last year); Education (14,311 pageviews; down 38% from last month, up 4% from same period last year).

Most increased traffic: (excluding "most popular webpages"): WaterMatters Blog (2,664 pageviews; up 722% from same period last year); Springs (2,721 pageviews; up 85% from same period last year); The Power of 10 Pledge (8,790 pageviews; up 79% from same period last year).

Outreach/Special Events

Public outreach is an important part of the District's education efforts. Special events provide an opportunity for District staff to meet residents, answer questions and present educational materials. ***New Activities Since Last Meeting:***

Event/Booth	County	Estimated Attendees	Staff	Bureau
NOVEMBER 2015				
Pasco Upcycle Festival	Pasco	40	Joe Quinn	OPS

Event/Booth	County	Estimated Attendees	Staff	Bureau

Outreach/Speaker's Bureau

The Speakers' Bureau program is the ongoing education of the public and community leaders regarding water resource management. The program provides an opportunity for interaction among the public and District staff knowledgeable in all areas of the District's statutory responsibilities and it provides a mechanism for communication of District priorities and concerns. Additionally, the program is utilized as a tool to influence behavior change in the areas of water conservation and to ensure support for the District's legislative initiatives. The following table summarizes the Speakers' Bureau activities for the past three months.

New Activities Since Last Meeting:

Organization	Topic	County	Audience	Speaker	Bureau
NOVEMBER 2015					
St. Petersburg Rotary	Conservation and Public Lands	Pinellas	70	Estella Gray	PAB
University of South Florida, School of Geosciences	Fundamentals of Stratigraphy and its Application to the Hydrostratigraphic Framework of Florida	Hillsborough	30	Jason LaRoche	DCB
USF Student Chapter of the Tampa Bay Association of Environmental Professionals	Being a SWIM Environmental Scientist—Advice for the Future	Hillsborough	16	Brandt Henningsen	NSR
Withlacoochee Regional Water Supply Authority	Springs Coast Steering Committee Update	Citrus	20	Chris Anastasiou	NSR
DECEMBER 2015					
Hillsborough County Citizens Environmental Advisory Committee	Overview and tour of the Rock Ponds Ecosystem Restoration Project	Hillsborough	5	Brandt Henningsen Nancy Norton	NSR
JANUARY 2016					

Key to Abbreviations

EXE - Executive	NSR - Natural Systems & Restoration
DCB - Data Collection	OPS - Operations & Land Management
FIN - Finance	PAB - Public Affairs
GOV - Governing Board	REG - Regulation
HRB - Human Resources and Risk Management	WRB - Water Resources
ITB - Information Technology	WUP - Water Use Permit

**Governing Board Meeting
January 19, 2016**

REGULATION COMMITTEE

Discussion Items

39. Consent Item(s) Moved for Discussion

40. Denials Referred to the Governing Board147

Submit & File Reports - None

Routine Reports

41. Overpumpage Report – January 2016148

42. Individual Permits Issued by District Staff – January 2016155

REGULATION COMMITTEE

January 19, 2016

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Alba E. Más, P.E., Division Director, Regulation

REGULATION COMMITTEE

January 19, 2016

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

January 19, 2016

Routine Report

Overpumpage Report - January 2016

Please see the attached reports.

Staff Recommendation:

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

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

Overpumpage Report October 2015

Under Review ⁽¹⁾ Citrus Greening ⁽²⁾

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 On Report</i>						
6558.004	Southern Citrus Nurseries Inc. ^{1 & 2}	Agriculture – Citrus/Blueberry/ Nursery	260,500 gpd	07/01/2015 440,693 gpd 69.17%	10/01/2015 446,271 gpd 71.31%	Bartow

(1) Preliminary determination is that permits are in non-compliance; file is under review by Regulation staff.

(2) Permittee has claimed Citrus Greening (HLB) as cause of overpumpage. Further analysis being conducted.

Overpumpage Report October 2015

Under Review ⁽¹⁾ Citrus Greening ⁽²⁾

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>						
910.006	Jack M. Berry, Inc. ^{1 & 2}	Agriculture - Citrus	207,700 gpd	07/01/2015 320,279 gpd 54.20%	10/01/2015 352,745 gpd 69.83%	Bartow
7002.004	MHC FR Utility Systems LLC ¹	Public Supply	97,100 gpd	04/01/2015 104,929 gpd 8.06%	10/01/2015 125,482 gpd 29.23%	Tampa
1345.004	Royal Oaks of Citrus HOA, Inc./Attn: Curtis Watrouse ¹	Public Supply/ Recreational/ Aesthetic	66,800 gpd	05/01/2015 86,451 gpd 29.42%	10/01/2015 84,533 gpd 26.55%	Tampa
12782.001	Standard Sand & Silica ^{1 & 2}	Agriculture – Citrus	571,300 gpd	12/01/2014 539,189 gpd 9.44%	10/01/2015 676,342 gpd 18.39%	Bartow
8195.007	C. Dennis Carlton ¹	Agriculture – Melons & Squash	69,000 gpd	03/01/2015 79,370 gpd 15.03%	10/01/2015 78,247 gpd 13.40%	Tampa
9192.003	Bowen Bros, Inc ^{1 & 2}	Agricultural – Citrus	161,600 gpd	06/01/2013 218,461 gpd 35.19%	10/01/2015 170,396 gpd 5.44%	Bartow
11031.004	Growers Investment Group LLC ^{1 & 2}	Agricultural – Citrus	125,400 gpd	06/01/2012 282,492 gpd 125.27%	10/01/2015 199,633 gpd 59.20%	Bartow

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Overpumpage Report October 2015

Consent Order Monitoring ⁽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	GB Approved CO Date
<i>Continuing From Previous Report</i>							
12309.004	Charlotte County Community Services Department ³	Recreational / Aesthetic – Playing Fields	28,600 gpd	04/01/2013 40,163 gpd 40.43%	10/01/2015 69,488 gpd 142.97%	Sarasota	FEB 15

(3) Legal pursued enforcement action and a Consent Order has been signed; corrective actions are now being monitored for compliance.

Overpumpage Report October 2015

Under Review ⁽¹⁾ Citrus Greening ⁽²⁾

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
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Overpumpage Report October 2015

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Continuing From Previous Report						
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Overpumpage Report October 2015

Consent Order Monitoring ⁽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	GB Approved CO Date
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REGULATION COMMITTEE

January 19, 2016

Routine Report

Individual Permits Issued by District Staff - January 2016

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 – DECEMBER 2015

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43041845.001	Palmer Ranch Parcel 9A	Sarasota	Single family residential subdivision	103.19	12.91	2.16	5.34
43022140.021	Twin Rivers Subdivision	Manatee	Construction of a single family residential subdivision	100.35	17.87	2.75	0.02

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 – DECEMBER 2015

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
20005626.009	DeSoto City Grove	Highlands	Modification to combine contiguous permits, no actual increase in quantities	Agricultural	609,600	609,600	20
20006151.012	Marion County Utilities Consolidated WUP	Marion	Modification of MCU's Consolidated Permit to combine into two additional WUPs for private utilities supply systems recently acquired	Public Supply	6,091,800	6,661,000	10
20020554.000	St. Michaels Ranch	DeSoto	New WUP from acquisition of a portion of existing WUP No. 20002452, which has an existing permitted quantity of 4,300,700 gpd annual average	Agricultural	New	3,078,400	20

**Governing Board Meeting
January 19, 2016**

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
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Discussion Items

43. Consent Item(s) Moved for Discussion

44. Hydrologic Conditions Report(10 minutes) ...158

Submit & File Reports - None

Routine Reports

45. Structure Operations161

46. Significant Activities163

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

January 19, 2016

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Ken Frink, P.E., Director, Operations, Lands and Resource Monitoring

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**January 19, 2016*****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 December, 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 much greater 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 for the month (as of December 31) indicate rainfall was slightly below-normal in the northern region of the District, while it was within the normal range in the central and southern regions. 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 1.00 inch, equivalent to the 24th percentile
- Central region rainfall averaged 0.90 inch, equivalent to the 27th percentile.
- Southern region rainfall averaged 2.06 inches, equivalent to the 63rd percentile.
- District-wide, average rainfall was 1.33 inches, equivalent to the 38th percentile.

Streamflow

Provisional streamflow data indicate (as of December 31) that flow during the month decreased in all three regions of the District, compared to the previous month. Based on flow conditions in regional index rivers, streamflow conditions were within the normal range in the northern and central regions, while flow was above-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 54th percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 47th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 84th percentile.

Groundwater Levels

Provisional groundwater data indicate (as of December 31) that levels in the Floridan/Intermediate aquifer decreased in all three regions of the District, compared to last month. Groundwater levels ended the month in the upper-end of the normal range in all three

regions of the District. 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 67th percentile.
- The average groundwater level in the central region was in the 73rd percentile.
- The average groundwater level in the southern region was in the 70th percentile.

Lake Levels

Regional lake levels for December decreased in the Northern, Tampa Bay and Polk Upland regions, while they slightly increased in the Lake Wales Ridge region, compared to the previous month. Regional lake levels ended the month below the base of the annual normal range in the Northern region, while they were within the annual normal range in the Tampa Bay, Polk Uplands and Lake Wales Ridge regions. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the Northern region decreased 0.23 foot and were 0.14 foot below the base of the annual normal range.
- Average lake levels in the Tampa Bay region decreased 0.26 foot and were 1.02 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region decreased 0.05 foot and were 1.58 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region increased 0.07 foot and were 0.35 foot above the base of the annual normal range.

Issues of Significance

December historically marks the third month of the 8-month (October through May) dry season and provisional rainfall totals for the month were slightly below-normal in the northern region of the District, while they were within the normal range in the central and southern regions. Rainfall was intermittent, scattered, regionally variable and associated with tropical moisture interacting with several weak cold front systems moving through the District. Analysis of partial dry season rainfall, to date, shows October through December totals to be below the historic mean in all three regions. The District-wide 12-month cumulative rainfall total declined to a surplus of approximately 1.8 inches above the long-term historical average, while the 24-month total improved to a surplus of approximately 5.6 inches.

Most hydrologic indicators throughout the District declined during December. Regional streamflow and groundwater levels declined, while remaining at normal to above-normal levels. Regional lake levels declined in the Northern, Tampa Bay and Polk Upland regions, while they showed slight increases in the Lake Wales Ridge region.

Current NOAA climate forecasts predict above-normal rainfall conditions for the District during January through May, due to strong El Niño conditions in the Pacific Ocean.

Updated weather forecasts will be available in mid-January. 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.

Item 44

Presenter: Granville Kinsman, Hydrologic Data Manager

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

January 19, 2016

Routine Report

Structure Operations

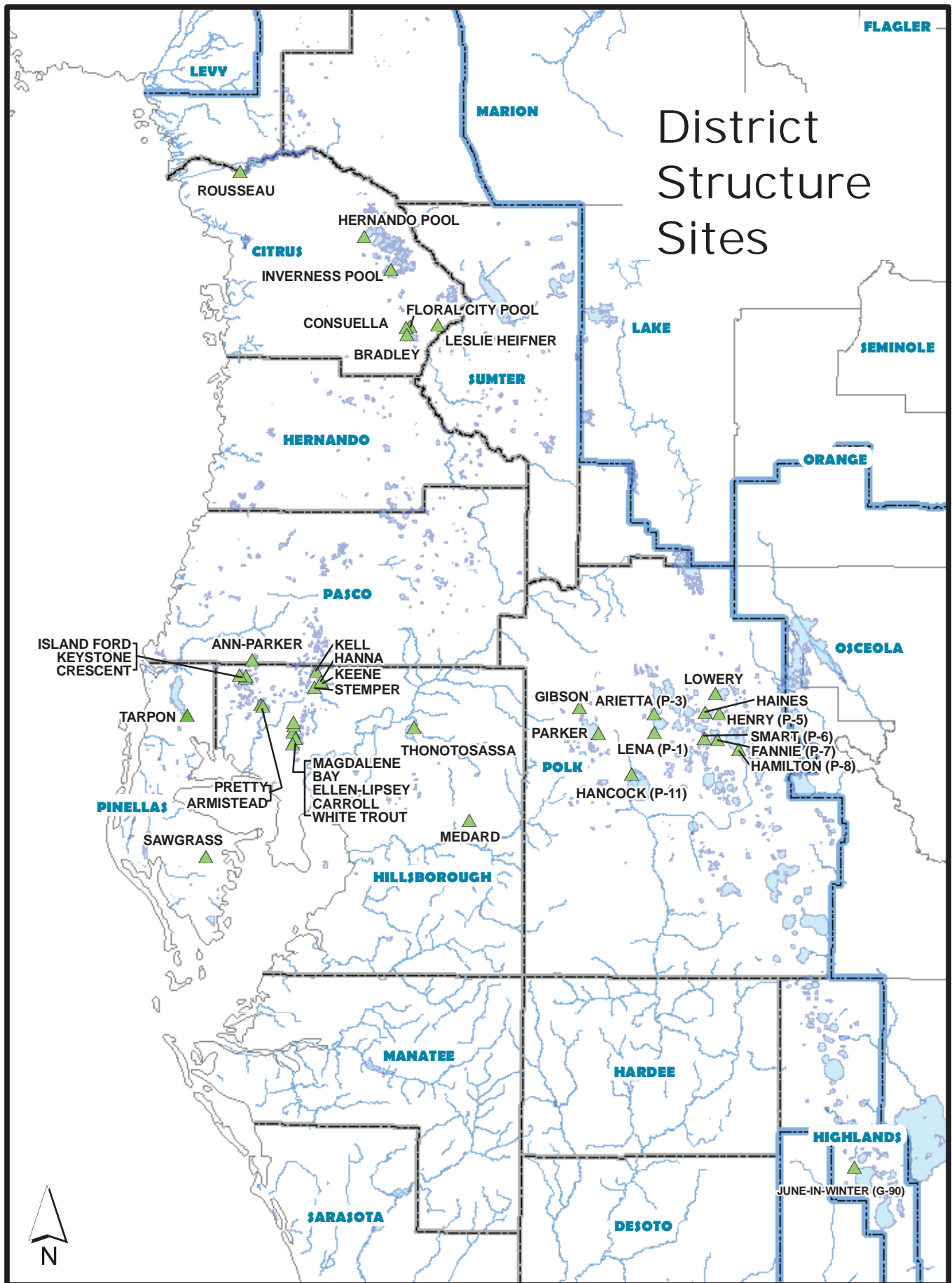
Summary of the operations made for the month of November.

- Inglis Water Control Structures: The Inglis Bypass Spillway and Inglis Main Dam was operated to maintain water levels in Lake Rousseau and provide flow to the lower Withlacoochee River. The average monthly water level for Lake Rousseau was 27.60' National Geodetic Vertical Datum (NGVD) compared to the recommended maintenance level for the reservoir of 27.50' NGVD.
- Withlacoochee River Watershed: Water control structures in the Tsala Apopka Chain of Lakes are being operated to conserve water. The Wysong-Coogler Water Conservation main and the low flow gate are inflated. Both the main dam and the low flow gate were operated to aid in the regulation of the Lake Panasoffkee water level and to provide flow to the Withlacoochee River downstream of the structure. The average water level for Lake Panasoffkee was 39.58 NGVD.
- Alafia River Watershed: The Medard Reservoir structure was operated to maintain normal operating levels. The average water level for the Medard Reservoir was 58.55' NGVD compared to the recommended maintenance level of 59.50' NGVD.
- Hillsborough River Watershed: Thirteen Mile Run system and Flint Creek structures were operated to maintain normal operating levels. The average monthly water level for Lake Thonotosassa was 36.34' NGVD, compared to the recommended maintenance level of 36.50' NGVD.
- Tampa Bay/Anclole Watershed: The Rocky Creek system, Brooker Creek system, and Sawgrass structures were operated in order to maintain normal operation levels. The average monthly water level for Lake Tarpon was 3.16' NGVD, compared to the recommended maintenance level of 3.20' NGVD.
- Peace River Watershed: The North Winter Haven Chain of lakes, Lake Parker, and the Lake Hancock structures were operated to maintain water levels. The average monthly water level for Lake Hancock was 100.15' NGVD, compared to the recommended maintenance level of 100.00' NGVD.
- Lake Wales Ridge Watershed: Structure G-90 was operated in order to reach the target water conservation level. The average monthly water level for Lake June-in-Winter was 74.85' NGVD, compared to the recommended level of 75.00' NGVD.

Staff Recommendation:

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

Presenter: Jason Hopp, Operations and Land Management Bureau Chief



District Structure Sites

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

January 19, 2016

Routine Report

Significant Activities

Staff Recommendation:

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

Presenter: Ken Frink, Operations, Lands and Resource Monitoring Division Director

Operations, Lands and Resource Monitoring Committee

Significant Activities

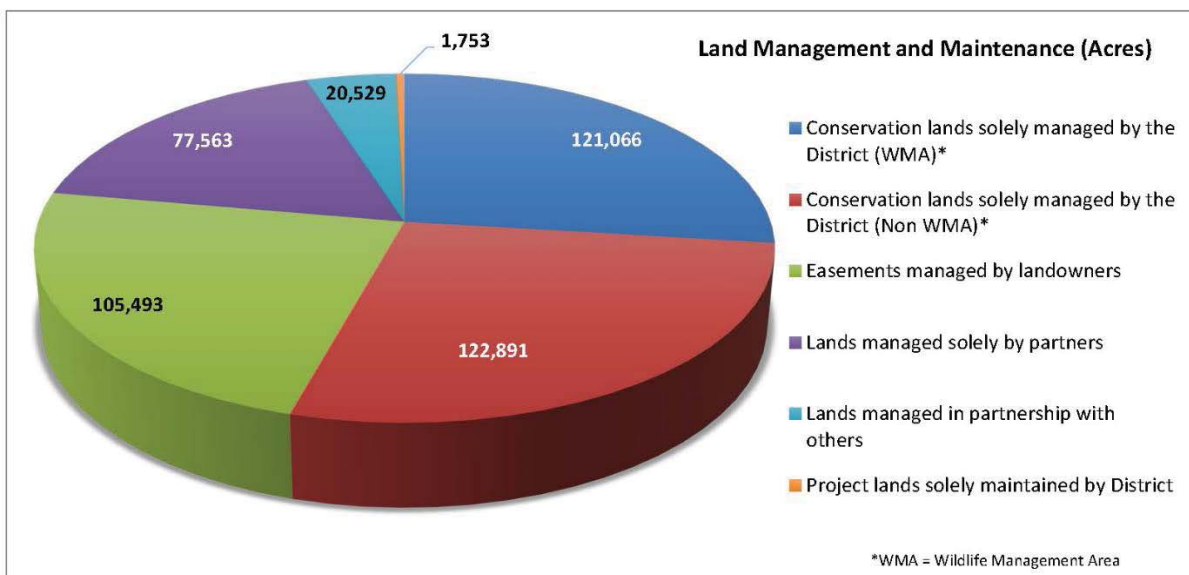
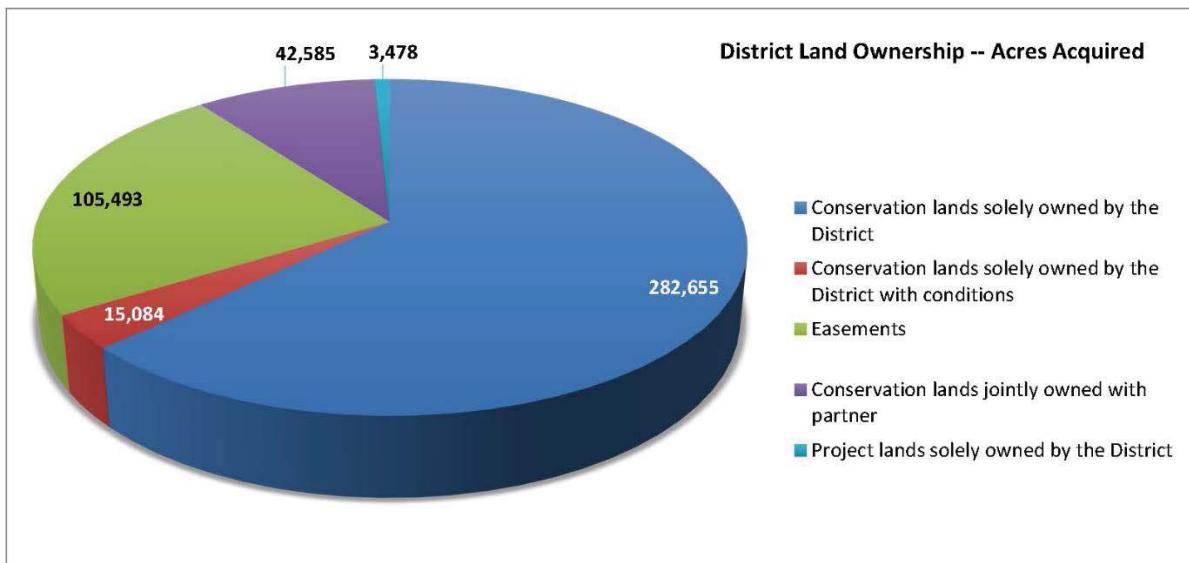
This report provides monthly information through December 17, 2015 on significant Operations and Land Management projects and programs in which the Governing Board is participating in funding and otherwise may be of interest to the Board. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

Land Resources

- The prescribed fire team has applied fire management on 4,342 acres of District conservation lands during FY2016. There were no wildfires recorded during this period.
- Phase 1 feral hog management activities are complete. In total, 75 feral hogs were removed from 6 District conservation lands. To date, 237 feral hogs have been removed from District lands when all methods of removal are considered.
- Four timber stands have been advertised through the bid process. Contracts have been executed by the District and are in the process of full execution by the contractors with the successful bids. It is predicted that the four stands should generate over \$210,000 of revenue.
- Staff conducted annual conservation easement monitoring inspections located in and around the Green Swamp.
- Received completely executed copy of the FWC Enhanced Patrol Agreement for security service on District lands.
- Completed a draft Jack Creek Agreement that will transfer the land management responsibilities of the property to the Florida Fish and Wildlife Commission and will begin the routing process through District staff and OGC.
- Met with Tampa Bay Water staff as a continuation of the Team meetings. Discussions included an improved parking area, mowing, Share the Road signage and we received plans for future expansion of TBW facilities on Cypress Creek.
- Preliminary discussion with FWC regarding possible relocation of red cockaded woodpeckers into suitable habitat within the Green Swamp. If pursued, FWC would manage the species and the District would continue land management activities as normal.
- Participated in the Peninsular Florida Landscape Conservation Cooperative meeting held in Gainesville involving partnerships at federal, state, regional, local and private sector levels.
- The District partnered with Hillsborough County on the construction of the trail on Brooker Creek Nature Preserve owned by the District and managed by the County. The trail is a key link in the connection of the Pinellas Trail to the Suncoast Parkway Trail.
- Received a request from Pinellas County to convey an easement to Duke Energy for expanded electric service to an air quality monitoring station at Sawgrass Lake Park. The

County is partnering with the United States Environmental Protection Agency to locate suitable sites countywide. Staff has forwarded appropriate information to legal to expedite review of the County's request.

- Evaluating a request from an adjoining landowner requesting the District convey an access easement across its lands in connection with the landowner's plans to designate its lands a mitigation bank. District staff met with the landowner's representative to determine potential responses to the request. Staff are continuing to evaluate the request and coordinating with regulatory staff.
- Continue to work with City of Temple Terrace to finalize an annexation proposal and resolution to annex portions of District lands into city limits. A formal letter and maps to support the request are being developed by the City for consideration by the District's Governing Board.
- Met with Pasco County Parks and Recreation staff to finalize portions of the future off-road bike network being proposed at the Starkey Wilderness Preserve by the SWAMP bike group.
- Issued Special Use Authorization to Roy Skinner, American Disability Adventures, for vehicle access to conduct six hunting and camping events within Upper Hillsborough Wilderness Preserve—Alston Tract, Starkey Wilderness Preserve—Serenova Tract, Green Swamp Wilderness Preserve—Hampton Tract and Flying Eagle Nature Center.
- Issued Special Use Authorization to Lake Region Audubon Society for access into Lake Hancock outfall wetlands to include surveying the wetlands for a number of bird species and individuals, education of the wetlands' purpose and function, as well as photography of wildlife.
- Issued Special Use Authorizations to Jonathan Roberts, FWC Youth Hunting Program, for vehicle access to conduct six hunting and camping events within Hálpata Tastanaki Preserve, Green Swamp Wilderness Preserve—Hampton Tract and Flying Eagle Nature Center.
- Issued Special Use Authorization to Bev Hansen, Hernando Audubon Society, for vehicle access within Weekiwachee Preserve to conduct the annual Christmas Bird Count.
- Issued Special Use Authorization to Peter Day, West Pasco Audubon Society, for vehicle access within Starkey Preserve (Serenova & Anclole Tracts) to conduct the annual Christmas Bird Count.
- Issued Special Use Authorization to Dr. Laura Altfeld, St. Leo University, for access to conduct plant-insect interactions research on 100 native salt-myrtle trees within Conner Preserve.
- Volunteers provided 770 hours of service, a value of approximately \$16,639.70 to District conservation/recreation lands.
- Processed 465 requests and provided 3,290 camping opportunities on District lands.
- The following is a breakdown of District land interests:



Real Estate Services

- Due diligence ongoing related to the contractual obligations necessary to close on the approved purchase of the Dexter tract within the Weekiwachee Preserve in Hernando County.
- Request for Quotes (RFQ) for real estate broker services to market and sell properties declared surplus has been completed. Negotiating with broker regarding listing agreements. Appraisal ordered and inspection completed for the Shaw/Stidd property in Chassahowitzka, Citrus County.

- Pre-acquisition investigations started for Rainbow River Ranch, in Marion County. Appraisal quotes requested.
- Acquisition of monitor well sites for the Data Collection Bureau is ongoing and currently involves 24 new and 123 existing locations.
- In 2011, at the direction of the Governing Board, the District began a surplus lands assessment. Since that time 48 parcels consisting of approximately 4,657 have been declared surplus and two additional parcels consisting of three acres have title issues precluding sale in their current state. To increase market exposure the parcels available for sale have been listed on Zillow, Trulia and Loop Net. The following is the status of these parcels:
 - Four parcels consisting of 12 acres have been sold within the Flying Eagle Preserve in Citrus County, Lake Tarpon Outfall Canal in Pinellas County, Green Swamp Wilderness Preserve in Polk County and the Panasoffkee-Outlet Tract in Sumter County.
 - One parcel along the Tampa Bypass Canal in Hillsborough County has been approved for sale by the Governing Board, closing set for January 2016.
 - Five parcels consisting of 236 acres have been through the public bid process and remain posted on the District's website and Trulia, Zillow and Loop Net, as available for purchase (Frog Creek in Manatee County, Green Swamp Wilderness Preserve in Polk County, Lake Hancock in Polk County, Lake Pretty in Hillsborough County and Upper Hillsborough Preserve in Pasco County).
 - Two parcels in Hillsborough County within the Chito Branch Reserve consisting of 127 acres, have an approved MOU between Tampa Bay Water Board and District to initiate the process of amending the reservoir permit conditions set by the EPC and FDEP necessary to obtain a release for the easement encumbering these parcels.
 - Thirty-one parcels consisting of 3,198 acres, are being evaluated for surplus. The parcels range in size from less than one acre to 1,012 acres and are located in Citrus, DeSoto, Hernando, Hillsborough, Lake, Pasco, Polk and Sumter Counties.
 - Three parcels along the Tampa Bypass Canal in Hillsborough County consisting of seven acres, are nonsalable in their existing state.
 - Terms on an exchange with Hillsborough County related to two parcels within the Lower Hillsborough Wilderness Preserve consisting of 39 acres three parcels that were not declared surplus within the Alafia River Corridor and were discussed with the Governing Board at the October meeting.
 - The two properties declared surplus within the Annutteliga Hammock project in Hernando County consist of 1,040 acres split between 626 individual parcels is being evaluated. Parcel range in size from less than one acre to 164 acres. 623 parcels consist of less than 40 acres; of that 606 parcels are less than three acres.

**Governing Board Meeting
January 19, 2016**

GENERAL COUNSEL’S REPORT

Discussion Items

47. Consent Item(s) Moved for Discussion

Submit & File Report - None

Routine Reports

48. January 2016 - Litigation Report.....	169
49. January 2016 - Rulemaking Update	192

GENERAL COUNSEL'S REPORT

January 19, 2016

Discussion Item

Consent Item(s) Moved for Discussion Staff

Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

January 19, 2016

Routine Report

January 2016 - Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT
DECEMBER 2015
(Current status of case is in **boldface** type)

DELEGATED ADMINISTRATIVE HEARING MATTERS
0 as of December 30, 2015

OPEN ENFORCEMENT CASES
51 Cases as of November 18, 2015
51 Cases as of December 30, 2015

ENFORCEMENT CASES IN ACTIVE LITIGATION
1 Case as of December 30, 2015
(Including Administrative Complaints)

<u>STYLE</u>	<u>COURT/ CASE NO.</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
Southwest Florida Water Management District v. H & H Properties, LLC	Tenth Judicial Circuit/Polk County Case No. 15- CA-156200	A. Brennan	Enforcement of Administrative Complaint and Order (Order No. SWF 15-001)	This matter involves the failure to correct ERP as-built deviations. An Administrative Complaint and Order (ACO) was served on H & H Properties, LLC (H & H) on January 15, 2015. On February 3, 2015, the ACO was rendered and a copy was mailed to H & H. A modification to the ERP to address the outstanding compliance issues was issued in April 2015. A Complaint and Petition for Enforcement was filed on April 30, 2015 to collect enforcement costs and penalties. Defendant was served with process on May 19, 2015. On July 8, 2015, the District filed its Motion for Default. On July 10, 2015, the Clerk entered the default. On November 18, 2015, the District filed its Motion for Final Judgement After Default. On November 23, 2015, the District submitted a draft Order Entering Final Judgment. On December 1, 2015, the Court Entered Final Judgment in Favor of the District awarding \$7,775.00 in penalties and costs for the underlying violation, and \$2,066.75 in attorney's fees and costs for the civil enforcement action.

PERMIT/AGENCY ACTION CHALLENGES
4 Cases as of December 30, 2015

<u>STYLE</u>	<u>COURT/ CASE NO.</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
Homosassa Special Water District v. SWFWMD and Florida's Turnpike Enterprise		A. Brennan	Administrative Hearing Challenging Environmental Resource Permit	On December 17, 2015, the District received a petition for administrative hearing filed by Homosassa Special Water District. On January 4, 2016, the petition was determined to be timely and sufficient, and was referred to Division of Administrative Hearings to conduct further proceedings.
Joseph McClash v. Land Trust #97- 12 and SWFWMD; Manasota-88, Inc. v. SWFWMD, et. al.; and Florida Institute for Saltwater Heritage, Inc. v. SWFWMD, et. al.	Division of Administrative Hearings Case Nos. 14-4735; 14-5038, and 14- 5135	K. West/ A. Brennan	Administrative Hearing Challenging Environmental Resource Permit (Single Family Homes at Harbor Sound)	On August 21, 2014, the District issued a Notice of Intended Agency Action for approval of an ERP issued to Land Trust #97-12 for the construction of a stormwater management system to serve a 3.46-acre single family residential project. On August 29, 2014, the District received a timely Petition for Administrative Hearing filed by Joseph McClash (McClash). On September 10, 2014, the District received a timely Petition for Administrative Hearing filed by Manasota-88, Inc. On September 14, 2014, the District received a timely Petition for Administrative Hearing filed by the Florida Institute for Saltwater Heritage, Inc. (FISH). All three petitions were initially dismissed without prejudice by the District for lack of standing, but each petitioner filed timely and sufficient amended petitions that were referred to the Division of Administrative Hearings (DOAH) to conduct a final hearing and submit a recommended order. The three petitions were consolidated for hearing by orders dated October 29 and 31, 2015. On January 26, 2015, Sierra Club, Inc. moved to intervene in the administrative proceeding and was granted intervenor status by order of the Administrative Law Judge (ALJ) dated February 9, 2015. On January 27, 2015, Suncoast Waterkeeper, Inc. moved to intervene in the administrative proceeding and was granted intervenor status by order of the ALJ dated February 9, 2015.

Kenneth
Mondouri,
Rosemarie
Mondouri, Ron
Schroder,
Valerie
Schroder,
Rafael Tejada,

J. Stephans/
A. Vining

Administrative Hearing
Challenging Environmental
Resource Permit

On February 11, 2015, the parties each filed unilateral joint pre-hearing stipulations. A final hearing in the matter was held on February 17 through 19, 2015, in Tampa, Florida. A deposition in lieu of testimony for one of Land Trust #97-12's witnesses was held March 16, 2015. A five-volume transcript of the hearing was filed on April 8, 2015. District and Land Trust filed a joint proposed recommended order (PRO) with the ALJ on May 8, 2015. Petitioners also submitted a PRO on May 8.

On June 25, 2015, the ALJ issued a final order recommending the District deny the ERP based upon a failure to provide reasonable assurance of compliance with the applicable criteria. Specifically, the ALJ found that the proposed project: 1) did not implement practicable design modifications to eliminate or reduce adverse impacts; 2) provided insufficient motivation for secondary impacts; 3) resulted in significant adverse impacts to the functions of wetlands in the basin from cumulative impacts; and 4) was not clearly in the public interest.

The District filed Exceptions to the Recommended Order on July 15, 2015. Land Trust also filed exceptions on July 15, 2015. Petitioners filed a Joint Response to Exceptions on July 24 and then filed an Amended Joint Response to Exceptions on July 25. The Governing Board entered a Final Order issuing the ERP on August 25, 2015. The Final Order was rendered and a Notice of Entry of Final Order was served on the parties on August 28, 2015.

On September 24, 2015, the Final Order was appealed by Petitioners and Intervenor to the Fifth District Court of Appeal. See, Appeals, below.

On November 13, 2015, the District issued a Notice of Intended Agency Action for approval of an Individual Construction ERP No. 43041612.001 issued to Wilds Land Company, LLC for the construction of a stormwater management system to serve a 17-lot single family subdivision. On December 3, 2015, the District received a timely petition for

Idelfia Tejada,
Donald Smith,
Diane Smith,
Joseph Ryser,
Sarah Ryser,
Barbara Spath,
Samuel
Harmon,
Darlene Fett,
Michael Heard,
Betsy Heard,
Margaret
Omar, Robert
Omar, Gordan
Dore, Caren
Dore, Shilp
Patel, Dashan
Patel, Les
Moffatt, and
Darlene
Moffatt v.
Wilds Land
Company, LLC
and SWFWMD

Environmental
Protection
Commission
of
Hillsborough
County v.
SWFWMD and
FDEP

City of Tampa
v. FDEP

Friends of the
River, Inc. v.
SWFWMD and
FDEP

FDEP OGC Case
Nos. 15-1689 and
15-1695

K. West/
A. Brennan

Administrative Hearing
challenging FDEP's intent to
issue a consumptive use permit
to SWFWMD for the Morris Bridge
Sink project as a part of the
Lower Hillsborough River
Recovery Strategy

administrative hearing filed by Kenneth Monduori, Rosemarie Mondouri, Ron Schroder, Valerie Schroder, Rafael Tejada, Idelfia Tejada, Donald Smith, Diane Smith, Joseph Ryser, Sarah Ryser, Barbara Spath, Samuel Harmon, Darlene Fett, Michael Heard, Betsy Heard, Margaret Omar, Robert Omar, Gordan Dore, Caren Dore, Shilp Patel, Dashan Patel, Les Moffatt, and Darlene Moffatt. The District initially dismissed the petition without prejudice for failing to substantially comply with the requirements of Rule 28-106.201(2), F.A.C. On December 29, 2015, the District received an Amended Petition for Administrative Hearing. The amended petition is under review.

On December 7, 2015, the Florida Department of Environmental Protection ("FDEP") published notice of its intent to issue consumptive use permit no. 20020574.000 ("Permit") to SWFWMD for the Morris Bridge Sink project in support of the Lower Hillsborough River Recovery Strategy. On December 22, 2015, the Environmental Protection Commission of Hillsborough County ("EPC") filed with FDEP a Request for Extension of Time to file a petition for administrative hearing challenging FDEP's issuance of the permit. On December 28, 2015, the City of Tampa filed a petition for administrative hearing with FDEP supporting FDEP's issuance of the permit. On December 29, 2015, FDEP entered an Order denying EPC's request for extension of time and granting EPC 15 days to submit an amended petition (no later than January 13, 2016). Also, on December 29, 2015, FDEP entered an Order Denying a Request for Extension of Time and

dismissing a petition with leave to amend, based upon an email FDEP had received from Friends of the River, Inc. ("FOR"), regarding FDEP's intent to issue the permit. The Order also granted FOR 15 days to submit an amended petition (no later than January 13, 2016).

MISCELLANEOUS
7 Cases as of December 30, 2015

<u>STYLE</u>	<u>COURT/ CASE NO.</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION</u>
Ingerick, Tamela v. SWFWMD & Florida Highway Patrol	Twelfth Judicial Circuit/ Sarasota County Case No. 2012 CA 9825 NC	K. Dionisio/ K. Anderson/ J. Stephans	Complaint alleging negligence against the District and Florida Highway Patrol regarding smoke from a prescribed burn causing a motor vehicle accident	The District was served with a Summons and Complaint on December 19, 2012 filed by Tamela Ingerick (Plaintiff) alleging negligence on behalf of the District and the Florida Highway Patrol regarding a motor vehicle accident allegedly caused by smoke from a prescribed burn. Risk Management was notified and the case was referred to the District's insurance carrier. The District filed its Answer and Affirmative Defenses on December 31, 2012. Discovery thereafter commenced and continues. On March 19, 2014, the Florida Highway Patrol filed a Motion for Summary Judgment with a supporting Memorandum of Law. On March 26, 2014, the District filed a Response in Opposition to the Florida Highway Patrol's Motion for Summary Judgment. Also on March 26, 2014, the District filed a Proposal for Settlement to the Plaintiff in the amount of \$5,001 which was rejected. On April 22, 2014, the Florida Highway Patrol's Motion for Summary Judgment was granted. Mediation was held on May 1, 2014, but no agreement was reached. On May 22, 2014, Plaintiff filed a Motion for Reconsideration of Defendant Florida Highway Patrol's Motion for Summary Judgment. On June 28, 2014, the Plaintiff's Motion for Reconsideration was denied. On January 22, 2015, the Court entered Final Judgment in favor of the Florida Highway Patrol based on summary judgment proceedings above. The Florida Highway Patrol is no longer involved in the proceeding.

On December 23, 2014, Plaintiff filed a Motion to Amend the Complaint, attaching the Second Amended Complaint therein. Defendants filed responses in opposition on February 4 and 5, 2015. A hearing on Plaintiff's motion occurred on February 6, 2015, and the Plaintiff's Motion to Amend the Complaint was granted. On February 17, 2015, the District filed its Answer and Affirmative Defenses to Plaintiff's Second Amended Complaint.

On September 3, 2015, Plaintiff's counsel filed a Motion to Set Cause for Trial stating that coordination with District's outside counsel was unsuccessful. On September 8, 2015, District's outside counsel filed a Notice of Unavailability ranging from dates in September 2015 through September 2016.

On August 12, 2015, the Plaintiff submitted a Proposal for Settlement for \$45,000. Outside counsel recommended that the District not accept the proposal and submitted a memorandum detailing his recommendation. On September 10, 2015, the Executive Director rejected the offer in accordance with Board Policy No. 160-3. The Deposition of Deputy Michael P. Jones is scheduled for September 14, 2015. Outside counsel advises that the deposition will be brief and will focus on visibility at the time the deputy arrived on the scene.

On September 9, 2015, Plaintiff served an Order proposing the Case Management Conference to be scheduled for December 22, 2015.

On November 13, 2015, the District filed an Amended Notice of Designation of E-Mail Addresses.

On or about December 16, 2015, counsel for the District filed a Stipulation for Trial Period to set

SWFWMD v.
Parsons
Water &
Infrastructure,
Inc.

Thirteenth
Judicial
Circuit/
Hillsborough
County

Case No.
2014-CA-
001631

M. McNeil/
E. Richards

Complaint for breach
of contract and
professional
negligence

the case for trial beginning September 19, 2016 and to continue for 4 days. On December 17, 2015, Judge Brian Iten signed an Order Setting Case for a jury trial beginning September 19, 2016. A Pre-Trial Conference is scheduled for August 17, 2016 at 9:00 a.m. and the Mandatory Docket Sounding is scheduled for September 15, 2016 at 9:00 a.m.

The Case Management Conference that was scheduled for December 22, 2015 at 9:00 a.m. was cancelled (in light of the Stipulation for Trial Period being filed).

On December 28, 2015, counsel for the District filed a Notice of Unavailability for several dates ranging from January 11, 2016 through September 30, 2016 on behalf of the District and Florida Highway Patrol.

On November 22, 2013, the District filed a complaint against Parsons Water & Infrastructure, Inc. (Parsons) alleging breach of contract and professional negligence. On January 24, 2014, the parties filed a Joint Stipulation agreeing to transfer proceeding to Hillsborough County, which was granted. Parsons filed their Answer, Affirmative Defenses and Counterclaim on February 6, 2014. Discovery was immediately initiated by both parties and is ongoing. The District retained outside counsel to represent it in the proceeding.

On March 12, 2014, the District served a Motion to Dismiss Parson's Counterclaim. On March 13, 2014, Parsons served its Answer, Affirmative Defenses and Amended Counterclaim, together with Notices of Filing of Exhibits A -- B-4 and Exhibits C -- K. On April 1, 2014, the District served its Answer and Affirmative Defenses to Parson's Amended Counterclaim as well as additional discovery. Mediation was scheduled for August 7, 2014.

On July 11, 2014, Parsons filed its Certificate of Authority in preparation for mediation. On July 16, 2014, the District filed its Certificate of Authority. Mediation took place on August 7, 2014, and was not successful.

On November 4, 2014, Plaintiff filed Stipulated Motion for Substitution of Counsel. The Order granting the Motion was issued on November 6, 2014 and on December 5, 2014, the District's substituted counsel filed a Notice of Appearance.

On January 22, 2015, a Case Management Conference was held. The Court entered a Scheduling Order at the Conference. The Scheduling Order is based off a March 2016 trial date. On February 4, 2015, Parsons filed a Notice of Taking Deposition for District employee Janie Hagberg.

On June 5, 2015, Janie Hagberg's deposition took place. On July 1, 2015, Parsons and the District filed Preliminary Witness and Exhibit Lists.

On July 8, 2015, the deposition of Chris Keller with Wetland Solutions, Inc. took place. On July 9, 2015, the deposition of Greg Prather, the corporate representative of Pickett & Associates, took place. Additional depositions are currently ongoing.

On July 17, 2015, the District received Parsons' Answers to the District's First Set of Interrogatories. On July 20, 2015, the District filed its response to Parsons' 5th Request to Produce.

On August 7, 2015, the deposition of Hilary Snow, the corporate representative of Parsons took place. On August 17, 2015, the District filed a Notice of Non-Party Production for Ardaman & Associates. On August 10, 2015, the deposition of Janie Hagberg as corporate representative of the District took place. On August 11, 2015, the deposition of Jason Walker, a former employee of PCL Construction, took place.

SWFWMD v.
Suggs,
Thomas E.,
Jr., et al.

Fifth
Judicial
Circuit/
Sumter
County

Case No.
2012-CA-
001929

K. Dionisio

Complaint for
Declaratory Judgment
of Homestead Property
Claimed by Thomas E.
Suggs a/k/a Thomas
Edwin Suggs, Jr.

On September 16, 2015, the deposition of Adam Hughes, the corporate representative of Parsons took place. The deposition of Adam Hughes was not completed on September 16, 2015 and will continue on October 27, 2015. On September 21, 2015, the District filed its response to Parsons' 6th Request to Produce. Additional depositions are currently ongoing.

On October 13, 2015, the deposition of Yoav Rappaport, the corporate representative of Parsons, took place. On October 26, 2015, the deposition of Dave Testerman took place.

On October 27, 2015, the continued deposition of Adam Hughes, the corporate representative of Parsons took place. On October 31, 2015, the deposition of Tory Champlin, the corporate representative of Parsons, took place. On November 16, 2015, the deposition of Ken Hudson, a former employee of Parsons, took place.

On November 25, 2015, the District filed its 5th Request to Produce. On December 3, 2015, the District filed its Amended Complaint. On December 4, 2015 the deposition of the corporate representatives of Ardaman & Associates took place. On December 21, 2015, Parsons filed its Answer to Amended Complaint. Mediation is scheduled for January 2016. Pretrial appointment is scheduled for June 9, 2016.

The District filed a Complaint and Notice of Lis Pendens on December 13, 2012. Danny J. Suggs was served with the Complaint and Notice on December 31, 2012. Lisa Steed, Harold W. Steed Gary D. Suggs, and Thomas E. Suggs were not able to be served. Joann Suggs Krueger was served on January 2, 2013. Danny J. Suggs' served a Motion to Dismiss on the District on January 21, 2013. On January 28, 2013, the District served a Response to Motion to Dismiss and Plaintiff's Motion to Abate as to Defendant Danny J. Suggs. On February 4, 2013, the Court

Suggs, Danny J.	United States Bankruptcy Court, Middle District of Florida, Jacksonville Division Case No. 3:12-bk- 06997-PMG Chapter 7	K. Dionisio	Chapter 7 Bankruptcy
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entered an Order on Motion Practice Procedure. Sent Alias Summons to be served on Thomas E. Suggs on February 11, 2013. An Order on Defendant's (Danny J. Suggs') Motion to Dismiss (Denied) and an Order on Plaintiff's Motion to Abate as to Defendant Danny J. Suggs (Granted until outcome of Plaintiff's Motion for Relief from Stay to be filed in bankruptcy case) were entered on February 27, 2013. An Alias Summons served on Defendant, Thomas E. Suggs, on March 27, 2013. A Motion for Default and Affidavit of Non-Military Service regarding Thomas E. Suggs was then filed on April 26, 2013. On May 1, 2013, a Default was entered against Thomas E. Suggs. On August 2, 2013, a Notice of Voluntary Dismissal with Prejudice of Danny J. Suggs was served. On July 21, 2015, the District filed a Motion for Entry of Judgment after Default. Thereafter, the Court entered a Declaratory Judgment against Thomas Suggs finding that the deed and notice of homestead filed by Thomas Suggs are ineffectual against the District, as a creditor that holds a judgment lien on the property. The clerk's office has closed the case file.

On October 25, 2012, Danny J. Suggs filed for Chapter 7 Bankruptcy and listed the District as his largest priority creditor. The District hired outside counsel to represent its claim; counsel was later appointed to the judicial bench; as a result, OGC took over representation of the case as of May 23, 2013.

At the time, a Final Evidentiary Hearing (trial) on four contested matters (substantive motions) was set to occur on May 30, 2013. After filing the appropriate motions, the trial was continued to August 12, 2013 on the following motions: (1) the District's Objection to Debtor's Exemptions; (2) Debtor's Motion for Contempt against the District for Violation of the Automatic Stay; (3) the District's Amended Motion for Relief from the Stay to proceed with homestead determination of Thomas Suggs, and (4) Debtor's Motion to Avoid the District's Judicial Lien. The parties resolved items No. 2 and 3 above by withdrawing the motions, and

as a result, the District dismissed Danny Suggs from a state court proceeding regarding the homestead determination of his brother, Thomas Suggs.

On July 23, 2013, the District filed a Motion for Summary Judgment on its Objection to the Debtor's Exemptions (as to property claimed exempt as marital property, otherwise known as tenancy by the entireties). Subsequently, Mr. Suggs filed a Motion for Summary Judgment on its Motion to Avoid the District's Judicial Lien, in addition to a Cross-Motion for Summary Judgment on the District's Objection to his Exemptions. Oral arguments on the substantive motions were heard by the Court on August 12, 2013, and Judge Glenn took the matters under advisement.

On October 3, 2013, the Court entered an Order denying the District's Motion for Summary Judgment on its Objection to Exemptions (thereby granting Mr. Suggs' cross-motion), finding that the District was not a joint creditor of the debtor and his non-filing wife. The judgment obtained by the District in 2009 had omitted Mr. Suggs' wife's name from the caption of the case and she had not been listed as a defendant elsewhere in the judgment. As a result, Mr. Suggs would be able to claim all jointly-held property exempt from creditors' claims, which would include an exemption of all 180 acres upon which the District held a lien.

The court then denied Mr. Suggs' Motion for Summary Judgment on Avoidance of the District's Judgment Lien, finding that the District had met the statutory requirements in recording the lien. Although the District's lien would not be subject to avoidance, the property subject to the lien would be exempt from execution. Thereafter, the court scheduled a status conference for November 20, 2013 to discuss all outstanding issues in the bankruptcy case.

On October 17, 2013, the District filed a Motion for Extension of Time for Appeal (with a corrected motion filed thereafter) as to the order described above entered on October 3, 2013; Mr. Suggs

consented to the time extension. Ultimately, the District did not appeal the court's order.

On November 8, 2013, Mr. Suggs filed a Second Motion to Avoid the District's Judicial Lien, this time attempting to avoid the District's lien as to property held exempt as marital property under the Florida doctrine of tenancy by the entireties, with the goal of avoiding the lien as to the 180 acres of property. The Court held a status conference on November 20, 2013 and set a deadline for any further motions on the lien avoidance and exemption issues to be filed by January 31, 2014.

On January 14, 2014, the District filed a Motion for Relief from the Automatic Stay pursuant to Section 362 of the Bankruptcy Code to petition the state court under Rule 1.540(a) of Fla. Civil Procedure, to correct an error of omission in the Final Judgment entered on July 9, 2009, *nunc pro tunc* (to be effective from that point in time) and thereafter, for the District to file a copy of the corrective order in the public records. Essentially, the District sought approval from the bankruptcy court to return to state court to have Judge Hallman readdress the judgment that had been entered in 2009, which had inadvertently omitted Mr. Suggs' wife from the judgment. Mr. Suggs filed a written response on January 15, 2014. The bankruptcy court set the matter for hearing on February 5, 2014; after the hearing, Judge Glenn took the matter under advisement.

On January 31, 2014, the District filed a written objection to Mr. Suggs' Motion to Avoid the District's Judicial Lien (as to exempt marital property) and more specifically, filed five separate Motions for Summary Judgment to individually address ownership issues of Parcels 11, 12, 14, 18 and 21 on the subject property. Under Florida's lien law, the District's judgment lien attached to those ownership interests of various Suggs family members, which were included in the District's 2009 judgment, at the time the lien was recorded in August 2009. The motions argued that Mr. Suggs did not have an ownership interest in the parcels prior to the District's judgment lien fixing to the

interest held by the various Suggs family members; and, as a result, Mr. Suggs took title subject to the pre-existing lien of the District, with such lien unable to be avoided under the Bankruptcy Code.

On March 4, 2014, the Bankruptcy Court entered an order granting the District relief from the automatic stay to ask Judge Hallman to correct a clerical error in the District's 2009 judgment in the omission of Mr. Suggs wife's name from the judgment. Thereafter, on March 5, 2014, counsel for Mr. Suggs filed a Motion to Withdraw from representation of Mr. Suggs. At a hearing on March 31, 2014, the court permitted counsel to withdraw. In the interim, Mr. Suggs personally contacted the District to initiate settlement negotiations.

The court set all other pending matters for hearing on June 30, 2014, and thereafter the matters were continued by consent of the parties until August 27, 2014. The matters were again continued by consent of the parties, with the court granting a continuance and rescheduling the hearing for November 13, 2014. The District continued settlement negotiations between March and November 2014, but ultimately the parties reached an impasse. The District's Governing Board held a closed-door meeting on September 30, 2014, from which staff conveyed the District's final settlement offer to Mr. Suggs. Subsequently, Mr. Suggs rejected the District's offer.

On November 13, 2014, the bankruptcy court held a hearing as to the District's pending motions for summary judgment and opposition against Mr. Suggs' motion to avoid its lien. The matters were subsequently continued until February 5, 2015, to allow Mr. Suggs once again to obtain counsel to represent him in the bankruptcy case.

In order to be able to enforce the District's 2009 judgment and levy on Mr. Suggs' property, the District was forced to defend its 2009 judgment and the fact that it had been obtained against Mr. Suggs and eight other family members. Otherwise, Mr. Suggs would be allowed to claim the property exempt, leaving the District without a means of

collecting on the \$5 million judgment. In November 2014, the District initiated proceedings to reopen the state court case in which it had obtained the 2009 judgment (such action having been approved by the bankruptcy court in March 2014 by it granting relief from the automatic stay). On December 1, 2014, Judge Hallman in the state court case ruled in favor of the District and entered an order amending the District's 2009 judgment include three defendants, Deborah Suggs (wife), Amber Suggs (daughter-in-law), and Amanda Suggs (daughter), all of whom had been inadvertently omitted from the original judgment. Mr. Suggs subsequently appealed. Please see the complete summary below in Appellate Case Nos. 5D14-4641 and 5D14-4643.

On February 5, 2015, the bankruptcy court heard oral arguments on the District's opposition to Mr. Suggs' Second Motion to Avoid the District's Judicial Lien (as exempt marital property), wherein the District brought the state court's recent order amending the District's 2009 judgment to the attention of the court. The bankruptcy court also heard arguments on the District's five pending motions for summary judgment against Mr. Suggs' motion to avoid its lien as to each individual parcel of property. Judge Glenn reserved ruling and continued the matters to March 12, 2015, again advising Mr. Suggs to obtain counsel.

Immediately thereafter, Mr. Suggs contacted the District to reinstate settlement negotiations and accept the District's settlement offer pending since October 2014. Mr. Suggs executed the settlement agreement on February 10, 2015, followed by the execution of the agreement by all eight of the remaining Suggs Family Defendants on February 19, 2015.

The Governing Board approved the Settlement Agreement at its February 24, 2015 meeting and the Executive Director executed the Agreement thereafter. On February 27, 2015, the District filed a "Motion to Compromise Controversy and Approve Settlement Agreement" and served the motion on all creditors in the bankruptcy case. At a

Suggs, Danny J.	U.S. Bankruptcy Court, Middle District of Florida, Jacksonville Division Case No. 3:12-bk- 06997-PMG Adversary Proceeding No. 13-ap- 272	K. Dionisio	Chapter 7 Bankruptcy Adversary Proceeding
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hearing on March 12, 2015, the bankruptcy court approved the settlement agreement and entered an order thereafter on March 17, 2015. The order became final and non-appealable on March 31, 2015. District staff is currently carrying out the terms of the settlement agreement. Pursuant to the agreement, the bankruptcy court will grant Mr. Suggs a discharge of his debts once the terms of the settlement are carried out.

District staff is working to carry out the terms of the settlement agreement.

On June 19, 2013, the District filed an adversary complaint (lawsuit within the main bankruptcy case) based on the District 2009 judgment, and objecting to Mr. Suggs' discharge of debts in bankruptcy, objecting to the dischargeability of the civil penalties awarded to the District in the amount of \$1,518,450 and requesting a declaratory judgment that the mandatory injunction requiring the Suggs Family Defendants to restore the subject property and its wetlands, with estimated restoration costs of \$3,371,986.46, was not a "claim" subject to discharge in bankruptcy.

On July 13, 2013, the Debtor filed an answer to the complaint, along with a motion to dismiss the count for declaratory judgment. The court entered an order scheduling the matter for pre-trial conference on October 2, 2013; the matters were subsequently continued by consent of the parties to December 4, 2013.

On November 26, 2013, the District filed a written opposition to Mr. Suggs' motion to dismiss the count for declaratory judgment (as to whether the mandatory injunction to restore the subject property and its wetlands imposed by the final judgment constitutes a claim subject to the discharge provisions of the Bankruptcy Code) and further addressed Mr. Suggs' argument that the District's amendment to the complaint was time-barred. On December 2, 2013, Mr. Suggs filed a reply addressing the merits of the argument. The court held a pretrial conference on December 4, 2013, and parties presented oral arguments on the

motion. Thereafter, the court allowed an additional 14 days for the District to address the issues raised by the Mr. Suggs. On December 18, 2013, the District filed its written memorandum, and Mr. Suggs filed a written reply on December 23, 2013, to the District's memorandum. Judge Glenn subsequently took the matter under advisement.

On January 7, 2014, the bankruptcy court ruled in favor of the District, denying Mr. Suggs' motion to dismiss the count of the complaint pertaining to District's request for declaratory judgment as to the restoration of the property. The court ruled that the complaint had sufficiently stated a cause of action for declaratory relief, because (1) an actual controversy exists as to whether the obligations in the District's 2009 judgment constitute debts or claims under Section 727(b) of the Bankruptcy Code, and because (2) the action was not the type of dischargeability action that must be commenced by the deadline established by Rule 4007(c) of the Bankruptcy Rules.

On January 13, 2014, Mr. Suggs filed his Amended Answer and Affirmative Defenses to the District's complaint. The court then set a pretrial and discovery conference hearing for April 2, 2014. However, in the interim, at a hearing on March 31, 2014, the court permitted counsel for the debtor to withdraw. A continued pre-trial conference was set for July 9, 2014, which was later continued by consent of the parties until August 27, 2014. The court thereafter granted another continuance and rescheduled the hearing for November 13, 2014.

Between March and November 2014, the parties conducted settlement negotiations, but ultimately reached an impasse.

On November 10, 2014, the District filed a motion for summary judgment on Count 1 of its complaint to except the \$1.5 million in civil penalties from discharge under Section 523 of the Bankruptcy Code. A pretrial conference occurred on November 13, 2014. In the interim, the District had initiated proceedings in state court to amend its 2009 judgment. On November 29, 2014, the state court

entered an order in favor of the District and amended the District's 2009 judgment to include the three defendants inadvertently omitted from the original judgment, including defendants Deborah Suggs (wife), Amber Suggs (daughter-in-law) and Amanda J. Suggs (daughter). Mr. Suggs subsequently appealed. Please see the complete summary below in Appellate Case Nos. 5D14-4641 and 5D14-4643.

The bankruptcy court scheduled trial to occur on March 12, 2015, as to Count 2 through 5 of the District's complaint pertaining to the denial of Mr. Suggs' discharge of debts under Section 727 of the Bankruptcy Code. On December 4, 2014, the District filed its exhibit and witness list in accordance with the court's scheduling order.

On January 28, 2015, the District conducted the deposition of Gary Suggs (son) and Amber Suggs (daughter-in-law). The District was unable to obtain service of the subpoena for deposition on Deborah Suggs (wife) and Danny Armstrong (tenant). Further discovery requests remained unanswered and pending.

On February 5, 2015, the bankruptcy court heard oral arguments on the District's Motion for Summary Judgment as to Count 1 of its complaint to except the \$1.5 million in civil penalties from discharge. Judge Glenn reserved ruling and continued the matter to March 12, 2015, and further sanctioned Mr. Suggs by ordering him to pay costs associated with the District attending the hearing in Jacksonville.

Immediately thereafter, Mr. Suggs contacted the District to reinstate settlement negotiations and accept the District's settlement offer pending since October 2014. Mr. Suggs executed the settlement agreement on February 10, 2015, followed by the execution of the agreement by the eight remaining Suggs Family Defendants on February 19, 2015.

The Governing Board approved the Settlement Agreement at its February 24, 2015 meeting and the Executive Director executed the Agreement thereafter. On February 27, 2015, the District filed

Clint
Galentine v.
SWFWMD
and FWC

Fifth
Judicial
Circuit/
Hernando
County

Case No.
15-CA-711

K. Dionisio/
J. Stephans/
K. Anderson

Complaint alleging
negligence against the
District and FWC
resulting in serious
bodily injury due to
gunshot wounds
sustained during a
managed hunt

a “Motion to Compromise Controversy and Approve Settlement Agreement” and served the motion on all creditors in the bankruptcy case. An expedited hearing on the motion was set for March 12, 2015.

On March 12, 2015, the bankruptcy court approved the settlement agreement and entered an order thereafter on March 17, 2015. The Order became final and non-appealable on March 31, 2015. District staff is currently carrying out the terms of the settlement agreement. Pursuant to the agreement, the bankruptcy court will enter final judgment in favor of the District on Counts 1 (civil penalties) and 6 (declaratory judgment on the restoration), and the District will dismiss Counts 2 – 5 of the complaint in this Adversary Proceeding.

On June 29, 2015, parties submitted a Joint Stipulation of Entry of Final Judgment as to Counts 1 (civil penalties) and 6 (declaratory judgment on the restoration), which was entered by the Court on July 8, 2015. District staff is working to carry out the terms of the settlement agreement.

On April 7, 2015, the District was served with a Summons, Complaint, Initial Request to Produce, Request for Admissions, Interrogatories filed by Plaintiff, Clint A. Galentine (Plaintiff), regarding injuries he sustained during a managed hunt. Risk Management and the District’s insurance carrier have been notified of the lawsuit. Risk Management provided a copy of Plaintiff’s notice of claim sent on May 16, 2014 to comply with the pre-suit notice requirement of Florida’s sovereign immunity statute, Section 768.28(6), F.S. The District’s insurance carrier has been provided with copies of the Complaint and all discovery. The District has requested a case strategy conference with defense counsel.

The District’s insurance carrier referred defense of case to its counsel. On April 13, 2015, counsel filed a Notice of Appearance on behalf of the District and a Motion to Dismiss for improper venue in Osceola County. On April 28, 2015, counsel filed a Motion to Extend the District’s responses to Plaintiff’s initial

discovery requests for a period of 30 days. In the meantime, Plaintiff's deposition has been noticed and set for July 30, 2015. District OGC held a status conference with defense counsel on May 11, 2015 to discuss case strategy and discovery deadlines. On May 22, 2015, the court entered an agreed order by stipulation of the parties granting the Plaintiff a period of 45 days to transfer venue from Osceola County to Hernando County.

In accordance with the Agreed Order to Transfer Venue, the Plaintiff refiled the action in Hernando County on June 10, 2015. On June 17, 2015, the District filed its Answer and Affirmative Defenses. On June 23, 2015, the District propounded its first set of discovery requests upon the Plaintiff, including requests for admissions, requests for production of documents, and interrogatories. On June 24, 2015, the Plaintiff filed a Motion to Strike Affirmative Defenses, or in the alternative, Motion for More Definite Statement.

On August 27, 2015, the Plaintiff's deposition was taken. On September 2, 2015, Carmen Sanders, Land Resources Manager, executed an affidavit which was given to outside counsel. Also, on September 2, 2015, deposition of Michael Trott, the shooter, was taken.

On September 21, 2015: District filed Response to Plaintiff's Request to Produce. On September 25, 2015, Plaintiff filed a Response to Defendant's Second Request to Produce.

On October 8, 2015, outside counsel filed Defendant's Notice of Filing for the Affidavit of Carmen Sanders dated September 1, 2015 and the Transcript of the deposition of Plaintiff. On October 9, 2015, outside counsel filed a Motion to Compel requesting the Court to order the Plaintiff to produce documents relative to a settlement entered into between the Plaintiff and the shooter. On October 9, 2015, the District's attorneys received the Summary of the Deposition of Michael J. Trott from outside counsel. On October 14, 2015, the

SWFWMD v.
Skyway Trap
and Skeet
Club, Inc.

Circuit Court
of the Sixth
Judicial
Circuit/
Pinellas
County/
15-005277-
CA-20

B. Boves/
K. West/
A. Brennan

Complaint for
declaratory and
injunctive relief and
specific performance

District's Notice of Service of Answers to Plaintiff's Interrogatories and the District's Answers to Plaintiff's Interrogatories were filed. On October 22, 2015, the District's Response to Request for Copies and Defendant's Response to Request for Copies (for Defendant, Florida Fish and Wildlife Conservation Commission) were filed. On October 29, 2015, the District filed a Motion for Summary Judgment. On November 4, 2015, District attorneys held a teleconference with outside counsel regarding the District's Motion for Summary Judgment. The parties are working together to schedule hearings on the District's Motion to Compel and Motion for Summary Judgment.

On December 22, 2015, outside counsel sent a copy of the Motion to Compel, which was previously filed in October, and a proposed Order on the Motion to Compel to the Honorable Scaglione. On December 23, 2015, Plaintiff filed Plaintiff's Objection to Defendant's Motion to Compel. On December 23, 2015, outside counsel filed a Reply to Plaintiff's Objection to Defendant's Motion to Compel.

This is an action for declaratory and injunctive relief and for specific performance, arising from a 2004 Settlement Agreement entered into between the District and Skyway Trap & Skeet Club (Skyway) to resolve a trespass and quiet title lawsuit filed by the District against Sawgrass in April 2000. On August 14, 2015, the District filed its Complaint for Declaratory and Injunctive Relief and Specific Performance. On August 17, 2015, the District filed a Motion for Temporary Injunction, seeking to enjoin Skyway's trap & skeet operations on and over District property. On September 2, 2015, Skyway filed a Motion to Stay and to Compel Alternative Dispute Resolution as well as a Motion to Dismiss the District's complaint. On November 9, 2015, a hearing was held on Skyway's Motions to Dismiss, Stay and Compel Alternative Dispute Resolution.

On December 10, 2015, the Judge entered an Order denying the Motion to Dismiss, finding that (1) Section 790.333, F.S., was not applicable to the action; (2) a valid arbitration exists between the parties; (3) the District's counts regarding declaratory judgment and specific performance arose from the 2004 Settlement Agreement and were stayed and ordered to mediation, and (4) the District's count regarding injunctive relief did not arise out of the 2004 Settlement Agreement, was not stayed, and Skyway was ordered to answer that count within 20 days. The District was served some initial discovery on Skyway. A hearing on the District's Motion for Temporary Injunction is scheduled for January 25 and 26, 2016.

On December 22, 2015, Skyway filed a Motion to Stay the entire action, pending its intent to file an appeal of the Judge's December 10, 2015 Order. On December 28, 2015, Skyway filed a Notice of Appeal with the Second District Court of Appeals (see, Appeals, below). A hearing on the Motion to Stay is scheduled for January 5, 2016.

APPEALS

2 Cases as of December 30, 2015

<u>STYLE</u>	<u>COURT/ CASE NO.</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
McClash, et. al. v. Land Trust #97-12 and SWFWMD	Fifth District Court of Appeal/ 5D15-3424	K. West/ A. Brennan/ A. Vining	Appeal of SWFWMD Final Order No. 15-021 granting an Environmental Resource Permit to Land Trust #97-12	On September 29, 2015, Joseph McClash, Manasota-88, Inc., Florida Institute for Saltwater Heritage, Inc., Sierra Club, Inc., and Suncoast Waterkeeper, Inc. (collectively, "Appellants") filed with the Fifth District Court of Appeal a Notice of Appeal of SWFWMD Final Order No. 15-021, entered on August 28, 2015, granting an Environmental Resource Permit ("ERP") to Land Trust #97-12. On October 2, 2015, Land Trust #97-12 filed a Motion to Transfer the matter to the Second District Court of Appeal, arguing it was the more appropriate Court to hear the appeal as the location of the activities authorized by the ERP would take place within its jurisdiction, and all parties involved in the

appeal were located within its jurisdiction. The District supported the motion, but the Appellants opposed the motion, filing a Response and Objection to Land Trust #97-12's Motion to Transfer on October 10, 2015. All Parties have also filed Mediation Questionnaires and Confidential Statements with the Court regarding whether mediation of this appeal is appropriate.

On November 4, 2015, the Court denied Land Trust #97-12's Motion to Transfer Venue. On November 5, 2015, the Court issued an Order of Referral to Mediation. The Appellants filed a response to the Order of Referral to Mediation on November 17, 2015. Mediation must be completed by December 21, 2015.

On December 28, 2015, Skyway filed a petition seeking appellate review of the Circuit Court's Order denying Skyway's Motion to Dismiss in related case in Circuit Court of the Sixth Judicial Circuit, Pinellas County, 15-005277-CA-20.

Skyway v. SWFWMD	Second District Court of Appeal/ 2D15-5571	B. Bolves/ K. West/ A. Brennan	Petition for Appellate Review of Circuit Court Order Denying Skyway's Motion to Dismiss
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CONSENT ORDERS
0 as of December 30, 2015

<u>VIOLATOR</u>	<u>BOARD POLICY</u>	<u>ATTORNEY</u>	<u>VIOLATIONS</u>	<u>STATUS</u>
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GENERAL COUNSEL'S REPORT

January 19, 2016

Routine Report

January 2016 - Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

RULEMAKING UPDATE

DECEMBER 2015 PROPOSED RULES & AMENDMENTS

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
1. Initiation and Approval of Rulemaking to Amend Rule 40D-1.659, F.A.C., to Adopt Revised Forms and Instructions	October 2015	TBD	August 2015
2. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302(1), F.A.C. to Repeal Reservations from Use of Morris Bridge Sink	TBD	TBD	May 2015
3. Initiation and Approval of Rulemaking to Amend Rule 40D-4.091, F.A.C. and the ERP Applicant's Handbook Volume II, as part of SWERP Rule Amendments	TBD	TBD	July 2014
4. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt Minimum Levels for Moon Lake in Pasco County, Florida	June 2015	TBD	August 2015
5. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt Minimum Levels for Eagle Lake and Lake McLeod in Polk County	September 2015	TBD	October 2015
6. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt Minimum Levels for Lake Hancock in Polk County	September 2015	TBD	October 2015
7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt Minimum Levels for Lake Starr and Lake Wales in Polk County	October 2015	TBD	TBD
8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt Minimum Levels for Lake Buddy and Lake Pasadena in Polk County	October 2015	TBD	TBD

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
9. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt revised Minimum Levels for Lake Clinch in Polk County	TBD	TBD	TBD
10. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt revised Minimum Levels for Crews Lake in Pasco County	TBD	TBD	TBD

COMMITTEE/LIAISON REPORTS

January 19, 2016

Discussion Item

Well Drillers Advisory Committee

Staff Recommendation:

Presenter: Kelly S. Rice, Board Member

COMMITTEE/LIAISON REPORTS

January 19, 2016

Discussion Item

Other Committee/Liaison Reports

Staff Recommendation:

Presenter: Board Members

EXECUTIVE DIRECTOR'S REPORT

January 19, 2016

Discussion Item

Executive Director's Report

Staff Recommendation:

Presenter: Robert R. Beltran, P.E., Executive Director

CHAIR'S REPORT

January 19, 2016

Discussion Item

Chair's Report

Staff Recommendation:

Presenter: Michael A. Babb, Chair

CHAIR'S REPORT

January 19, 2016

Discussion Item

Other

Staff Recommendation:

Presenter: Michael A. Babb, Chair

CHAIR'S REPORT

January 19, 2016

Routine Report

Employee Milestones

Staff Recommendation:

Presenter: Michael A. Babb, Chair

Years of Service*	Adjusted Hire Date	Preferred Full Name	Job Title	Location	Bureau
5	1/10/2011	Don Weaver	Webmaster	Brooksville	Public Affairs Bureau
10	1/30/2006	Steven Lopes	Lead Engineer	Tampa	Environmental Resource Permit
15	1/2/2001	Kim Dymond	Senior Environmental Scientist	Brooksville	Environmental Resource Permit
20	1/22/1996	Monte Ritter	Chief Professional Engineer	Brooksville	Environmental Resource Permit
30	1/12/1986	Colleen Endres	Data Architect	Tampa	Information Technology
30	1/27/1986	Colleen Kruk	Lead Land Use Specialist	Brooksville	Operations and Land Management
30	1/12/1986	Cynthia Taylor	Receptionist	Brooksville	Public Affairs Bureau