Governing Board Meeting

Agenda and Meeting Information

May 23, 2017

9:00 AM

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

> Southwest Florida Water Management District

> WATERMATTERS.ORG • 1-800-423-1476



Southwest Florida Water Management District

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

An Equal Opportunity Employer

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

Final Agenda

GOVERNING BOARD MEETING

MAY 23, 2017

9:00 AM

Brooksville Office

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

𝗇 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

MEETING NOTICE

Sarasota Office 6750 Fruitville Road Sarasota, Florida 34240-9711 (941) 377-3722 or 1-800-320-3503 (FL only) (813) 985-7481 or 1-800-836-0797 (FL only)

Tampa Office 7601 Hwy 301 N (Fort King Highway) Tampa, Florida 33637-6759

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

CONSENT AGENDA (TAB B)

Resource Management Committee

- 8. Authorize Submission of Preliminary Flood Insurance Rate Maps Based on the Update of the Delaney/Archie Creek Watershed Management Plan in Hillsborough County to the Federal Emergency Management Agency (N394)
- 9. City of Madeira Beach Rex Place Stormwater BMPs Scope Changes (W208)
- 10. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Deer Lake in Hillsborough County (P256)

Finance/Outreach & Planning Committee

- 11. Road Replacement at Lake Hancock Field Office
- 12. Budget Transfer Report

Operations, Lands and Resource Monitoring Committee

- 13. Conveyance of Non-Exclusive Easement to Nelson and Pauline Zambito and Lease Amendment with Hillsborough County – Brooker Creek Headwaters Preserve, SWF Parcel No. 14-074-159X
- 14. Acceptance of Easement Donation Central Florida Water Initiative (CFWI) Project, Eagle Lake, SWF Parcel No. 20-020-134
- 15. Transfer of Property to Manatee County Tampa Bay Estuarine Ecosystem, Pine Island Tract, SWF Parcel No. 21-728-128S

Regulation Committee

16. Individual Water Use Permits Referred to the Governing Board - None

General Counsel's Report

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

- a. Approve Amendment to Agreement for Release of Conservation Easement Sarasota Interstate Park of Commerce (SIPOC) Sarasota County
- b. Settlement Agreement George L. Southworth Revocable Trust v. SWFWMD DOAH Case No. 16-007361 – ERP No. 43042121.000 – Hernando County
- c. Approval of Agency Designation of Minor Rule Violations Pursuant to Section 120.695, Florida Statutes
- d. Initiation of Litigation Construction Without a Permit Hillsborough County Riverside Heights Holdings III, LLC (The Heights Redevelopment) – CT No. 386932

18. Rulemaking - None

Executive Director's Report

- 19. Approve Resolution No. 17-08, Commending George W. Mann for His Service as a Member of the Southwest Florida Water Management District Governing Board
- 20. Approve CFI Northen Region Meeting Minutes April 5, 2017
- 21. Approve CFI Heartland Region April 6, 2017
- 22. Approve CFI Southern Region Meeting Minutes April 12, 2017
- 23. Approve CFI Tampa Bay Region Meeting Minutes April 13, 2017
- 24. Approve Governing Board Meeting Minutes April 25, 2017

RESOURCE MANAGEMENT COMMITTEE (TAB C)

Discussion

25. Consent Item(s) Moved for Discussion

26. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt a Minimum Flow for the Crystal River/Kings Bay System and Accept Report

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Submit & File Reports

27. 2017 Florida Department of Transportation Mitigation Program Plan

Routine Reports

- 28. Minimum Flows and Levels Status Report
- 29. Significant Water Resource and Development Projects

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)

Discussion

- 30. Consent Item(s) Moved for Discussion
- 31. Investment Strategy Quarterly Update
- 32. Fiscal Year 2017-18 Ad Valorem New Growth Projections
- 33. Fiscal Year 2015-16 Comprehensive Annual Financial Report
- 34. Legislative Update

Submit & File Reports - None

Routine Reports

- 35. Treasurer's Report and Payment Register
- 36. Monthly Finanical Statement
- 37. Monthly Cash Balances by Fiscal Year
- 38. Comprehensive Plan Amendment and Related Reviews Report

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE (TAB E)

Discussion

- 39. Consent Item(s) Moved for Discussion
- 40. District Wildfire Update

41. Hydrologic Conditions Report

Submit & File Reports - None

Routine Reports

- 42. Surplus Lands Update
- 43. Structure Operations
- 44. Significant Activities

REGULATION COMMITTEE (TAB F)

Discussion

- 45. Consent Item(s) Moved for Discussion
- 46. Consider Water Shortage Order(s) as Necessary
- 47. Denials Referred to the Governing Board

Submit & File Reports - None

Routine Reports

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

GENERAL COUNSEL'S REPORT (TAB G)

Discussion

51. Consent Item(s) Moved for Discussion

Submit & File Reports - None

Routine Reports

52. May 2017-Litigation Report

53. May 2017-Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

54. Industrial and Public Supply Advisory Committee

55. Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

56. Executive Director's Report

CHAIR'S REPORT (TAB J)

57. Chair's Report

ANNOUNCEMENTS

- 58. Other
- 59. Employee Milestones

* * * **R**ECESS **P**UBLIC **H**EARING * * *

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

<u>Governing Board Meetings Scl</u> Meeting - Clearwater (Tampa I Meeting - Brooksville	edule: Bay Water) June 27, 2017 July 25, 2017
Meeting - Tampa	
Meeting - Tampa	September 26, 2017
<u>Governing Board Public Budge</u> Tentative Budget - Tampa Final Budget - Tampa	t Hearings Schedule: September 12, 2017 September 26, 2017
<u>Advisory Committee Meeting S</u> Agricultural and Green Industry Environmental- Tampa Well Drillers - Tampa	<u>chedule</u> : - Tampa June 9, 2017 July 11, 2017 July 12, 2017 August 15, 2017

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 May 2017

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

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
Bryan K. Beswick, Chair
Vacant, Vice Chair
Kelly S. Rice
Mark Taylor

REGULATION COMMITTEE
H. Paul Senft, Chair
Vacant, Vice Chair
John Henslick
Michelle Williamson

RESOURCE MANAGEMENT COMMITTEE
Michael A. Babb, Chair
H. Paul Senft, Vice Chair

John Henslick Vacant

FINANCE/OUTREACH AND PLANNING COMMITTEE

Ed Armstrong, Chair Jeffrey M. Adams, Vice Chair

Michael A. Babb Vacant

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

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

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

Executive Summary GOVERNING BOARD MEETING

MAY 23, 2017 9:00 a.m.

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

CONVENE PUBLIC HEARING & MEETING (TAB A)

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

CONSENT AGENDA (TAB B)

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

Resource Management Committee

8. <u>Authorize Submission of Preliminary Flood Insurance Rate Maps Based on the Update of the</u> <u>Delaney/Archie Creek Watershed Management Plan in Hillsborough County to the Federal</u> <u>Emergency Management Agency (N394)</u>

The updated floodplain information for the Delaney/Archie Creek watershed in Hillsborough County was prepared by a County consultant (Engineering Firm of Record), reviewed by District and County staff, and then reviewed by the District's independent peer review consultant. The watershed models and floodplain data were built using 2011 topography and land use information. For the public workshops held on January 26, 2017 and January 31, 2017, approximately 1,716 affected property owners were notified of the workshop by mail and 16 attended. The alternative analysis and preliminary floodplain information was also made available through the County's FTP website. The watershed models and preliminary floodplain data reasonably reflect the verification storm event and represent best floodplain information available for the watershed.

Staff recommends the Board authorize submittal of the preliminary FIRMs for the Delaney/Archie Creek watershed in Hillsborough County to FEMA.

9. City of Madeira Beach – Rex Place Stormwater BMPs – Scope Changes (W208)

The Board approved the City of Madeira Beach (City) project during the fiscal year (FY) 2016 cooperative funding budget cycle. The project, as approved by the Board, includes design, permitting and construction of stormwater Best Management Practices (BMPs) to treat a contributing drainage area of approximately 5.8 acres, with pollutant reductions of 3,400 lbs/yr of total suspended solids (TSS). The BMPs will be implemented for the area along Rex Place improving water quality discharging to Tampa Bay via Boca Ciega Bay.

The City has requested to revise the measurable benefit included in the scope of work for the project. During design of the Rex Place project (W208), the City was unable to acquire a stormwater discharge easement for an existing discharge pipe that was considered in the conceptual design. The City revised the design, which resulted in a reduction in drainage area from 5.8 acres to 5.2 acres. The revised design also included redirecting stormwater to a second BMP which will allow the project to retain the previously approved pollutant removal of 3,400 lbs/yr of TSS. The approved and revised resource and measureable benefits are included in the table below.

	Rex Place (W208)	
	Approved	Revised
Treatment Area (acres)	5.8	5.2
Total Suspended Solids (TSS)	3,400	No change
lbs/yr		

Construction cost estimates for the project have increased, however, the City is not requesting additional funding from the District. The project objectives and cost effectiveness rankings have not changed. The project costs for Rex Place (W208) have increased from \$850,000 to \$919,908, with the District providing \$425,000 and the City providing \$494,908. The project, as originally approved by the Board, had an overall ranking of Medium. The requested change from the City will not change the overall ranking.

<u>Staff recommends the Board approve the revision to decrease the drainage area treated for the Rex Place</u> project (W208) from 5.8 acres to 5.2 acres, which is the measurable benefit in the cooperative agreement.

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

An updated assessment of status was performed, and Deer Lake water levels were determined to be above the proposed Minimum and High Minimum Lake levels. Deer Lake is included in the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (40D-80.073, F.A.C). Therefore, the analyses outlined in this document for Deer Lake will be reassessed by the District and Tampa Bay Water as part of this plan, and as part of Tampa Bay Water's Water Use Permit Recovery Assessment Plan (required by Chapter 40D-80, F.A.C., and the Consolidated Permit (No. 20011771.001)). The District plans to continue regular monitoring of water levels in Deer Lake and will also routinely evaluate the status of the water levels with respect to adopted minimum levels for the lake included in Chapter 40D-8, F.A.C. By 2020, if not sooner, an alternative recovery project will be proposed if Deer Lake is found to not be meeting its adopted minimum levels.

Staff recommends the Board:

- 1. <u>Accept the report entitled</u>, "Revised Minimum and Guidance Levels for Deer Lake in Hillsborough <u>County, Florida."</u>
- 2. <u>Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process</u> and to complete report finalization.
- 3. <u>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 Guidance Levels for Deer Lake in Hillsborough County, as shown in the Exhibit.</u>

Finance/Outreach & Planning Committee

11. Road Replacement at Lake Hancock Field Office

After the sale of the Bartow Office in June 2014, several staff were re-assigned to the LHFO acquired by the District in October 2006. Since then, District vehicles and heavy equipment utilize the road on a daily basis, accelerating the deteriorating condition. The road is over 50 years old and over the years there have been many layers of asphalt added to the original road which is why it is no longer cost-effective to just resurface the existing pavement.

The proposed road replacement project will consist of a new roadway that is two feet wider than the existing road. This will allow easier and safer access to the facility for staff and heavy equipment. If the District chooses not to replace the road, it will continue to crumble and deteriorate and have the potential to cause damage to equipment and personal vehicles. The estimated cost to replace the roadway leading to the LHFO is \$120,000 based on a Piggyback Agreement with Sarasota County.

Staff recommends the Board authorize a budget transfer of \$27,000 from unallocated funds available in the Capital Improvement Projects Plan for Roof and HVAC Replacements, and Facility Capital Renovation Projects to combine with \$93,100 originally allocated for the Sarasota Office parking lot repair to complete the paving project at the Lake Hancock Field Office.

12. 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 April 2017.

Operations, Lands and Resource Monitoring Committee

13. <u>Conveyance of Non-Exclusive Easement to Nelson and Pauline Zambito and Lease Amendment with</u> <u>Hillsborough County – Brooker Creek Headwaters Preserve, SWF Parcel No. 14-074-159X</u>

The adjoining property owners of the District owned Brooker Creek Headwaters Preserve property have requested to modify an existing point of access to their property that transects a portion of the preserve. The revised access would make better use of an existing jeep trail, thus minimizing impact to an adjoining forested wetland. The purpose of this item is to request Governing Board approval of the conveyance of a non-exclusive easement to Nelson P. Zambito and Pauline P. Zambito (Zambito Family) for access. Additionally, staff requests Governing Board approval of an amendment to the Brooker Creek Preserve lease between the District and Hillsborough County to acknowledge the easement. Lastly, staff requests authorization to petition the vacation of a platted right of way.

In September 1993, the District purchased most of the Brooker Creek Preserve from the Federal Deposit Insurance Corporation. Hillsborough County contributed 50 percent of the funding towards the acquisition cost from its Environmental Lands Acquisition and Protection Program. The County manages the property under a long-term lease agreement with the District. The Preserve was purchased subject to a platted development called the Keystone Park Colony. This historical plat has multiple public road right of ways (platted roads) incorporated within the development for public access purposes. Three specific 30-foot platted roads extend across the District's Preserve and connect Ramblewood Road, a public road that traverses the Preserve, to the property owned by the Zambito Family. These platted roads are not developed and are located within wetland areas. The Zambito Family has requested the District convey a 30-foot non-exclusive easement for access to the Family's property while at the same time requesting the initiation of vacation of a previously platted, 30-foot wide, right of way. District staff evaluated a suitable location for an easement access point and selected the location of a historical trail/road for the easement. The easement access will also minimize impacts to natural wetland areas on the Preserve relative to the platted road access.

The platted road selected for vacation is 0.30 acres (13,086 square feet). The non-exclusive easement area is 0.25 acres (10,881 square feet). No values were obtained from an appraiser as the total square footage of the platted road to be vacated exceeds the total square footage of the easement to be conveyed to the Zambito Family.

District and County staff have approved a lease amendment that acknowledges the access easement. The lease amendment is included in the Board packet as an exhibit to this item.

Approval of the easement in exchange for vacation of an existing platted right of way will reduce the footprint and wetland impacts within the District's Brooker Creek Preserve.

Staff recommends the Board:

- 1. <u>Approve and authorize the chairman to execute the Non-Exclusive Easement for 14-074-159X with the</u> <u>Zambito Family;</u>
- 2. <u>Approve and authorize the chairman to execute the Brooker Creek Preserve Sixth Lease Amendment</u> for 14-074-144X;
- 3. Accept the affidavits to be executed by the Zambito Family;
- 4. <u>Authorize the Operations Lands & Resource Monitoring Director to act on behalf of the Board to</u> <u>submit a petition to Hillsborough County to vacate the platted right of way shown in Exhibit 6 to this</u> <u>recap.</u>

14. <u>Acceptance of Easement Donation – Central Florida Water Initiative (CFWI) Project, Eagle Lake, SWF</u> <u>Parcel No. 20-020-134</u>

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. For the subject Eagle Lake site, the City of Eagle Lake has approved conveyance of an easement for access, maintenance and monitoring together with a License Agreement necessary to allow for temporary construction activities and testing of the two proposed wells.

SWF Parcel No. 20-020-134 is an approximate 150-square foot well site and associated access perpetual easement to be conveyed by the City of Eagle Lake located in central Polk County. This easement area allows for access, construction, maintenance and monitoring for the proposed well site. The City has also offered a temporary license for an approximate 0.13-acre area surrounding the easement to be utilized for staging during the construction period.

The parent property of SWF Parcel No. 20-020-134 is an approximate 0.86-acre parcel of land owned by the City of Eagle Lake and used for their Eagle Street Park. The Polk County Property Appraiser assigned a final 2015 assessed value for this property of \$15,036.

Donation Terms

- The City has approved conveyance of a perpetual easement for a 150-square foot well site and 10-foot wide access necessary for construction, maintenance and monitoring activities on the site.
- The easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The City has approved a License Agreement for an additional 0.13-acre area necessary for temporary construction and testing activities.
- The District will pay transactional closing cost.

Acceptance of this donation will reduce the time and cost of acquisition by allowing the District to immediately access, construct, maintain and monitor two data collection wells at this location. The District's transactional costs have been estimated to be less than \$2,000.

<u>Staff recommends the Board accept the donation of a perpetual easement from the City of Eagle Lake for the CFWI Project.</u>

15. <u>Transfer of Property to Manatee County – Tampa Bay Estuarine Ecosystem, Pine Island Tract, SWF</u> <u>Parcel No. 21-728-128S</u>

The Pine Island tract was purchased by the District, Manatee County and the City of Bradenton in 2003. The District's contribution was \$450,000, Manatee County contributed \$150,000 and the City of Bradenton also contributed \$150,000. The District currently holds the title and Manatee County manages the property.

As part of the biennial surplus review, the Governing Board, at its meeting on May 19, 2015, directed staff to negotiate surplus options other than a private sale of the Pine Island tract. District staff and Manatee County staff first attempted to exchange properties; however, after a thorough review of property owned by the County, it was determined that there were no suitable properties meeting the District's areas of responsibilities with a similar value to facilitate a property exchange.

The City of Bradenton, who also has an interest in the property, approved Manatee County holding title at its February 8, 2017 City Council meeting.

This transaction will reduce the acreage of District landholdings, reduce management liability and eliminate District administrative costs related to owning the property. The Quit Claim Deed transferring title to Manatee County includes a reservation providing that if the property is sold or transferred and no longer available for public use, the County will be required to reimburse the District for its financial contribution made to the original purchase price of the property, which is \$450,000.

Staff recommends the Board:

- 1. Execute Quit Claim Deed transferring title to SWF Parcel No. 21-728-128S to Manatee County.
- 2. Authorize staff to execute other documents necessary to complete the transaction.

Regulation Committee

16. Individual Water Use Permits Referred to the Governing Board - None

General Counsel's Report

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

a. <u>Approve Amendment to Agreement for Release of Conservation Easement – Sarasota Interstate</u> Park of Commerce (SIPOC) – Sarasota County

The District issued Individual Conceptual ERP No. 49025469.000 for the Sarasota Interstate Park of Commerce (SIPOC) on September 28, 2004. This Conceptual Permit for a 372-acre commercial project provided conceptual approval for the stormwater management system; 100-year floodplain; and wetland delineation, impacts, and mitigation. A wetland and upland conservation easement was proposed as part of the wetland mitigation plan.

Subsequent construction permits ERP Nos. 49025469.001 and .002 were issued on March 14, 2005 and March 29, 2005, respectively, to authorize construction and recording activities required to establish the conceptually approved wetland mitigation. This mitigation was intended to offset wetland impacts associated with the .001 and .002 permit construction activities, as well as the remaining wetland impacts to be authorized under future ERP construction permits for the SIPOC project. A 63.91-acre upland and wetland Conservation Easement, No. 2005234325 (CE), was recorded pursuant to the .001 and .002 permits.

Issuance of ERP construction permits after the .002 permit added additional wetland mitigation to that which was provided under the .001 and .002 permits, creating an excess of wetland mitigation needed for the wetland impacts authorized to date. Due to the additional mitigation, the functional value and mitigation lift provided by the CE was no longer needed.

The property owner, Benderson, LLC ("Benderson"), requested a release of the CE to better accommodate future development plans associated with the SIPOC project and, in exchange for the release of the CE, agreed to provide the District within twelve months of the release of the CE, either a land exchange or new conservation easement of equivalent environmental value, or participation in a District land purchase ("Release Agreement"). If Benderson failed to provide or tender the District with a new conservation easement or a land exchange that is environmentally equivalent to the CE, or participate in a District land purchase for acreage that would provide an environmental equivalent to the CE, then the District's sole remedy is that Benderson shall pay the value of the CE, determined as of May 24, 2016.

Prior to the expiration of the twelve-month period for providing the District with a land exchange or new conservation easement, Benderson orally requested a one-year extension of the Release Agreement.

<u>Staff recommends the Board approve the Amendment to the Agreement for Release of Conservation</u> <u>Easement.</u>

b. <u>Settlement Agreement – George L. Southworth Revocable Trust v. SWFWMD – DOAH Case No.</u> <u>16-007361 – ERP No. 43042121.000 – Hernando County</u>

On June 25, 2015, the trustee of the George L. Southworth Revocable Trust ("Southworth") applied for an Environmental Resource Permit ("ERP") to authorize the establishment of a 367.43-acre wetland mitigation bank to be known as the Aripeka Mitigation Bank ("Project"), which was assigned Application ID No. 714765. On November 3, 2016, the District issued Notice of Agency Action for approval of ERP No. 43042121.000 ("Permit") to Southworth authorizing the establishment of the Project, which provides for a maximum of 38.62 credits to be awarded to the Aripeka Mitigation Bank for the installation of a shallow ditch block and five low water crossings, enhancement of wetland communities by removing pine plantations and planting the areas with appropriate native vegetation, and enhancement of disturbed uplands by removing pine plantations and food plots and planting appropriate upland vegetation.

On November 22, 2016, the District received a timely Petition for Formal Administrative Hearing ("Petition") from Southworth challenging the District's issuance of the Permit. The District altered portions of the mitigation plan, management plan, and draft conversation easement submitted by Southworth. These alterations were made in order for the District to be able to issue the Permit authorizing the Project. In its Petition, Southworth alleged that these alterations make it difficult or impossible for Southworth to operate the Project as planned. The District ultimately referred the matter to the Division of Administrative Hearings ("DOAH") on December 13, 2016, to conduct a formal hearing regarding the Petition. The matter was assigned DOAH Case No. 16-007361. On December 20, 2016, the matter was placed in abeyance at DOAH for a period of 90 days in order for the parties to discuss settlement. After settlement discussions failed, on April 5, 2017, the Administrative Law Judge set the matter for hearing on July 31 and August 1, 2017.

In April 2017 settlement discussions were renewed and the District and Southworth reached an agreement in principle to resolve this matter, which is memorialized in a written Settlement Agreement. The Settlement Agreement provides for the following:

• The parties filed a Joint Motion to Relinquish Jurisdiction on May 4, 2017, requesting that this matter be relinquished back to the District in order to effectuate the terms of the Settlement Agreement, after which the matter will be held in abeyance at the District until the District's Governing Board has an opportunity to review and approve the Settlement Agreement;

- Within two (2) days of approval of the Settlement Agreement by all parties, Southworth agrees to submit a Notice of Voluntary Dismissal with Prejudice, withdrawing his Petition concerning the Permit and thereby closing this matter;
- Within two (2) days of Southworth's submittal of a Notice of Voluntary Dismissal with Prejudice, the District agrees to issue a revised ERP authorizing the Project, and the revised ERP will be in the form of the draft revised ERP appended to the Settlement Agreement; and,
- Southworth agrees to not request a formal administrative hearing regarding the revised ERP authorizing the Project.

In the draft revised ERP appended to the Settlement Agreement, the District deletes duplicative information, revises the map of the mitigation service area to reflect what was submitted by Southworth, updates some of the permit conditions to more accurately reflect Project-specific information, and denotes that the mitigation plan was revised by the District. In any event that the Settlement Agreement terminates, the District agrees to refer the matter back to DOAH to conduct proceedings consistent with the issues raised by Southworth's Petition. On May 3, 2017, Southworth signed the Settlement Agreement.

<u>Staff recommends the Board approve the Settlement Agreement and authorize any litigation as</u> necessary in order to obtain compliance with the Settlement Agreement.

c. <u>Approval of Agency Designation of Minor Rule Violations Pursuant to Section 120.695, Florida</u> <u>Statutes</u>

Section 120.695, Florida Statutes (F.S.), requires each administrative agency in the State of Florida to issue a notice of noncompliance as a first response to a minor violation of a rule. A notice of noncompliance contains a statement of the rule alleged to have been violated and information regarding how to comply with the rule within a reasonable period of time, but may not be accompanied with a fine or other disciplinary penalty.

In accordance with this requirement, the Florida Legislature has directed each agency to review all its rules and designate those for which a violation would be a "minor violation" and for which a notice of noncompliance must be the first agency enforcement action. The minor violation designations must be certified by each agency head and provided to the President of the Senate, the Speaker of the House of Representatives, the Joint Administrative Procedures Committee, and the rules ombudsman no later than June 30, 2017.

Representatives from the five water management districts and the Florida Department of Environmental Protection (DEP) began meeting regularly in August 2016 to discuss how to determine which rules contain "minor violations" pursuant to Section 120.695, F.S. The statute defines a rule as "agency action *that regulates a business, occupation, or profession, or regulates a person operating a business, occupation, or profession, or regulates a person operating a business, occupation, or profession, and that, if not complied with, may result in a disciplinary penalty." Based on this definition, the water management districts and DEP determined that only the rules regulating water well contractors contained in Chapters 40D-3 and 62-531, Florida Administrative Code (F.A.C.), are subject to the minor rule violation designation requirement. The Water Well Construction Disciplinary Guidelines and Citations Dictionary (Guidelines) promulgated by DEP already includes the violations that are considered "minor." Therefore, the list of rules and corresponding citations in the Guidelines attached as Exhibit "A" should be certified as "minor violations" pursuant to Section 120.695, F.S.*

Staff recommends the Board approve the designation of minor rule violations recommended by staff, and certify the list of recommended designations to the President of the Senate, the Speaker of the House of Representatives, the Joint Administrative Procedures Committee, and the rule ombudsman.

d. <u>Initiation of Litigation – Construction Without a Permit – Hillsborough County Riverside Heights</u> <u>Holdings III, LLC (The Heights Redevelopment) – CT No. 386932</u>

Riverside Heights Holdings III, LLC ("Riverside III") owns adjacent parcels of real property located within Hillsborough County ("Property"), which are the subject of a proposed 53.32-acre urban redevelopment project involving the construction of a mixed-use residential and commercial development known as The Heights Redevelopment ("Project"). On May 10, 2016, District staff conducted a pre-application meeting with a representative of Riverside III to discuss certain aspects of the Project that required an Environmental Resource Permit ("ERP"). On August 29, 2016, District staff conducted a pre-application site visit at the Property and observed fill stockpiles that were not authorized by an ERP. District staff returned to the Property on September 7, 2016, and observed additional construction activity, including additional stockpiling and the grading of approximately four acres of land.

The District issued a Notice of Unauthorized Activities ("Notice") to Riverside III on September 15, 2016, concerning the stockpiling and grading that occurred at the Property without an ERP. On September 23, 2016, the District received ERP Application No. 734960 ("ERP Application") from Riverside III for the proposed Project, and the correspondence accompanying the ERP Application stated that Riverside III's engineer was directed to cease operations on the Project until the ERP Application was approved.

On November 16, 2016, while the ERP Application was still pending, District staff conducted a site inspection at the Property and observed ongoing construction activity, including stockpiling, grading, and the excavation of a pond.

The District issued a Notice of Violation and proposed Consent Order to Riverside III on February 10, 2017, addressing the above-referenced violations. The Consent Order assessed penalties in accordance with the District's ERP Penalty Guidelines as follows:

- \$9,250 for failing to obtain an ERP prior to commencing construction activities;
- \$2,313.00 (25%) upward adjustment of the base penalty for the willful violation of District rules;
- \$2,000 in District enforcement costs; and
- Within thirty days of approval of the Consent Order, Riverside III must obtain approval of the ERP Application that was submitted to the District on September 23, 2016.

On March 1, 2017, Riverside III obtained District approval of the ERP Application; however, as of the date of the preparation of this Recap, Riverside III has not signed the proposed Consent Order to resolve the outstanding administrative penalty and enforcement costs. Consequently, authorization to initiate litigation is being requested. If approved, an Administrative Complaint and Order will be issued to address the violations.

Staff recommends the Board authorize the initiation of litigation against Riverside Heights Holdings III, LLC, to recover an administrative fine/civil penalty, District enforcement costs, litigation costs, and attorney's fees.

18. Rulemaking - None

Executive Director's Report

- 19. <u>Approve Resolution No. 17-08, Commending George W. Mann for His Service as a Member of the</u> <u>Southwest Florida Water Management District Governing Board</u>
- 20. Approve CFI Northern Region Meeting Minutes April 5, 2017
- 21. Approve CFI Heartland Region Meeting Minutes April 6, 2017
- 22. Approve CFI Southern Region Meeting Minutes April 12, 2017
- 23. Approve CFI Tampa Bay Region Meeting Minutes April 13, 2017
- 24. Approve Governing Board Meeting Minutes April 25, 2017

RESOURCE MANAGEMENT COMMITTEE (TAB C)

Discussion

25. Consent Item(s) Moved for Discussion

26. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt a Minimum Flow for the Crystal River/Kings Bay System and Accept Report

The Crystal River/Kings Bay System in western Citrus County includes the river, Kings Bay and the Crystal River Springs group, which is a cluster of 70 springs within the bay. Collectively, this first magnitude springs group is classified as an Outstanding Florida Spring. Kings Bay is a tidally influenced embayment and is the headwater of Crystal River, which terminates approximately 6 miles west of the bay in the Gulf of Mexico. The Crystal River/Kings Bay System is an Outstanding Florida Water and a SWIM priority water body.

Staff submitted a draft report on a recommended minimum flow for the Crystal River/Kings Bay System to the Governing Board in October 2016. The initial minimum flow recommendation required that 88 percent of the natural flow in the Crystal River/Kings Bay System be maintained, with natural flow defined as the flow that would exist in the absence of water withdrawals. The draft report was subsequently submitted to an independent peer review panel for voluntary review. The peer review was conducted from November through December 2016, and all panel meetings, as well as a publicly-accessible internet-based forum set up by the District for panel communication, were advertised in the Florida Administrative Register in accordance with Florida's Government-in-the-Sunshine Law. The peer review panel found that the draft report recommending the minimum flow for the Crystal River/Kings Bay System met relevant statutory requirements and that the analyses were thorough, scientifically reasonable, and based on best available data. The peer review panel's report and staff response to the peer review findings were provided to the Board in March 2017. The draft minimum flow report was subsequently revised based on consideration of comments of the peer review panel and interested stakeholders, and includes a revised minimum flow recommendation requiring that 89 percent of the natural flow in the Crystal River/Kings Bay System be maintained. The revised report on minimum flows for the Crystal River/Kings Bay System is provided under separate cover.

In addition to the publicly-accessible scientific peer review, the District facilitated stakeholder review by hosting a public workshop on April 27, 2017 in Crystal River. Staff has also been meeting and corresponding with individual stakeholders or stakeholder groups. Comments and questions from the public workshop and other stakeholder input were reviewed. All stakeholder input is included in an appendix of the draft report, and additional stakeholder input received since the draft report was completed will be provided to the Board at the Governing Board meeting on May 23, 2017.

The recommended minimum flow for the Crystal River/Kings Bay System is protective of all relevant environmental values identified for consideration in the Water Resource Implementation Rule when establishing minimum flows and levels. Because updated groundwater modeling (Northern District Model, Version 5.0) indicates that the predicted springflow decline for the Crystal River Springs Group under 2014 pumping conditions is between approximately one and two percent, the proposed minimum flow is being met, and a recovery strategy is currently not required. Similarly, given a predicted springflow impact of 2.4 percent associated with withdrawals based on projected demand for 2035, implementation of a specific prevention strategy is also not warranted at this time since the proposed minimum flow allows an 11 percent reduction from natural flow conditions.

The District is committed to the reevaluation of the minimum flow that is adopted for the Crystal River/Kings Bay System, as necessary, and staff recommends that that the minimum flow for the river system should be evaluated within ten years of its adoption.

The District is statutorily required to adopt this minimum flow by July 1, 2017, and to utilize the emergency rulemaking process to meet that deadline if necessary. Section 373.042(2)(a), F.S., provides that if "a minimum flow or minimum water level has not been adopted for an Outstanding Florida Spring, a water management district or the department shall use the emergency rulemaking authority provided in paragraph (c) to adopt a minimum flow or minimum water level no later than July 1, 2017..." Paragraph (c) of that

Section provides, "The Legislature finds... that the adoption of minimum flows and minimum water levels or recovery or prevention strategies for Outstanding Florida Springs requires immediate action. The department and the districts are authorized, and all conditions are deemed to be met, to use emergency rulemaking provisions... to adopt minimum flows and minimum water levels pursuant to this subsection..."

In the event the proposed rule is not finalized by July 1, 2017, the District must employ emergency rulemaking to ensure that the July 1 deadline is met. Regardless of whether the normal rulemaking process is completed by July 1 or the emergency rulemaking process is utilized, the rule proposed to be implemented is the same.

Staff recommends the Board:

- 1. <u>Accept the report entitled</u>, "Recommended Minimum Flow for the Crystal River/Kings Bay System, Final Draft, May 2017."
- 2. Initiate rulemaking and approve adoption of amendments to Rule 40D-8.041, F.A.C., to establish a minimum flow for the Crystal River/Kings Bay System.
- 3. <u>Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.</u>
- 4. Initiate the emergency rulemaking process set forth in Section 120.54(4), F.S., and approve adoption of amendments to Rule 40D-8.041, F.A.C., to establish a minimum flow for the Crystal River/Kings Bay System to ensure that the District will be able to meet the July 1, 2017 statutory deadline.

Submit & File Reports 27. 2017 Florida Department of Transportation Mitigation Program Plan

Routine Reports

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

28. Minimum Flows and Levels Status Report

29. Significant Water Resource and Development Projects

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)

Discussion

30. Consent Item(s) Moved for Discussion

31. Investment Strategy Quarterly Update

Board Policy 130-3 requires quarterly investment reports that shall include the following:

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

<u>Staff recommends the Board accept and place on file the District's Quarterly Investment Reports for the guarter ended March 31, 2017.</u>

32. Fiscal Year 2017-18 Ad Valorem New Growth Projections

The general budget assumptions were presented and approved at the October 25, 2016 Governing Board meeting for development of the fiscal year (FY) 2017-18 Preliminary Budget. This included the millage rate based on a rolled-back millage model and revenue based on 2.25 percent increase in new unit construction.

The New Construction Ad Valorem Model has been updated with the most recent market trends and the results will be presented to the Board. The ad valorem rolled-back millage rate will be adjusted in July based on the new construction values provided by the 16-County Property Appraisers for preparation of the District's FY2017-18 Tentative Budget.

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

33. Fiscal Year 2015-16 Comprehensive Annual Financial Report

The District is required by Section 218.39, Florida Statutes, to have an annual financial audit of its accounts and records performed by an independent certified public accountant, licensed in the State of Florida, and made in accordance with generally accepted auditing standards, Florida Statutes, and Rules of the Auditor General promulgated pursuant to Section 11.45.

The Comprehensive Annual Financial Report, including the Single Audits pursuant to audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) and Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2016, will be distributed prior to the meeting. KPMG representatives will attend the meeting to communicate to the Board certain matters related to the conduct of the audit as required by auditing standards. A brief presentation of the report, management letter and independent accountants' report will also be made by KPMG.

Staff recommends the Board accept and place on file the District's Comprehensive Annual Financial Report, including the Single Audits pursuant to Title 2 U.S. Code of Federal Regulations Part 200 (Uniform Guidance) and Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountant's Report for fiscal year ended September 30, 2016.

34. Legislative Update

The Legislative Session ended on May 5th. A budget agreement was not reached prior to the 72-hour "cooling off" period for the session to adjourn on time so, session was extended to pass the budget.

Senate Bill 10, Water Resources, by Senator Bradley

This priority legislation of Senate President Negron passed the House and Senate and is on its way to the Governor. The legislation was amended and subsequently both sides passed the bill without significant opposition. As passed, the amended legislation prohibits the use of eminent domain, and aims to leverage land already owned by the State of Florida and the South Florida Water Management District through land swaps and purchases, to achieve 240,000 to 360,000 acre feet of storage. The legislation also provides grants to establish training programs for agricultural workers.

The House amended the bill to reduce the Land Acquisition Trust Fund (LATF) distribution from \$100 million to \$64 million. The amendment clarifies that funding priority shall be given to the EAA reservoir project and clarifies that any remaining funds may be used for Phase II of the C-51 reservoir project. The House amendment also reduces the bonding authority from \$1.2 billion to \$800 million, which corresponds to the amount that can be bonded with an annual debt service payment of \$64 million.

The appropriation for the C-51 reservoir project was moved from the LATF to the General Revenue Trust Fund.

If approved by the Governor the legislation would be effective upon becoming law.

HJR 7105, Increased Homestead Property Tax Exemption, by Ways and Means Committee

The House and Senate have now both passed HJR 7105 that proposes an amendment to the Florida Constitution to increase the homestead exemption, for all levies other than school district levies, on the assessed value greater than \$100,000 and up to \$125,000.

Currently, every person who owns and maintains a permanent residence (homesteaded property) in Florida is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts. An additional \$25,000 exemption was approved by Florida voters in 2008 and applies to homestead property value between \$50,000 and \$75,000. This exemption does not apply to ad valorem taxes levied by school districts. This bill increases the exemption from all taxes other than school district taxes, by exempting assessed value greater for the assessed valuation greater than \$100,000 and up to \$125,000. The amendment now moves to the Governor for approval. If approved by the Governor, it will then be forwarded to the 2018 ballot and following the election, if approved by the electors, will take effect January 1, 2019.

HB 573, Water Protection & Sustainability, by Rep. Burton

The "Heartland Headwaters Protection and Sustainability Act" legislation passed the House and Senate and is headed to the Governor for final approval.

The legislation was substantially amended and now only requires the Polk Regional Water Cooperative (PRWC) to prepare a comprehensive annual report for water resource projects identified for state funding consideration to the Governor, Legislature, DEP and appropriate water management districts. The PRWC is also required to submit a status report on projects that receive priority state funding in the District's Consolidated Annual Report. If the Governor approves the legislation it would be effective July 1, 2017.

This item is provided 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. 35. Treasurer's Report and Payment Register

36. Monthly Financial Statement

- 37. Monthly Cash Balances by Fiscal Year
- 38. Comprehensive Plan Amendment and Related Reviews Report

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE (TAB E)

Discussion

39. Consent Item(s) Moved for Discussion

40. District Wildfire Update

Beginning in March of this year, the District has been working cooperatively with the Florida Forest Service (FFS) to combat numerous wildfires on District Lands. In anticipation of an extreme drought, in February of this year Land Management staff determined that weather conditions were no longer safe to conduct prescribed fire activities on District-managed lands. Staff stopped conducting prescribed fire activities and made preparations to assist the FFS in fighting wildfires. On April 11, 2017, Governor Rick Scott issued Executive Order 17-120 declaring a state of emergency in Florida following the recent wildfires across the state and the high potential for increased wildfires to continue this year. District-managed campgrounds remain closed in an effort to reduce the potential for additional wildfires and allow resources to be allocated to support FFS. Due to the Governor declaring a state of emergency these events are eligible for Federal Emergency Management Act reimbursement.

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

41. 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.

- 42. Surplus Lands Update
- 43. Structure Operations
- 44. Significant Activities

REGULATION COMMITTEE (TAB F)

Discussion

45. Consent Item(s) Moved for Discussion

46. Consider Water Shortage Order(s) as Necessary

Staff continues to monitor water resource and supply conditions to determine if any actions would be prudent. Since Board-issued water shortage orders must be discussed in a noticed public meeting prior to implementation, this agenda item is included as a contingency provision. It allows the Governing Board to immediately consider any action that staff may recommend based on regional data reviewed on May 16, 2017.

Recommendations, if any, will be presented at the Governing Board meeting on May 23, 2017 based on then-current conditions and predictions.

47. Denials Referred to the Governing Board

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

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

Submit & File Reports - None

Routine Reports

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

48. <u>Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR)</u> Equipment Implementation Program

49. Overpumpage Report

50. Individual Permits Issued by District Staff

GENERAL COUNSEL'S REPORT (TAB G)

Discussion

51. 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. 52. <u>May 2017 – Litigation Report</u>

53. May 2017 – Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

- 54. Industrial and Public Supply Advisory Committee
- 55. Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

56. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 57. Chair's Report
- 58. <u>Other</u>
- 59. Employee Milestones

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

ANNOUNCEMENTS

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

Governing Board Meetings Schedule:	
Meeting – Clearwater (Tampa Bay Water)	June 27, 2017
Meeting – Brooksville	July 25, 2017
Meeting – Tampa	August 29, 2017
Meeting – Tampa	September 26, 2017
Governing Board Public Budget Hearings Schedule: Tentative Budget – Tampa Final Budget – Tampa Advisory Committee Meeting Schedule:	September 12, 2017 September 26, 2017
Agricultural and Green Industry – Tour	June 9, 2017
Environmental – Tampa	July 11, 2017
Well Drillers – Tampa	July 12, 2017
Industrial and Public Supply	August 15, 2017

ADJOURNMENT

OPERATIONS, LANDS AND RESOURCE MONITORING

QWIP Wells Plugged For Fiscal Year 2017



Southwest Florida Water Management District Expendie Revenues Revenues 348 Monthly 300 Dashboard 240 180 -180 180 120 60 100 13 90 min 49 ò \$348.6 million current budget Days Without an At-Fault Accident 615 Days Without a Lost-Time Injury 154 **EXTERNAL & EMPLOYEE RELATIONS** WaterMatters.org/Springs web visits Aug 2016 Sep 2016 Oct 2016 Nov 2016 Dec 2016 Jan 2017 Feb 2017 Mar 2017 Apr 2017 Percent of Taxes Collected vs Budget 120% 100% 80% 60% 40%

20% Oct Nov Dec Jan Feb Mar Apr May Jun Jul Aug Sep Historical Collection Rate for Current Month FY2015 FY2016 --- FY2017 95.5% 96.1% 96.3%

FINANCIAL SUMMARY

Average





RESOURCE MANAGEMENT

2015 Water Use Types in the Northern Planning Region



Nitrate Trends in Springs



Governing Board Meeting

May 23, 2017

9:00 a.m.

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

PUBLIC HEARING AND MEETING

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

Governing Board Meeting May 23, 2017

1. Call to Order

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

2. Invocation and Pledge of Allegiance

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

3. Employee Recognition

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

- 25 years Kelly Keck, ECM Coordinator 2
- 30 years Noel Pioszak, Senior Budget Analyst
- 30 years Mark Hammond, Resource Management Director
- 30 years Bill Permenter, Field Services Supervisor
- 30 years Gary Flood, Lead Tradesworker

Presenter: Randall S. Maggard, Chair

4. Outgoing Chair's Transition Items

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

Presenter: Randall S. Maggard, Chair

5. Election of Governing Board Officers

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

6. Additions/Deletions to Agenda

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

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

Items 1 - 7

Staff Recommendation:

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

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

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

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

Presenter: Randall S. Maggard, Chair

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. **Resource Management Committee** 8. Authorize Submission of Preliminary Flood Insurance Rate Maps Based on the Update of the Delaney/Archie Creek Watershed Management Plan in Hillsborough County to the Federal Emergency Management Agency (N394)6 10. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Deer Lake in Hillsborough County (P256)9 **Finance/Outreach & Planning Committee Operations, Lands and Resource Monitoring Committee** Conveyance of Non-Exclusive Easement to Nelson and Pauline Zambito and Lease Amendment with Hillsborough County - Brooker Creek Headwaters Preserve, SWF 14. Acceptance of Easement Donation - Central Florida Water Initiative (CFWI) Project, Eagle 15. Transfer of Property to Manatee County – Tampa Bay Estuarine Ecosystem, Pine Island Tract, **Regulation Committee**

16. Individual Water Use Permits Referred to the Governing Board - None

General Counsel's Report

17. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval	
 Approve Amendment to Agreement for Release of Conservation Easement – Sarasota Interstate Park of Commerce (SIPOC) – Sarasota County 	79
 b. Settlement Agreement – George L. Southworth Revocable Trust v. SWFWMD – 	
DOAH Case No. 16-007361 – ERP No. 43042121.000 – Hernando County	116
c. Approval of Agency Designation of Minor Rule Violations Pursuant to	
Section 120.695, Florida Statutes	254
d. Initiation of Litigation – Construction Without a Permit – Hillsborough County – Riverside	
Heights Holdings III, LLC (The Heights Redevelopment) – CT No. 386932	258

18. Rulemaking – None

Executive Director's Report

19. Approve Resolution No. 17-08, Commending George W. Mann for His Service as a Member of the Southwest Florida Water Management District Governing Board	259
20. Approve CFI Northern Region Meeting Minutes – April 5, 2017	261
21. Approve CFI Heartland Region Meeting Minutes – April 6, 2017	266
22. Approve CFI Southern Region Meeting Minutes – April 12, 2017	269
23. Approve CFI Tampa Bay Regiona Meeting Minutes – April 13, 2017	272
24. Approve Governing Board Meeting Minutes – April 25, 2017	276

Item 8

RESOURCE MANAGEMENT COMMITTEE

May 23, 2017

Consent Agenda

Authorize Submission of Preliminary Flood Insurance Rate Maps Based on the Update of the Delaney/Archie Creek Watershed Management Plan in Hillsborough County to the Federal Emergency Management Agency (N394)

Purpose

Request the Board's authorization to submit the preliminary Flood Insurance Rate Maps (FIRMs) based on the update for the Delaney/Archie Creek watershed in Hillsborough County to the Federal Emergency Management Agency (FEMA). The detailed watershed management model of the Delaney/Archie Creek watershed is the basis for updating the FIRMs. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. Alternative analysis information for the watershed was presented for review and comment during public workshops held on January 26, 2017 and January 30, 2017. Hillsborough County will coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination will include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

Background/History

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

The updated floodplain information for the Delaney/Archie Creek watershed in Hillsborough County was prepared by a County consultant (Engineering Firm of Record), reviewed by District and County staff, and then reviewed by the District's independent peer review consultant (see table below). The watershed models and floodplain data were built using 2011 topography and land use information. For the public workshops held on January 26, 2017 and January 31, 2017, approximately 1,716 affected property owners were notified of the workshop by mail and 16 attended. The alternative analysis and preliminary floodplain information was also made available through the County's FTP website. The watershed models and preliminary floodplain information available for the watershed.

Watershed	Engineering Firm of Record	Peer Review
Delaney/Archie Creek in Hillsborough County	Applied Sciences, Inc.	Interflow Engineering, LLC

Staff Recommendation:

Authorize submittal of the preliminary FIRMs for the Delaney/Archie Creek watershed in Hillsborough County to FEMA.

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

RESOURCE MANAGEMENT COMMITTEE

May 23, 2017

Consent Agenda

City of Madeira Beach – Rex Place Stormwater BMPs – Scope Changes (W208)

Purpose

The purpose of this item is to request approval to revise the scope of work with the City of Madeira Beach for the Rex Place Stormwater BMPs (W208) project.

Background/History

The Board approved the City of Madeira Beach (City) project during the fiscal year (FY) 2016 cooperative funding budget cycle. The project, as approved by the Board, includes design, permitting and construction of stormwater Best Management Practices (BMPs) to treat a contributing drainage area of approximately 5.8 acres, with pollutant reductions of 3,400 lbs/yr of total suspended solids (TSS). The BMPs will be implemented for the area along Rex Place improving water quality discharging to Tampa Bay via Boca Ciega Bay.

The City has requested to revise the measurable benefit included in the scope of work for the project. During design of the Rex Place project (W208), the City was unable to acquire a stormwater discharge easement for an existing discharge pipe that was considered in the conceptual design. The City revised the design, which resulted in a reduction in drainage area from 5.8 acres to 5.2 acres. The revised design also included redirecting stormwater to a second BMP which will allow the project to retain the previously approved pollutant removal of 3,400 lbs/yr of TSS. The approved and revised resource and measureable benefits are included in the table below.

	Rex Place (W208)		
	Approved	Revised	
Treatment Area (acres)	5.8	5.2	
Total Suspended Solids (TSS) lbs/yr	3,400	No change	

Benefits/Costs

Construction cost estimates for the project have increased, however, the City is not requesting additional funding from the District. The project objectives and cost effectiveness rankings have not changed. The project costs for Rex Place (W208) have increased from \$850,000 to \$919,908, with the District providing \$425,000 and the City providing \$494,908. The project, as originally approved by the Board, had an overall ranking of Medium. The requested change from the City will not change the overall ranking.

Staff Recommendation:

Approve the revision to decrease the drainage area treated for the Rex Place project (W208) from 5.8 acres to 5.2 acres, which is the measurable benefit in the cooperative agreement.

Presenter: Randy Smith, PMP, SWIM Program Manager, Natural Systems & Restoration

RESOURCE MANAGEMENT COMMITTEE

May 23, 2017

Consent Agenda

Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Deer Lake in Hillsborough 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 Deer Lake in Hillsborough County, and accept the report entitled: "Revised Minimum and Guidance Levels for Deer Lake in Hillsborough County, Florida" dated March 28, 2017.

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 construction of lakeshore development, water dependent structures, and operation of water management structures. Minimum and Guidance levels for Deer Lake were adopted into Rule 40D-8.624, F.A.C., in October 1998. Section 373.0421(3), Florida Statutes, requires that minimum flows and levels shall be reevaluated periodically and revised as needed.

Deer Lake is included in the Northern Tampa Bay group of lakes selected for Minimum and Guidance level reevaluation. These reevaluations are being completed using up-to-date hydrologic, biologic, and survey data; recently-developed hydrologic models; and peer-reviewed methodologies to determine if any revisions are needed for currently adopted levels. Based on this reevaluation, the High Guidance Level is proposed to increase from 66.5 to 67.3 feet above NGVD 29, the High Minimum Lake Level is unchanged, the Minimum Lake Level is proposed to decrease from 65.5 to 65.1 feet (NGVD 29), and the Low Guidance Level is proposed to decrease from 64.4 to 64.1 feet (NGVD 29) (Table 8-2).

The technical report outlining the development of the newly proposed levels for Deer Lake was posted on the District's website prior to a public workshop held on April 17, 2017. The workshop was held within close proximity to the lake. District staff addressed questions and concerns at the workshop relating to the proposed Minimum and Guidance levels. A summary of the public workshop, including comments and discussion, is available upon request.

An updated assessment of status was performed, and Deer Lake water levels were determined to be above the proposed Minimum and High Minimum Lake levels. Deer Lake is included in the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (40D-80.073, F.A.C). Therefore, the analyses outlined in this document for Deer Lake will be reassessed by the District and Tampa Bay Water as part of this plan, and as part of Tampa Bay Water's Water Use Permit Recovery Assessment Plan (required by Chapter 40D-80, F.A.C., and the Consolidated Permit (No. 20011771.001)). The District plans to continue regular monitoring of water levels in Deer Lake and will also routinely evaluate the status of the water levels with respect to adopted minimum levels for the lake included in Chapter 40D-8, F.A.C. By 2020, if not sooner, an alternative recovery project will be proposed if Deer Lake is found to not be meeting its adopted minimum levels.

Benefits/Costs

Adoption of Minimum Levels for Deer 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 Deer Lake as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased 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 the report entitled, "Revised Minimum and Guidance Levels for Deer Lake in Hillsborough County, Florida."
- 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 approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Deer Lake in Hillsborough County, as shown in the Exhibit.

Presenter: Mark Hurst, Senior Environmental Scientist, Water Resources 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	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level	
(a) through (k) No change.	Information					
(I) In Hillsborough County Within the Northwest Hillsborough Basin						
	Alice, Lake S-16, T-27S, R-17E through Dan, Lake S-6, T-27S, R-17E No change.					
	Deer Lake S-1, T-27S, R-18E	<u>67.3'</u> 66.5'	<u>66.5'</u> (CAT 1) (CAT 2)	<u>65.1'65.5' (CAT 1) (CAT 2)</u>	<u>64.1'</u> 64.4'	
	Dosson, Lake S-20, T-27S, R-18E through Virginia, Lake S-3, T-27S, R-18E No change.					
(m) through (cc) No change.						

(13) 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), 2-21-31 (12), (13), 9-3-2013, 1-7-15, 7-1-15, 9-21-15, 11-30-16, 12-28-16, 2-12-17 (12)(s), 2-12-17 (12)(z), 2-12-17 (12)(z), 2-19-17 (12)(i), 2-19-17 (12)(i), ______.
Item 11

FINANCE/OUTREACH & PLANNING COMMITTEE

May 23, 2017

Consent Agenda

Road Replacement at Lake Hancock Field Office

Purpose

Request approval to complete the road replacement project at the Lake Hancock Field Office (LHFO) this fiscal year and delay the repair/resurface project for the Sarasota Office. The paved surface leading to the LHFO has deteriorated faster than anticipated and with heavy equipment utilizing the road, staff feel it necessary to replace the asphalt earlier than expected. The Sarasota Office was originally budgeted for repair in FY2017 but can be delayed with little or no impact until FY2018 due to the immediate need at the LHFO.

Background

After the sale of the Bartow Office in June 2014, several staff were re-assigned to the LHFO acquired by the District in October 2006. Since then, District vehicles and heavy equipment utilize the road on a daily basis, accelerating the deteriorating condition. The road is over 50 years old and over the years there have been many layers of asphalt added to the original road which is why it is no longer cost-effective to just resurface the existing pavement.

Benefits/Costs

The proposed road replacement project will consist of a new roadway that is two feet wider than the existing road. This will allow easier and safer access to the facility for staff and heavy equipment. If the District chooses not to replace the road, it will continue to crumble and deteriorate and have the potential to cause damage to equipment and personal vehicles. The estimated cost to replace the roadway leading to the LHFO is \$120,000 based on a Piggyback Agreement with Sarasota County.

Staff Recommendation:

Staff recommends authorization of a budget transfer for \$27,000 from unallocated funds available in the Capital Improvements Plan for Roof and HVAC Replacements, and Facility Capital Renovation Projects to combine with \$93,100 originally allocated for the Sarasota Office parking lot repair to complete the paving project at the Lake Hancock Field Office.

Presenters: John Campbell, Management Services Director

Dave Orner, Facility Services Manager

Item 12

FINANCE/OUTREACH & PLANNING COMMITTEE

May 23, 2017

Consent Agenda

Budget Transfer Report

Purpose

Request approval of the Budget Transfer Report covering all budget transfers made during the month of April 2017.

Background

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

Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for April 2017.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT Budget Transfer Report April 2017

ltem No.	TRANSFERRED FROM Bureau / Expenditure Category	TRANSFERRED TO Bureau / Expenditure Category	Reason For Transfer		Transfer Amount
Exec	utive Approved				
1	Natural Systems & Restoration Grant - Financial Assistance	Natural Systems & Restoration Grant - Financial Assistance	Transfer of funds originally budgeted for the Pinellas Park - Implementation of Best Management Practices at the Equestrian Center at Helen Howarth Park Cooperative Funding Initiative (CFI) project. The funds are no longer needed due to cancellation of the project by the City of Pinellas Park after an alternative method not requiring assistance from the District to improve water quality was identified. Funds are needed for construction of the Lake McCoy Best Management Practices project due to awarded bid coming in higher than originally anticipated.	\$	24,478.85
2	General Services Postage and Courier Services	Information Technology Equipment - Computer Maint/Repair of Equipment Other Contractual Services	Transfer of funds originally budgeted for Districtwide Postage and Courier services. The funds are no longer required due to cost savings stemming from postage discounts, lower negotiated rates on new mail processing equipment lease, and lower than anticipated parcel volume. Funds are needed to replace two large format scanners which are no longer servicable. These scanners are used to create the eloctronic file of record with images in compliance with Florida Administrative Code Rule 1B-26.		26,770.00
			Total Executive Approved	\$	51,248.85
Finar	ce Bureau Chief Approved				
1	Office of General Counsel Advertising and Public Notices	Water Resources Advertising and Public Notices	Transfer of budgeted funds for notifications of rulemaking noticing. Funds are still required for rulemaking noticing, but will be appropriated to the bureau driving the need for the rulemaking. The Water Resources Bureau (WRB) budgeted for the advertisement of Minimum Flows and Levels (MFLs) workshops; whereas, the Notice of Rulemaking was budgeted by the Office of General Counsel. This transfer is to align the total advertising cost of MFLs Rulemaking within WRB's budget.	\$	12,000.00
2	Operations & Land Management Other Contractual Services	Operations & Land Management Other Contractual Services	Recurring land management and maintenance activities were originally budgeted within the General Fund and funded by ad valorem dollars. These activities are eligible for reimbursement by the Land Acquisition Trust Fund. Transfer of budgeted funds to the appropriate project codes for account tracking of these reimbursable land management and maintenance activities. The funds originally budgeted within the General Fund will lapse and be re-appropriated in future years.	1	,600,290.00
3	Natural Systems & Restoration Consultant Services	Data Collection Consultant Services	Transfer of budgeted funds to the appropriate bureau for the acquisition of digital imagery to map and monitor seagrass within three Surface Water Improvement Management (SWIM) priority waterbodies; Tampa Bay, Sarasota Bay and Charlotte Harbor (including Lemon Bay). The funds were originally budgeted by the SWIM section; however, the Mapping and Geographic Information Systems (MGIS) section will manage the aerial acquisition for this project and will be budgeted by the MGIS section in future years.		200,000.00
			Total Finance Bureau Chief Approved	\$1	,812,290.00
			Total Transfers for Governing Board Ratification	\$ 1	,863,538.85

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.

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 23, 2017

Consent Agenda

Conveyance of Non-Exclusive Easement to Nelson and Pauline Zambito and Lease Amendment with Hillsborough County – Brooker Creek Headwaters Preserve, SWF Parcel No. 14-074-159X

Purpose

The adjoining property owners of the District owned Brooker Creek Headwaters Preserve property have requested to modify an existing point of access to their property that transects a portion of the preserve. The revised access would make better use of an existing jeep trail, thus minimizing impact to an adjoining forested wetland. The purpose of this item is to request Governing Board approval of the conveyance of a non-exclusive easement to Nelson P. Zambito and Pauline P. Zambito (Zambito Family) for access. Additionally, staff requests Governing Board approval of an amendment to the Brooker Creek Preserve lease between the District and Hillsborough County to acknowledge the easement. Lastly, staff requests authorization to petition the vacation of a platted right of way shown in Exhibit 6 to this recap. The easement and a map of the easement interest to be conveyed are included in the Governing Board packet as exhibits to this item.

Background/History

In September 1993 the District purchased most of the Brooker Creek Preserve from the Federal Deposit Insurance Corporation. Hillsborough County contributed 50 percent of the funding towards the acquisition cost from its Environmental Lands Acquisition and Protection Program. The County manages the property under a long-term lease agreement with the District. The Preserve was purchased subject to a platted development called the Keystone Park Colony. This historical plat has multiple public road right of ways (platted roads) incorporated within the development for public access purposes. Three specific 30-foot platted roads extend across the District's Preserve and connect Ramblewood Road, a public road that traverses the Preserve, to the property owned by the Zambito Family. These platted roads are not developed and are located within wetland areas.

The Zambito Family has requested the District convey a 30-foot non-exclusive easement for access to the Family's property while at the same time requesting the initiation of vacation of a previously platted, 30-foot wide, right of way. District staff evaluated a suitable location for an easement access point and selected the location of a historical trail/road for the easement. The easement access will also minimize impacts to natural wetland areas on the Preserve relative to the platted road access.

Appraisal and Valuation Summary

The platted road selected for vacation is 0.30 acres (13,086 square feet). The non-exclusive easement area is 0.25 acres (10,881 square feet). No values were obtained from an appraiser as the total square footage of the platted road to be vacated exceeds the total square footage of the easement to be conveyed to the Zambito Family.

District and County staff have approved a lease amendment that acknowledges the access easement. The lease amendment is included in the Board packet as an exhibit to this item.

Benefits/Costs

Approval of the easement in exchange for vacation of an existing platted right of way will reduce the footprint and wetland impacts within the District's Brooker Creek Preserve.

Staff Recommendation:

- Approve and authorize the chairman to execute the Non-Exclusive Easement for 14-074-159X with the Zambito Family;
- Approve and authorize the chairman to execute the Brooker Creek Preserve Sixth Lease Amendment for 14-074-144X;
- · Accept the affidavits to be executed by the Zambito Family;
- Authorize the Operations Lands & Resource Monitoring Director to act on behalf of the Board to submit a petition to Hillsborough County to vacate the platted right of way shown in Exhibit 6 to this recap.

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

Brooker Creek Headwaters Nature Preserve





Date: 4/11/2017

Exhibit 3

This easement prepared by: Office of General Counsel Southwest Florida Water Management District 2379 Broad Street Brooksville, Florida 34609

NON-EXCLUSIVE EASEMENT AGREEMENT

THIS NON-EXCLUSIVE EASEMENT AGREEMENT ("Easement Agreement") is by and between the Southwest Florida Water Management District, a public corporation having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, (the "Grantor"), and the Nelson P. and Pauline P. Zambito, having an address of 325 South Boulevard, Tampa, Florida 33606, (the "Grantee").

WITNESSETH:

WHEREAS, the Grantor is the owner of unencumbered fee simple title to certain real property located in Hillsborough County, Florida, more particularly described in Exhibit "A", attached hereto (the "Property"); and

WHEREAS, the Grantee owns property adjacent to the Property that is designated a Planned Development and the Grantee wishes to cross the Property for access to the northern section of the Grantee's property (the "Zambito Property"); and

WHEREAS, the Grantor agrees to convey to the Grantee a 30-foot wide non-exclusive easement described in Exhibit "B", for ingress and egress to the Zambito Property; and

WHEREAS, a portion of the Property includes unimproved right-of-way associated with the Keystone Park Colony subdivision as per map or plat thereof in Plat Book 5, Page 55 of the Public Records of Hillsborough County; and

WHEREAS, Grantor and Grantee have agreed to jointly request Hillsborough County to vacate the unimproved 30-foot right-of-way referenced above as additional consideration to the Grantor for conveying the easement granted herein.

NOW THEREFORE, in consideration of the sum of Ten and 00/100 Dollars (\$10.00) paid by Grantee to Grantor, the covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor and the Grantee agree as follows:

1. **Purpose:** Grantor does hereby remise, release, grant and convey to the Grantee, its agents, employees, contractors, subcontractors, agents, guests, invitees, successors and assigns, a non-exclusive perpetual easement over and across a portion of the Property more particularly described in Exhibit "B", attached hereto and incorporated herein by this reference (the "Easement Parcel"), for; (a) pedestrian and vehicular ingress and egress between the

Zambito Easement SWF Parcel No. 14-074-159X Page 1 of 6 Zambito Property and Ramblewood Road, a public right of way; (b) constructing, altering, using, operating, inspecting, maintaining, repairing, and replacing paving and other improvements that facilitate or enhance the use of the Easement Parcel, including but not limited to curbs, gates, lighting and fencing; and (c) constructing, altering, using, operating, inspecting, maintaining, repairing, and replacing above and below ground water, sewer, electric, telephone, internet, cable television and other utility lines to provide service to the Zambito Property. The easements granted herein are appurtenant to and for the benefit of the Zambito Property.

2. Terms and Restrictions:

a. At least thirty (30) days prior to any construction or modification within the Easement Parcel, Grantee will notify Grantor in writing of the proposed construction and provide Grantor with one set of draft construction plans for review and approval prior to proceeding with any modification or construction. The Grantor's review and approval of the draft construction plans does not constitute a representation or warranty that the Grantor has verified the architectural, engineering, mechanical, electrical, or other components of the construction plans and documents, or that such plans and documents comply with Grantor's rules, and regulations or any other applicable rules, regulations, or laws. The Grantor agrees that its approval of the draft construction plans will not be unreasonably delayed or withheld.

b. The Grantee will obtain all necessary permits, approvals and licenses from all appropriate agencies prior to constructing, operating, maintaining and managing improvements in the Easement Parcel. The Grantee will construct improvements in the Easement Parcel in conformance with the Hillsborough County Land Development Code and its adopted transportation guidelines.

c. The Grantee will design and construct improvements in the Easement Parcel in a manner that will ensure the hydrologic flow and connections on the Property are not obstructed, interfered with or changed.

d. Upon completion of any construction of improvements in the Easement Parcel, the Grantee will (1) remove all surplus materials, including construction materials and soil displaced by Grantee's construction within the Easement Parcel; (2) return any disturbed areas of the Property to natural grade where topographical features allow, and (3) seed and mulch all disturbed areas in the Easement Parcel.

e. The Grantee will be solely responsible for maintenance of improvements in the Easement Parcel and any costs to maintain.

f. The Grantor will have access through the Easement Parcel at all times and reserves the right to conduct activities necessary for compliance with its water management responsibilities provided such activities do not interfere with the use of the Easement Parcel. The Grantee, in the exercise of its rights hereunder, will permit no action, activity, or course of conduct by its contractors, agents, representatives, employees, guests, invitees, or licensees that would be detrimental, hazardous, or unduly restrictive to the parties' joint use of the Easement Parcel. Likewise, the Grantor, in the exercise of its ownership rights will not permit any action, activity, or course or conduct by their contractors, agents, representatives, employees, guests, invitees or licensees, that would be detrimental, hazardous, or unduly restrictive to the uses granted herein to the Grantee.

Zambito Easement SWF Parcel No. 14-074-159X Page 2 of 6 g. The Grantee may erect a boundary fence along each boundary of the Easement Parcel. Any such fence shall include access gates to allow the Grantor access to both sides of the Easement Parcel. The Grantee may erect a standard or electric gate and lighting facilities along the County public road right-of-way (Ramblewood Road) and at the boundary of the Easement Parcel and the Zambito Property for security purposes.

h. If any ad valorem taxes, intangible property taxes, personal property taxes, or other taxes or assessments of any kind are assessed or levied on the Easement Parcel and the improvements thereon based on the Grantee's use thereof the Grantee will pay said taxes within forty-five (45) days after receiving written notice thereof from the Grantor. In the event the Grantee fails to pay all said taxes assessed or levied on the Property or the improvements thereon within forty-five (45) days after receiving written notice thereof from the Grantor, the Grantor may, at its sole option, pay said taxes subject to immediate reimbursement thereof in full together with any interest thereon at the maximum rate allowed by law and any administrative costs incurred by the Grantor, including reasonable attorney's fees.

3. Liability: The Grantee agrees to indemnify and hold harmless the Grantor and its 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 Grantee or anyone for whose acts or omissions the Grantee may be liable as a result of the exercise of the Grantee's rights under this Easement Agreement. Nothing contained herein will constitute a waiver of the Grantor'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 Easement Agreement.

4. Litigation: In connection with any litigation arising under this Easement Agreement the prevailing party will be entitled to recover its expenses therefore, including reasonable attorneys' and legal assistants' fees and cost prior to trial, at trial, and on appeal, in bankruptcy proceedings, and in connection with enforcing or collecting upon any judgment. This provision does not constitute a waiver of either party's sovereign immunity under Section 768.28, F.S. or extend either party's liability beyond the limits established in Section 768.28, F.S.

5. **Recordation:** This Easement Agreement shall be recorded in the Public Records of Hillsborough County, Florida and the recordation of this Easement Agreement will constitute acceptance of the conditions, reservations, reversions and covenants herein.

6. Notice: Any notice required or permitted to be delivered hereunder will be deemed received when personally delivered or when mailed by United States Mail, postage prepaid, certified mail, return receipt requested, or telegram, addressed as follows:

If intended for Grantor: Southwest Florida Water Management District Attention: Director, Operations, Lands and Resource Monitoring Division 2379 Broad Street Brooksville, Florida 34604

If intended for Grantee:

Zambito Easement SWF Parcel No. 14-074-159X Page 3 of 6 Nelson P. and Pauline P. Zambito c/o Daniel F. Molony, Esq. 6703 Rose Lea Circle Lutz, Florida 33558

Either party may change its address by giving notice to the other party in the manner provided in this paragraph.

7. Binding Effect: The terms, conditions and provisions contained in this Easement Agreement will run with the land and apply to, bind and inure to the benefit of the Grantor, Grantee and their respective successors, legal representatives and assigns.

8. Effective Date: The effective date of this Easement Agreement will be the last date upon which all the parties hereto have executed this Easement Agreement, as demonstrated by the date under the signature on the signature page.

9. Jury Trial Waiver. The parties each knowingly, voluntarily and intentionally waive any right which either of them may have to a trial by jury with respect to any litigation or legal proceeding based upon or arising directly, indirectly or otherwise in connection with, out of, related to this Easement Agreement. The parties have specifically discussed and negotiated for this waiver and understand the legal consequences of same.

10. Waiver of Breach. The failure of any party hereto to enforce any provision of this Easement Agreement shall not be construed to be a waiver of such or any other provision, nor in any way to affect the validity of all or any part of this Easement Agreement or the right of such party thereafter to enforce each and every such provision. No waiver of any breach of this Easement Agreement shall be held to constitute a waiver of any other or subsequent breach.

11. Governing Law; Venue. This Easement Agreement shall be governed in accordance with Florida law. Venue for any dispute arising under this Agreement shall lie exclusively in the courts located in Hillsborough County, Florida.

[Signature Pages Follow]

Zambito Easement SWF Parcel No. 14-074-159X Page 4 of 6

Packet Pg. 24

Attachment: Combined File Exhibits_1-6 (3104 : Conveyance of Non-Exclusive Easement to Nelson and

IN WITNESS WHEREOF, the Grantor and has caused this Easement Agreement to be duly executed on the dates set forth below.

Attest:

By:___

Bryan K. Beswick, Secretary

By:___

Randall S. Maggard, Chairman

Management District, as Grantor

Southwest Florida Water

(SEAL)

DISTRICT'S ACKNOWLEDGMENT

STATE OF FLORIDA COUNTY OF_____

The foregoing instrument was acknowledged before me this ______ day of ______, 2017, by Randall S. Maggard as Chair and Bryan K. Beswick as Secretary of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the Southwest Florida Water Management District, who are personally known to me.

NOTARY SEAL

Notary Public Print: _____ Commission No. _____ My Commission Expires: _____

Signed, sealed and delivered in the presence of:

Witness #1 signature

Nelson P. Zambito

Print Witness #1 name

Witness #2 signature

Pauline P. Zambito

Print Witness #2 name

Zambito Easement SWF Parcel No. 14-074-159X Page 5 of 6

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ACKNOWLEDGMENT

STATE OF FLORIDA COUNTY OF _____

 The foregoing instrument was acknowledged before me this _____ day of ______,

 2017, by ______ as _____ of ______

 ________. They are personally known to me or have produced

as identification.

(Seal)

Name of Notary

(Name of Notary typed, printed or stamped)

Commission No.

My Commission Expires:

APPROVED BY: ATTORNEY	INITIALS	DATE 3/15/17	
MANAGER BUR CHIEF			
DIV. DIR.		·	

Zambito Easement SWF Parcel No. 14-074-159X Page 6 of 6



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Pg.

Packet



PARCEL I:

That part of Tract 14 of the Southeast guarter of Section 1, Township 27 South, Range 17 East, lying South of the Southerly right of way of Lutz-Lake Fern Road AND Tracts 3 and 4 of the Northeast quarter of Section 12, Township 27 South, Range 17 East of KEYSTONE PARK COLONY, as per map or plat thereof recorded in Plat Book: 5 on Page 55 of the Public Records of Hillsborough County, Florida, LESS the following described tract, to wit: From the North guarter corner of Section 12, Township 27 South, Range 17 East; thence East along the North boundary line of said Section 12, a distance of 32.00 feet to a POINT OF BEGINNING; thence continue East along said North boundary line of Section 12, a distance of 606.04 feet; thence North 01°53'00" West along the West boundary line of Tract 14 of the Southeast quarter of Section 1, Township 27 South, Range 17 East 359.37 feet to a point on the Southerly right of way line of Lutz-Lake Fern Road; thence North 77°34'20" East, along the said Southerly right of way line of Lutz-Lake Fern Road 475.59 feet; thence South 901.53 feet; thence West 1058.68 feet; thence North 440.00 feet to the aformentioned POINT OF BEGINNING.

PARCEL II:

Tract 1 and Tracts 5 to 16, inclusive, in the Northeast quarter; Tracts 8, 9, 10, 15 and 16 in the Northwest quarter; Tracts 1, 2, 7, 8, 9, 10, 15 and 16 in the Southwest quarter; and Tracts 1 to 16, inclusive, in the Southeast quarter, all in Section 12, Township 27 South, Range 17 East, KEYSTONE PARK COLONY, as per map or plat thereof recorded in Plat Book 5 on Page 55, of the public records of Hillsborough County, Florida.

PARCEL III:

Tracts 1 to 4, inclusive, and Tracts 6 to 15, inclusive, in the Northeast quarter; Tracts 1, 2, 6, 7, 8, 9, 10, 11, 12, 15 and 16 in the Northwest quarter;

CONTINUED ON NEXT PAGE . .

Tracts 1 to 12, inclusive, the East half of Tract 13 and Tracts 14, 15 and 16 in the Southwest quarter; Tracts 2 to 7, inclusive, Tracts 10 and 11 and Tracts 14 and 15 in the Southeast quarter, all in Section 13, Township 27 South, Range 17 East, KEYSTONE PARK COLONY, as per map or plat thereof recorded in Plat Book 5, on Page 55, of the Public Records of Hillsborough County, Florida, LESS that part of Tracts 13, 14, 15, and 16 in the Southwest quarter and Tracts 14 and 15 in the Southeast quarter, all in Section 13, Township 27 South, Range 17 East, KEYSTONE PARK COLONY, deeded to State of Florida by deed recorded in Official Records Book 245 on Page 39 and by deed recorded in Official Records Book 775 on Page 649 and by deed recorded in Official Records Book 765 on Page 413.

PARCEL IV:

Tract 5 in the Northeast quarter of Section 13, Township 27 South, Range 17 East, KEYSTONE PARK COLONY, as per map or plat thereof recorded in Plat Book 5 on Page 55, of the public records of Hillsborough County, Florida.

PARCEL V:

The West 42 feet of Tract 2 in the Northeast 1/4 of Section 12, Township 27 South, Range 17 East AND the West 42 feet of Tract 15 in the Southeast 1/4 of Section 1, Township 27 South, Range 17 East, lying South of the Southerly right of way line for Lutz-Lake Fern Road, all in KEYSTONE PARK COLONY, as per map or plat recorded in Plat Book 5 on Page 55, of the public records of Hillsborough County, Florida.

PARCEL VI:

Tract 3 in the Northwest quarter of Section 13, Township 27 South, Range 17 East, KEYSTONE PARK COLONY, as per map or plat thereof recorded in Plat Book 5, Page 55, public records of Hillsborough County, Florida.

CONTINUED ON NEXT PAGE . .

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PARCEL VII:

Tracts 13 and 14 in the Northwest quarter of Section 13, Township 27 South, Range 17 East, KEYSTONE PARK COLONY, as per map or plat thereof recorded in Plat Book 5, Page 55, public records of Hillsborough County, Florida

LESS AND EXCEPT road right of way for Ramblewood Road deeded to Hillsborough County in Official Records Book 5115, Page 339, public records of Hillsborough County, Florida.

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SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT Northwest Hillsborough Basin Brooker Creek - Headwaters

SWF Parcel No. 14-074-142 (O.R. 2086, Pg. 406) January 13, 1994 Revised June 10, 1994

Tract 1 in the Northeast 1/4 of the Northwest 1/4 of Section 12, Township 27 South, Range 17 East of KEYSTONE PARK COLONY as shown on the plat recorded in Plat Book 5, Page 55 of the Public Records of Hillsborough County, Florida.

Parcel contains 9.56 acres more or less.



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT Northwest Hillsborough Basin Brooker Creek

SWF Parcel No. 14-074-139A

February 9, 1994

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Packet F

The West 1/4 of Tract 13 in the Southeast 1/4 of Section 13, Township 27 South, Range 17 East of KEYSTONE PARK COLONY as shown on the plat recorded in Plat Book 5, Page 55 of the Public Records of Hillsborough County, Florida;

Less right of way for Van Dyke Road as recorded in Official Record Book 772, Page 467 of the Public Records of Hillsborough County, Florida, and described as follows:

That part of:

11

Tract 13 in SE 1/4 of Section 13, Township 27 South, Range 17 East, Keystone Park Colony, as per map or plat thereof recorded in Plat Book 5, Page 55, Public Records of Hillsborough County, Florida,

Lying within 40 feet of the Survey Line of SR S-685-A, Section 1076, said Survey Line being described as follows:

Begin at the SW corner of Section 13, Township 27 South, Range 17 East; run thence South 89°36'50" East 2518.4 feet; thence South 89°45'35" East 2124.06 feet to the beginning of a curve concave to the Southerly having a radius of 11459.16 feet; thence Easterly along said curve 527.04 feet through a central angle of 02°38'07" to the East boundary of Section 24, Township 27 South, Range 17 East at a point 12.03 feet South of the NE corner thereof (SE corner of said Section 13).

LESS existing Right of Way.

Containing 0.37 acre, more or less.

Net area of Parcel 14-074-139A is 2.32 acres more or less.

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SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT Northwest Hillsborough Basin Brooker Creek

SWF Parcel No. 14-074-139B

February 9, 1994

Tract 12 in the Southeast 1/4 of Section 13, Township 27 South, Range 17 East of KEYSTONE PARK COLONY as shown on the plat recorded in Plat Book 5, Page 55 of the Public Records of Hillsborough County, Florida, less the North 400.00 feet of the West 312.00 feet of said Tract 12.

Parcel contains 6.80 acres more or less.

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SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT Northwest Hillsborough Basin Brooker Creek

SWF Parcel No. 14-074-140

The North 400.00 feet of the West 312.00 feet of Tract 12 in the Southeast 1/4 of Section 13, Township 27 South, Range 17 East of KEYSTONE PARK COLONY as shown on the plat recorded in Plat Book 5, Page 55 of the Public Records of Hillsborough County Florida.

Parcel contains 2.87 acres more or less

Together with any right, title and interest Grantor may have, without representation or warranty, in and to an easement for ingress and egress described as follows:

> a 15-foot easement for ingress and egress over the West 15.00 feet of Tracts 12 and 13 in the Southeast 1/4 of Section 13, Township 27, Range 17, Keystone Park.

RANGE 17 E., HILLSBOROUGH COUNTY, FLORIDA 34

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EXHIBIT

LEGAL DESCRIPTION PARCEL 14-074-159X

A parcel of land lying in the Northeast 1/4 of Section 13, Township 27 S., Range 17 E., Hillsborough County, Florida also being a portion of lands described in Official Records Book 7121 page 1663 of the Public Records of Hillsborough County also being a portion of Lot 8 Keystone Park Colony Plat Book 5 page 55 of the Public Records of Hillsborough County and being more particularly described as follows:

Commence at the Northeast corner of said Section 13; thence along the East line of the Northeast 1/4 of said Section 13 S 00'04'18" E, a distance of 1343.52' to an intersection of said East line of Section 13 with the East projection of the centerline of a 30' right-of-way as shown on Keystone Park Colony Plat Book 5 Page 55, said intersection also being the Northeast corner of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 13 for a POINT OF BEGINNING; thence continue along said East line of said Section 13 S 00'04'18" E, a distance of 15.00' to the East projection of the South line of said 30' right-of-way; thence leaving said East line of Section 13 N 89'33'33" W, a distance of 18.32' along the East projection of the said South line of said 30' wide right-of-way and along said South line of said 30' wide right-of-way; thence N 77'56'09" W, a distance of 358.86' to a point on the Easterly right-of-way line of Ramblewood Road according to Official Records Book 5115 page 339 of the Public Records of Hillsborough County; thence along said Easterly right-of-way of Ramblewood Road along a non-tangent curve to the left having a radius of 2346.83' and along the arc of said curve 37.12' through a central angle of 00°54'22" having a chord bearing of N 48°08'51" E and a chord length of 37.12' to a point on said Easterly right-of-way, said point having a chord bearing and distance of S 45'57'00" W, 142.86' from a 1/2" capped iron rod stamped "PLS 3393" as found on said Easterly right-of-way; thence leaving said Easterly right-of-way S 77.56'09" E a distance of 333.95' to the intersection of the North line of said 30' wide right-of-way with the West line of a 15' wide right-of-way as shown on Keystone Park Colony Plat Book 5 Page 55; thence along the East projection of said North line of a 30' right-of-way S 89'33'33"E, a distance of 15.00' to a point on the aforementioned East line of the Northeast 1/4 of said Section 13; thence along the said East line of the Northeast 1/4 of said Section 13 S 00°04'18" E a distance of 15.00' to the POINT OF BEGINNING.

Subject to existing right—of—ways as shown on Keystone Park Colony Plat Book 5 page 55 of the Public Records of Hillsborough County.

The above described lands containing 10,890 square feet more or less 0.25 acres.

Notes:

1. Bearings shown hereon are based on the Florida State Plane Coordinates System (FSPCS), Florida West Zone, NAD 1983/2011 and are derived from Real Time Kinematic – Global Navigation Satellite System (RTK-GNSS) measurements, using the Leica VIVA NRTK-GPS with the Florida Permanent Reference Network (FPRN). The FPRN network is based on direct ties to National Geodetic Survey (NGS) Control Stations. The horizontal accuracies are validated using NGS Control Station X733 (DL6661).

2. Basis of bearings is the East line of the Northeast 1/4 of Section 13, Township 27 S., Range 17 E. as S 00°04'18" E. per stated Boundary Survey in note 3.

3. A previous Boundary Survey prepared by Heidt & Associates, Inc entitled "Boundary Survey for FDIC-CYPRESS BEND", revised date 9-17-93 as Dwg. No. 14-074-123A was utilized in the preparation of this Sketch and Description.
4. Distances shown hereon ore ground values, a scale factor of 0.999977302 should be used to convert to grid. Distances are in U.S. Survey feet

5. This is not a Survey.

THE SKETCH AND DESCRIPTION ARE	NOT FULL	_ AN	ND COMPLETE WITHOUT THE OTHER.
PROJECT NAME: PROOKER CREEK			SKETCH & DESCRIPTION
PROJECT NAME. BROOKER CREEK	2	WO	RK ORDER: 16-122
Southwest Florida	DRAWN BY: pl	w	SHEET DESCRIPTION DESCRIPTION
Water Management District	CHECKED BY:	smb	Revised 03-27-2017: reder on propositi ganement
	DATE: 03-07-	2017	1/1 3/3/17
2379 Broad Street (U.S. 41 South) Brooksville, Florida 34604-6899 (352) 796-7211 (800) 423-1476			James E. Change BS
	SHEET 1 O	F 2	Figrida Professional Surveyor and Mapper No. 5014



Exhibit 4

SIXTH AMENDMENT TO LEASE AGREEMENT BETWEEN BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY AND SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT FOR BROOKER CREEK HEADWATERS PRESERVE

This Sixth Amendment to Lease Agreement made and entered into this _____ day of _____, 2017, by and between Hillsborough County, a political subdivision of the State of Florida, having an address of Post Office Box 1110, Tampa, Florida 33602, hereinafter referred to as the "County," and 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."

WHEREAS, the County and the District entered into a lease agreement dated July 21, 1994, and amended on February 1, 1995; August 3, 1995; June 5, 1996; October 21, 2009; and April 5, 2010 (collectively referred to as the "Lease Agreement"); for acquisition and management of the Brooker Creek Headwaters Preserve ("Preserve"); and

WHEREAS, the District intends to convey a 30-foot wide right-of-way to Nelson P. and Pauline P. Zambito for ingress and egress over a portion of property located within the Preserve ("Easement"), more particularly described in Exhibit "A" attached hereto; and

WHEREAS, the District and the County wish to modify the Lease Agreement to recognize the Easement, and the terms and conditions provided therein.

NOW THEREFORE, the District and the County, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, agree as follows:

1. The District and the County acknowledge that all other aspects of the Lease Agreement as amended, not modified herein remain in full force and effect.

2. The Easement attached hereto as Exhibit "A" is made a part of this Amendment as fully as if set forth in the text of this Amendment.

3. <u>Electronic Signature</u>. The parties agree that this Agreement may be executed by the County by electronic signature in a manner that complies with Chapter 668, Florida Statutes, and as approved by the Hillsborough County Board of County Commissioners in Resolution R15-025 on February 4, 2015. This authorization will apply to any subsequent lease amendments.

ATTEST:

"COUNTY"

PAT FRANK CLERK OF THE CIRCUIT COURT

By:___

Deputy Clerk

a political subdivision of the State of Florida

Chairman

HILLSBOROUGH COUNTY,

By:

Print Name:_____

Print Name:_____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:___

Susan J. Fernandez, Chief Assistant County Attorney

BOCC Document No.:_____

[SIGNATURES CONTINUED ON FOLLOWING PAGE] [REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Sixth Amendment to Lease Agreement SWF Parcel No. 14-074-144X Page 2 of 3

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, A PUBLIC CORPORATION

Attest:			
Ву:	Bryan K. Beswick, Secretary	Ву:	Randall S. Maggard, Chair
		Date:_	
			(Seal)

APPROVED BY:	INITIALS	DATE
Attorney	<u>_CT</u>	5-3-17
Manager		
Bureau Chief		
Division Director		

Sixth Amendment to Lease Agreement SWF Parcel No. 14-074-144X Page 3 of 3

.

This easement prepared by: Office of General Counsel Southwest Florida Water Management District 2379 Broad Street Brooksville, Florida 34609

NON-EXCLUSIVE EASEMENT AGREEMENT

THIS NON-EXCLUSIVE EASEMENT AGREEMENT ("Easement Agreement") is by and between the Southwest Florida Water Management District, a public corporation having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, (the "Grantor"), and the Nelson P. and Pauline P. Zambito, having an address of 325 South Boulevard, Tampa, Florida 33606, (the "Grantee").

WITNESSETH:

WHEREAS, the Grantor is the owner of unencumbered fee simple title to certain real property located in Hillsborough County, Florida, more particularly described in Exhibit "A", attached hereto (the "Property"); and

WHEREAS, the Grantee owns property adjacent to the Property that is designated a Planned Development and the Grantee wishes to cross the Property for access to the northern section of the Grantee's property (the "Zambito Property"); and

WHEREAS, the Grantor agrees to convey to the Grantee a 30-foot wide non-exclusive easement described in Exhibit "B", for ingress and egress to the Zambito Property; and

WHEREAS, a portion of the Property includes unimproved right-of-way associated with the Keystone Park Colony subdivision as per map or plat thereof in Plat Book 5, Page 55 of the Public Records of Hillsborough County; and

WHEREAS, Grantor and Grantee have agreed to jointly request Hillsborough County to vacate the unimproved 30-foot right-of-way referenced above as additional consideration to the Grantor for conveying the easement granted herein.

NOW THEREFORE, in consideration of the sum of Ten and 00/100 Dollars (\$10.00) paid by Grantee to Grantor, the covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor and the Grantee agree as follows:

1. Purpose: Grantor does hereby remise, release, grant and convey to the Grantee, its agents, employees, contractors, subcontractors, agents, guests, invitees, successors and assigns, a non-exclusive perpetual easement over and across a portion of the Property more particularly described in Exhibit "B", attached hereto and incorporated herein by this reference (the "Easement Parcel"), for; (a) pedestrian and vehicular ingress and egress between the

Zambito Easement SWF Parcel No. 14-074-159X Page 1 of 6



Zambito Property and Ramblewood Road, a public right of way; (b) constructing, altering, using, operating, inspecting, maintaining, repairing, and replacing paving and other improvements that facilitate or enhance the use of the Easement Parcel, including but not limited to curbs, gates, lighting and fencing; and (c) constructing, altering, using, operating, inspecting, maintaining, repairing, and replacing above and below ground water, sewer, electric, telephone, internet, cable television and other utility lines to provide service to the Zambito Property. The easements granted herein are appurtenant to and for the benefit of the Zambito Property.

2. Terms and Restrictions:

a. At least thirty (30) days prior to any construction or modification within the Easement Parcel, Grantee will notify Grantor in writing of the proposed construction and provide Grantor with one set of draft construction plans for review and approval prior to proceeding with any modification or construction. The Grantor's review and approval of the draft construction plans does not constitute a representation or warranty that the Grantor has verified the architectural, engineering, mechanical, electrical, or other components of the construction plans and documents, or that such plans and documents comply with Grantor's rules, and regulations or any other applicable rules, regulations, or laws. The Grantor agrees that its approval of the draft construction plans will not be unreasonably delayed or withheld.

b. The Grantee will obtain all necessary permits, approvals and licenses from all appropriate agencies prior to constructing, operating, maintaining and managing improvements in the Easement Parcel. The Grantee will construct improvements in the Easement Parcel in conformance with the Hillsborough County Land Development Code and its adopted transportation guidelines.

c. The Grantee will design and construct improvements in the Easement Parcel in a manner that will ensure the hydrologic flow and connections on the Property are not obstructed, interfered with or changed.

d. Upon completion of any construction of improvements in the Easement Parcel, the Grantee will (1) remove all surplus materials, including construction materials and soil displaced by Grantee's construction within the Easement Parcel; (2) return any disturbed areas of the Property to natural grade where topographical features allow, and (3) seed and mulch all disturbed areas in the Easement Parcel.

e. The Grantee will be solely responsible for maintenance of improvements in the Easement Parcel and any costs to maintain.

f. The Grantor will have access through the Easement Parcel at all times and reserves the right to conduct activities necessary for compliance with its water management responsibilities provided such activities do not interfere with the use of the Easement Parcel. The Grantee, in the exercise of its rights hereunder, will permit no action, activity, or course of conduct by its contractors, agents, representatives, employees, guests, invitees, or licensees that would be detrimental, hazardous, or unduly restrictive to the parties' joint use of the Easement Parcel. Likewise, the Grantor, in the exercise of its ownership rights will not permit any action, activity, or course or conduct by their contractors, agents, representatives, employees, guests, invitees or licensees, that would be detrimental, hazardous, or unduly restrictive to the uses granted herein to the Grantee.

Zambito Easement SWF Parcel No. 14-074-159X Page 2 of 6



g. The Grantee may erect a boundary fence along each boundary of the Easement Parcel. Any such fence shall include access gates to allow the Grantor access to both sides of the Easement Parcel. The Grantee may erect a standard or electric gate and lighting facilities along the County public road right-of-way (Ramblewood Road) and at the boundary of the Easement Parcel and the Zambito Property for security purposes.

h. If any ad valorem taxes, intangible property taxes, personal property taxes, or other taxes or assessments of any kind are assessed or levied on the Easement Parcel and the improvements thereon based on the Grantee's use thereof the Grantee will pay said taxes within forty-five (45) days after receiving written notice thereof from the Grantor. In the event the Grantee fails to pay all said taxes assessed or levied on the Property or the improvements thereon within forty-five (45) days after receiving written notice thereof from the Grantor, the Grantor may, at its sole option, pay said taxes subject to immediate reimbursement thereof in full together with any interest thereon at the maximum rate allowed by law and any administrative costs incurred by the Grantor, including reasonable attorney's fees.

3. Liability: The Grantee agrees to indemnify and hold harmless the Grantor and its 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 Grantee or anyone for whose acts or omissions the Grantee may be liable as a result of the exercise of the Grantee's rights under this Easement Agreement. Nothing contained herein will constitute a waiver of the Grantor'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 Easement Agreement.

4. Litigation: In connection with any litigation arising under this Easement Agreement the prevailing party will be entitled to recover its expenses therefore, including reasonable attorneys' and legal assistants' fees and cost prior to trial, at trial, and on appeal, in bankruptcy proceedings, and in connection with enforcing or collecting upon any judgment. This provision does not constitute a waiver of either party's sovereign immunity under Section 768.28, F.S. or extend either party's liability beyond the limits established in Section 768.28, F.S.

5. Recordation: This Easement Agreement shall be recorded in the Public Records of Hillsborough County, Florida and the recordation of this Easement Agreement will constitute acceptance of the conditions, reservations, reversions and covenants herein.

6. Notice: Any notice required or permitted to be delivered hereunder will be deemed received when personally delivered or when mailed by United States Mail, postage prepaid, certified mail, return receipt requested, or telegram, addressed as follows:

If intended for Grantor: Southwest Florida Water Management District Attention: Director, Operations, Lands and Resource Monitoring Division 2379 Broad Street Brooksville, Florida 34604

If intended for Grantee:

Zambito Easement SWF Parcel No. 14-074-159X Page 3 of 6

EXHIBIT Exhibit "A" 8 pages

Nelson P. and Pauline P. Zambito c/o Daniel F. Molony, Esq. 6703 Rose Lea Circle Lutz, Florida 33558

Either party may change its address by giving notice to the other party in the manner provided in this paragraph.

7. Binding Effect: The terms, conditions and provisions contained in this Easement Agreement will run with the land and apply to, bind and inure to the benefit of the Grantor, Grantee and their respective successors, legal representatives and assigns.

8. Effective Date: The effective date of this Easement Agreement will be the last date upon which all the parties hereto have executed this Easement Agreement, as demonstrated by the date under the signature on the signature page.

9. Jury Trial Waiver. The parties each knowingly, voluntarily and intentionally waive any right which either of them may have to a trial by jury with respect to any litigation or legal proceeding based upon or arising directly, indirectly or otherwise in connection with, out of, related to this Easement Agreement. The parties have specifically discussed and negotiated for this waiver and understand the legal consequences of same.

10. Waiver of Breach. The failure of any party hereto to enforce any provision of this Easement Agreement shall not be construed to be a waiver of such or any other provision, nor in any way to affect the validity of all or any part of this Easement Agreement or the right of such party thereafter to enforce each and every such provision. No waiver of any breach of this Easement Agreement shall be held to constitute a waiver of any other or subsequent breach.

11. Governing Law; Venue. This Easement Agreement shall be governed in accordance with Florida law. Venue for any dispute arising under this Agreement shall lie exclusively in the courts located in Hillsborough County, Florida.

[Signature Pages Follow]

Zambito Easement SWF Parcel No. 14-074-159X Page 4 of 6

IN WITNESS WHEREOF, the Grantor and has caused this Easement Agreement to be duly executed on the dates set forth below.

Attest:

By:

Bryan K. Beswick, Secretary

Southwest Florida Water Management District, as Grantor

By:__

Randall S. Maggard, Chairman

(SEAL)

DISTRICT'S ACKNOWLEDGMENT

STATE OF FLORIDA COUNTY OF_____

The foregoing instrument was acknowledged before me this ______ day of ______, 2017, by Randall S. Maggard as Chair and Bryan K. Beswick as Secretary of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the Southwest Florida Water Management District, who are personally known to me.

NOTARY SEAL

Notary Public	
Print:	
Commission No.	¥.
My Commission Expires:	

Signed, sealed and delivered in the presence of:

Witness #1 signature

Nelson P. Zambito

Print Witness #1 name

Witness #2 signature

Pauline P. Zambito

Print Witness #2 name

Zambito Easement SWF Parcel No. 14-074-159X Page 5 of 6



ACKNOWLEDGMENT

STATE OF FLORIDA COUNTY OF _____

 The foregoing instrument was acknowledged before me this _____ day of ______,

 2017, by ______ as _____ of ______,

 ___________. They are personally known to me or have produced

as identification.

Name of Notary

(Seal)

(Name of Notary typed, printed or stamped)

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Commission No. _____

My Commission Expires: _____

APPROVED BY: ATTORNEY	INITIALS	DATE 3/15/17	
MANAGER BUR CHIEF			
DIV. DIR.			

Zambito Easement SWF Parcel No. 14-074-159X Page 6 of 6

SECTION 13, TOWNSHIP 27 S., RANGE 17 E., HILLSBOROUGH COUNTY, FLORIDA

LEGAL DESCRIPTION PARCEL 14-074-159X

A parcel of land lying in the Northeast 1/4 of Section 13, Township 27 S., Range 17 E., Hillsborough County, Florida also being a portion of lands described in Official Records Book 7121 page 1663 of the Public Records of Hillsborough County also being a portion of Lot 8 Keystone Park Colony Plat Book 5 page 55 of the Public Records of Hillsborough County and being more particularly described as follows:

Commence at the Northeast corner of said Section 13; thence along the East line of the Northeast 1/4 of said Section 13 S 00'04'18" E, a distance of 1343.52' to an intersection of said East line of Section 13 with the East projection of the centerline of a 30' right-of-way as shown on Keystone Park Colony Plat Book 5 Page 55, said intersection also being the Northeast corner of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 13 for a POINT OF BEGINNING; thence continue along said East line of said Section 13 S 00'04'18" E, a distance of 15.00' to the East projection of the South line of said 30' right-of-way; thence leaving said East line of Section 13 N 89'33'33" W, a distance of 18.32' along the East projection of the said South line of said 30' wide right-of-way and along said South line of said 30' wide right-of-way ; thence N 77'56'09" W, a distance of 358.86' to a point on the Easterly right-of-way line of Ramblewood Road according to Official Records Book 5115 page 339 of the Public Records of Hillsborough County; thence along said Easterly right-of-way of Ramblewood Road along a non-tangent curve to the left having a radius of 2346.83' and along the arc of said curve 37.12' through a central angle of 00'54'22" having a chord bearing of N 48'08'51" E and a chord length of 37.12' to a point on said Easterly right-of-way, said point having a chord bearing and distance of S 45'57'00" W, 142.86' from a 1/2" capped iron rod stamped "PLS 3393" as found on said Easterly right-of-way; thence leaving said Easterly right-of-way S 77'56'09" E a distance of 333.95' to the intersection of the North line of said 30' wide right-of-way with the West line of a 15' wide right-of-way as shown on Keystone Park Colony Plat Book 5 Page 55; thence along the East projection of said North line of a 30' right-of-way S 89'33'33"E, a distance of 15.00' to a point on the aforementioned East line of the Northeast 1/4 of said Section 13; thence along the said East line of the Northeast 1/4 of said Section 13 S 00'04'18" E a distance of 15.00' to the POINT OF BEGINNING.

Subject to existing right—of—ways as shown on Keystone Park Colony Plat Book 5 page 55 of the Public Records of Hillsborough County.

The above described lands containing 10,890 square feet more or less 0.25 acres.

Notes:

1. Bearings shown hereon are based on the Florida State Plane Coordinates System (FSPCS), Florida West Zone, NAD 1983/2011 and are derived from Real Time Kinematic – Global Navigation Satellite System (RTK-GNSS) measurements, using the Leica VIVA NRTK-GPS with the Florida Permanent Reference Network (FPRN). The FPRN network is based on direct ties to National Geodetic Survey (NGS) Control Stations. The horizontal accuracies are validated using NGS Control Station X733 (DL6661).

2. Basis of bearings is the East line of the Northeast 1/4 of Section 13, Township 27 S., Range 17 E. as S 00'04'18" E. per stated Boundary Survey in note 3.

3. A previous Boundary Survey prepared by Heidt & Associates, Inc entitled "Boundary Survey for FDIC-CYPRESS BEND", revised date 9-17-93 as Dwg. No. 14-074-123A was utilized in the preparation of this Sketch and Description.
4. Distances shown hereon ore ground values, a scale factor of 0.999977302 should be used to convert to grid. Distances are in U.S. Survey feet

5. This is not a Survey.

THE SKETCH AND DESCRIPTION ARE NOT FULL AND COMPLETE WITHOUT THE OTHER.

PROJECT NAME: BROOKER CREEK		WO	SKETCH & DESCRIPTION RK ORDER: 16-122
Southwest Florida Water Management District	DRAWN BY: pl CHECKED BY:	lw smb	SHEET DESCRIPTION: DESCRIPTION, Revised 03-27-2017: redeator proposed answinent
2379 Broad Street (U.S. 41 South) Brooksville, Florida 34604-6899 (352) 796-7211 (800) 423-1476	SHEET 1 0)F 2	James F. Owens, PSM Pater Fjorida Professional Surveyor and Mapper No. 5014

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Packet Pg.



(3104 : Conveyance ç **Non-Exclusive** Easement to Nelson and

Attachment: Combined File Exhibits

-<u>-</u>6

Packet Pg. 46

Exhibit 5

NELSON P. ZAMBITO'S AFFIDAVIT OF SUPPORT FOR VACATING CERTAIN PLATTED RIGHT-OF-WAY

STATE OF FLORIDA))SS: COUNTY OF HILLSBOROUGH)

BEFORE ME, the undersigned authority, this day personally appeared NELSON P. ZAMBITO (the Affiant) who, after being duly sworn, deposes and says:

1. The Affiant's name is Nelson P. Zambito and affirms that they are over the age of eighteen and qualified to give this affidavit.

2. The Affiant together with Pauline P. Zambito, as husband and wife, own certain non-homestead property described in Official Record Book 15555. Page 105 of the Public Record of Hillsborough County Florida and identified by tax folio number 014542.000 and is situated west of the Suncoast Parkway in the West ¼ of Section 18, Township 27 South Range 18 West in Hillsborough County, Florida (hereafter, "the Zambito Property").

3. The Zambito Property is adjacent to certain land owned by the Southwest Florida Water Management District ("SWFWMD") identified in the attached Exhibit "A" (hereafter, the SWFWMD Property").

4. SWFWMD has agreed to convey a 30-foot wide non-exclusive easement for ingress and egress from Ramblewood Road to the Zambito Property that crosses a portion of the SWFWMD Property and is specifically described by the attached Exhibit "B" (hereafter, the "Easement Parcel").

5. Adjacent to and partly within the Easement Parcel is a single, 30-foot wide unimproved right-of-way associated with the Keystone Park Colony subdivision as per map or plat thereof in Plat Book 5, Page 55 of the Public Records of Hillsborough County more

particularly described in Exhibit "C" the "Unimproved Right of Way". Page 1 of 2 SWF Parcel Number 14-074-159X 6. Conditioned upon the conveyance of the non-exclusive easement on the Easement Parcel by SWFWMD to Nelson P and Pauline P. Zambito for ingress and egress between the Zambito Property and Ramblewood Road. the Affiant acknowledges and affirm that:

- a. The Affiant will not object to SWFWMD petitioning for the vacating of the Unimproved Right of Way.
- b. If requested, the Affiant will execute documents required by Hillsborough County for SWFWMD to have the Unimproved Right of Way vacated from the associated Keystone Park Colony Plat.
- c. The Affiant understands and agrees that this representation to allow SWFWMD to vacate the Unimproved Right of Way is part of the consideration from the Affiant in exchange for SWFWMD's agreement to provide ingress and egress to the Zambito Property across the Easement Parcel.

7. The foregoing assertions are true and correct to the best of my knowledge.

FURTHER AFFIANT SAITH NAUGHT.

NELSON P. ZAMBITO

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, Nelson P. Zambito who is personally known to me or who produced ______ as identification, and who did take an oath.

(Typed or printed name) Notary Public State of Florida

My Commission Expires:

Page 2 of 2 SWF Parcel Number 14-074-159X


Packet Pg. 49

1,000 2,000 Feet

RANGE 17 E., HILLSBOROUGH COUNTY, FLORIDA

CIVETOLI & DECODIDITION

A parcel of land lying in the Northeast 1/4 of Section 13, Township 27 S., Range 17 E., Hillsborough County, Florida also being a portion of lands described in Official Records Book 7121 page 1663 of the Public Records of Hillsborough County also being a portion of Lot 8 Keystone Park Colony Plat Book 5 page 55 of the Public Records of Hillsborough County and being more particularly described as follows:

Commence at the Northeast corner of said Section 13; thence along the East line of the Northeast 1/4 of said Section 13 S 00'04'18" E, a distance of 1343.52' to an intersection of said East line of Section 13 with the East projection of the centerline of a 30' right-of-way as shown on Keystone Park Colony Plat Book 5 Page 55, said intersection also being the Northeast corner of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 13 for a POINT OF BEGINNING; thence continue along said East line of said Section 13 S 00.04'18" E, a distance of 15.00' to the East projection of the South line of said 30' right-of-way; thence leaving said East line of Section 13 N 89'33'33" W, a distance of 18.32' along the East projection of the said South line of said 30' wide right-of-way and along said South line of said 30' wide right-of-way; thence N 77'56'09" W, a distance of 358.86' to a point on the Easterly right-of-way line of Ramblewood Road according to Official Records Book 5115 page 339 of the Public Records of Hillsborough County; thence along said Easterly right-of-way of Ramblewood Road along a non-tangent curve to the left having a radius of 2346.83' and along the arc of said curve 37.12' through a central angle of 00.54'22" having a chord bearing of N 48.08'51" E and a chord length of 37.12' to a point on said Easterly right-of-way, said point having a chord bearing and distance of S 45'57'00" W, 142.86' from a 1/2" capped iron rod stamped "PLS 3393" as found on said Easterly right-of-way; thence leaving said Easterly right-of-way S 77'56'09" E a distance of 333.95' to the intersection of the North line of said 30' wide right-of-way with the West line of a 15' wide right-of-way as shown on Keystone Park Colony Plat Book 5 Page 55; thence along the East projection of said North line of a 30' right-of-way S 89'33'33"E, a distance of 15.00' to a point on the aforementioned East line of the Northeast 1/4 of said Section 13; thence along the said East line of the Northeast 1/4 of said Section 13 S 00'04'18" E a distance of 15.00' to the POINT OF BEGINNING.

Subject to existing right-of-ways as shown on Keystone Park Colony Plat Book 5 page 55 of the Public Records of Hillsborough County.

The above described lands containing 10,890 square feet more or less 0.25 acres.

Notes:

1. Bearings shown hereon are based on the Florida State Plane Coordinates System (FSPCS), Florida West Zone, NAD 1983/2011 and are derived from Real Time Kinematic – Global Navigation Satellite System (RTK-GNSS) measurements, using the Leica VIVA NRTK-GPS with the Florida Permanent Reference Network (FPRN). The FPRN network is based on direct ties to National Geodetic Survey (NGS) Control Stations. The horizontal accuracies are validated using NGS Control Station X733 (DL6661).

2. Basis of bearings is the East line of the Northeast 1/4 of Section 13, Township 27 S., Range 17 E. as S 00°04'18" E. per stated Boundary Survey in note 3.

 A previous Boundary Survey prepared by Heidt & Associates, Inc entitled "Boundary Survey for FDIC-CYPRESS BEND", revised date 9-17-93 as Dwg. No. 14-074-123A was utilized in the preparation of this Sketch and Description.
Distances shown hereon ore ground values, a scale factor of 0.999977302 should be

used to convert to grid. Distances are in U.S. Survey feet

5. This is not a Survey.

THE SKETCH AND DESCRIPTION ARE NOT FULL AND COMPLETE WITHOUT THE OTHER.

PROJECT NAME: BROOKER CREEK		WORK ORDER: 16-122
Southwest Florida	DRAWN BY: plw	SHEET DESCRIPTION: DESCRIPTION
Water Management District	CHECKED BY: si	nb Revised 03-27-2017: redealor proposed easement
	DATE: 03-07-20	17 111 3/3/117
2379 Broad Street (U.S. 41 South) Brooksville, Florida 34604-6899 (352) 796-7211 (800) 423-1476		James F. Owens, PSM Jose
	SHEET 1 OF	2 Florida Professional Surveyor and Mapper No. 5014



_

EXHIBIT "C"

Platted right-of-way lying between Tracts 8 and 9 in the Northeast 1/4 of Section 13, Township 27 South, Range 17 East, of Keystone Park Colony, as per map or plat thereof recorded in Plat Book 5, Page 55, of the Public Records of Hillsborough County Florida, TOGETHER WITH the 15 foot platted right-of-way lying east of and adjacent to said Tracts 8 and 9, AND TOGETHER WITH the 15 foot platted right-of-way lying east of and adjacent to the platted right-of-way lying between said Tracts 8 and 9. All lying east of Ramblewood Road.

Exhibit 5

PAULINE P. ZAMBITO'S AFFIDAVIT OF SUPPORT FOR VACATING CERTAIN PLATTED RIGHT-OF-WAY

STATE OF FLORIDA))SS: COUNTY OF HILLSBOROUGH)

BEFORE ME, the undersigned authority, this day personally appeared PAULINE P. ZAMBITO (the Affiant) who, after being duly sworn, deposes and says:

1. The Affiant's name is Pauline P. Zambito and affirms that they are over the age of eighteen and qualified to give this affidavit.

2. The Affiant together with, Nelson P. Zambito, as husband and wife, own certain non-homestead property described in Official Record Book 15555, Page 105 of the Public Record of the Public Record of Hillsborough County Florida and identified by tax folio number 014542.000 and is situated west of the Suncoast Parkway in the West ¹/₄ of Section 18, Township 27 South, Range 18 West in Hillsborough County, Florida (hereafter, "the Zambito Property").

The Zambito Property is adjacent to certain land owned by the Southwest Florida
Water Management District ("SWFWMD") identified in the attached Exhibit "A" (hereafter,
"the SWFWMD Property").

4. SWFWMD has agreed to convey a 30-foot wide non-exclusive easement for ingress and egress from Ramblewood Road to the Zambito Property that crosses a portion of the SWFWMD property and is specifically described by the attached Exhibit "B" (hereafter, "the Easement Parcel").

5. Adjacent to and partly within the Easement Parcel is a single, 30-foot wide unimproved right-of-way associated with the Keystone Park Colony subdivision as per map or plat thereof in Plat Book 5, Page 55 of the Public Records of Hillsborough County more particularly described in Exhibit "C" the "Unimproved Right of Way".

Page 1 of 2 SWF Parcel Number 14-074-159X 6. Conditioned upon the conveyance of the non-exclusive easement on the Easement Parcel by SWFWMD to Nelson P. and Pauling P. Zambito for ingress and egress between the Zambito Property and Ramblewood Road, the Affiant acknowledges and affirms that:

- The Affiant will not object to SWFWMD petitioning for the vacating of the Unimproved Right of Way.
- b. If requested, the Affiant will execute documents required by Hillsborough County for SWFWMD to have the Unimproved Right of Way vacated from the associated Keystone Park Colony Plat.
- c. The Affiant understands and agrees that this representation to allow SWFWMD to vacate the Unimproved Right of Way is part of the consideration from the Affiant in exchange for SWFWMD's agreement to provide ingress and egress to the Zambito Property across the Easement Parcel.
- 7. The foregoing assertions are true and correct to the best of my knowledge.

FURTHER AFFIANT SAITH NAUGHT.

PAULINE P. ZAMBITO

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, Pauline P. Zambito who is personally known to me or who produced ______ as identification, and who did take an oath.

(Typed or printed name) Notary Public State of Florida

My Commission Expires:

Page 2 of 2 SWF Parcel Number 14-074-159X

Brooker Creek Headwaters Nature Preserve 1 Per LUTZ LAKE FERN ITZ LAKE FERN RD W ATT ALL ALL Oakceo Brooker Creek Headwaters Nature Preserve

Attachment: Combined File Exhibits_1-6 (3104 : Conveyance of Non-Exclusive Easement to Nelson and

) 1,000 2,000 Fe

SECTION 13, TOWNSHIP 27 S., RANGE 17 E., HILLSBOROUGH COUNTY, FLORIDA

LEGAL DESCRIPTION PARCEL 14-074-159X

A parcel of land lying in the Northeast 1/4 of Section 13, Township 27 S., Range 17 E., Hillsborough County, Florida also being a portion of lands described in Official Records Book 7121 page 1663 of the Public Records of Hillsborough County also being a portion of Lot 8 Keystone Park Colony Plat Book 5 page 55 of the Public Records of Hillsborough County and being more particularly described as follows:

Commence at the Northeast corner of said Section 13; thence along the East line of the Northeast 1/4 of said Section 13 S 00'04'18" E, a distance of 1343.52' to an intersection of said East line of Section 13 with the East projection of the centerline of a 30' right-of-way as shown on Keystone Park Colony Plat Book 5 Page 55, said intersection also being the Northeast corner of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 13 for a POINT OF BEGINNING; thence continue along said East line of said Section 13 S 00'04'18" E, a distance of 15.00' to the East projection of the South line of said 30' right-of-way; thence leaving said East line of Section 13 N 89'33'33" W, a distance of 18.32' along the East projection of the said South line of said 30' wide right-of-way and along said South line of said 30' wide right-of-way; thence N 77'56'09" W, a distance of 358.86' to a point on the Easterly right-of-way line of Ramblewood Road according to Official Records Book 5115 page 339 of the Public Records of Hillsborough County; thence along said Easterly right-of-way of Ramblewood Road along a non-tangent curve to the left having a radius of 2346.83' and along the arc of said curve 37.12' through a central angle of 00'54'22" having a chord bearing of N 48'08'51" E and a chord length of 37.12' to a point on said Easterly right—of—way, said point having a chord bearing and distance of S 45'57'00" W, 142.86' from a 1/2" capped iron rod stamped "PLS 3393" as found on said Easterly right-of-way; thence leaving said Easterly right-of-way S 77'56'09" E a distance of 333.95' to the intersection of the North line of said 30' wide right-of-way with the West line of a 15' wide right-of-way as shown on Keystone Park Colony Plat Book 5 Page 55; thence along the East projection of said North line of a 30' right-of-way S 89'33'33"E, a distance of 15.00' to a point on the aforementioned East line of the Northeast 1/4 of said Section 13; thence along the said East line of the Northeast 1/4 of said Section 13 S 00'04'18" E a distance of 15.00' to the POINT OF BEGINNING.

Subject to existing right—of—ways as shown on Keystone Park Colony Plat Book 5 page 55 of the Public Records of Hillsborough County.

The above described lands containing 10,890 square feet more or less 0.25 acres.

Notes:

1. Bearings shown hereon are based on the Florida State Plane Coordinates System (FSPCS), Florida West Zone, NAD 1983/2011 and are derived from Real Time Kinematic – Global Navigation Satellite System (RTK-GNSS) measurements, using the Leica VIVA NRTK-GPS with the Florida Permanent Reference Network (FPRN). The FPRN network is based on direct ties to National Geodetic Survey (NGS) Control Stations. The horizontal accuracies are validated using NGS Control Station X733 (DL6661).

2. Basis of bearings is the East line of the Northeast 1/4 of Section 13, Township 27 S., Range 17 E. as S 00°04'18" E. per stated Boundary Survey in note 3.

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Distances shown hereon ore ground values, a scale factor of 0.999977302 should be used to convert to grid. Distances are in U.S. Survey feet

5. This is not a Survey.

THE SKETCH AND DESCRIPTION ARE NOT FULL AND COMPLETE WITHOUT THE OTHER.

PROJECT NAME: BROOKER CREEK	wc	SKETCH & DESCRIPTION DRK ORDER: 16-122
Southwest Florida	DRAWN BY: plw	SHEET DESCRIPTION: DESCRIPTION
Water Management District	CHECKED BY: smb	Revised 03-27-2017: redealor proposed easement
	DATE: 03-07-2017	1/1 2/21/12
2379 Broad Street (U.S. 41 South) Brooksville, Florida 34604-6899 (352) 796-7211 (800) 423-1476		James F. Owens, PSM Dete
	SHEET 1 OF 2	Florida Professional Surveyor and Mapper No. 5014



"B"

Exhibit

EXHIBIT "C"

Platted right-of-way lying between Tracts 8 and 9 in the Northeast 1/4 of Section 13, Township 27 South, Range 17 East, of Keystone Park Colony, as per map or plat thereof recorded in Plat Book 5, Page 55, of the Public Records of Hillsborough County Florida, TOGETHER WITH the 15 foot platted right-of-way lying east of and adjacent to said Tracts 8 and 9, AND TOGETHER WITH the 15 foot platted right-of-way lying east of and adjacent to the platted right-of-way lying between said Tracts 8 and 9. All lying east of Ramblewood Road.



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EXHIBIT "6"

Platted right-of-way lying between Tracts 8 and 9 in the Northeast 1/4 of Section 13, Township 27 South, Range 17 East, of Keystone Park Colony, as per map or plat thereof recorded in Plat Book 5, Page 55, of the Public Records of Hillsborough County Florida, TOGETHER WITH the 15 foot platted right-of-way lying east of and adjacent to said Tracts 8 and 9, AND TOGETHER WITH the 15 foot platted right-of-way lying east of and adjacent to the platted right-of-way lying between said Tracts 8 and 9. All lying east of Ramblewood Road.

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 23, 2017

Consent Agenda

<u>Acceptance of Easement Donation – Central Florida Water Initiative (CFWI) Project, Eagle</u> Lake, SWF Parcel No. 20-020-134

Purpose

The purpose of this item is to recommend the Governing Board accept a donation, consisting of a perpetual easement interest for an approximate 150-square foot (10' X 15') well site and related 10-foot wide access area within a parcel of land owned by the City of Eagle Lake in Polk County. General location and site maps of the property are included in the Board packet as exhibits to this item.

Background and History

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District's understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals. Such data is necessary to ensure compliance with adopted minimum lake levels. For the subject Eagle Lake site, the City of Eagle Lake has approved conveyance of an easement for access, maintenance and monitoring together with a License Agreement necessary to allow for temporary construction activities and testing of the two proposed wells.

Property Description

SWF Parcel No. 20-020-134 is an approximate 150-square foot well site and associated access perpetual easement to be conveyed by the City of Eagle Lake located in central Polk County. The easement area lies within the City's Eagle Street Park and boat launch area just east of Eagle Lake at the end of West Eagle Avenue. This easement area allows for access, construction, maintenance and monitoring for the proposed well site. The City has also offered a temporary license for an approximate 0.13-acre area surrounding the easement to be utilized for staging during the construction period.

Land Use/Zoning

The easement property is designated as Open Space and Recreation on the City of Eagle Lake's adopted 2030 Future Land Use Map, which addresses public and private properties open to recreation use by the public. The subject property has an underlying zoning designation of Single Family Residential (RS-2) on the City of Eagle Lake Zoning Map, reflecting the property's proposed residential use prior to ownership by the City.

Summary of Appraisals and Value Comparisons

An appraisal of the easement was not obtained because it is being offered as a donation. The parent property of SWF Parcel No. 20-020-134 is an approximate 0.86-acre parcel of land owned by the City of Eagle Lake and used for their Eagle Street Park. The Polk County Property Appraiser assigned a final 2015 assessed value for this property of \$15,036.

Donation Terms

- The City has approved conveyance of a perpetual easement for a 150-square foot well site and 10-foot wide access necessary for construction, maintenance and monitoring activities on the site.
- The easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The City has approved a License Agreement for an additional 0.13-acre area necessary for temporary construction and testing activities.
- The District will pay transactional closing cost.

Benefit/Costs

Data gathered from the Eagle Lake wells will improve the District's understanding of the geohydrology of central and eastern Polk County, enhance groundwater modeling and provide for assessment of potential withdrawal-related impacts to water resources within the District and the CFWI area. Acceptance of this donation will reduce the time and cost of acquisition by allowing the District to immediately access, construct, maintain and monitor two data collection wells at this location. The District's transactional costs have been estimated to be less than \$2,000.

Staff Recommendation:

Accept the donation of a perpetual easement from the City of Eagle Lake for the CFWI Project.

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

Eagle Lake CFWI Data Collection Site SWF Parcel No. 20-020-134



Eagle Lake CFWI Data Collection Site SWF Parcel No. 20-020-134



SWF Parcel No. 20-020-134 – Eagle Lake Well Site Tax ID No. 26-29-07-683000-016010 Approved by Attorney:

EASEMENT

This Easement ("Easement") is made this _____ day of ______, 2017, by and between the **City of Eagle Lake**, a municipal corporation of the State of Florida, having an address of 75 7th Street North, P.O. Box 129, Eagle Lake, Florida 33839, hereinafter referred to as "Grantor", and the **Southwest Florida Water Management District**, a public corporation, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as "Grantee".

Grantor, for and in consideration of the sum of Ten Dollars and no cents (\$10.00) and other good and valuable consideration from Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee a nonexclusive, perpetual easement 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 and as shown on the aerial attached hereto as Exhibit "B" and incorporated herein by reference ("Easement Area") solely for the following purposes:

- a. To construct, maintain, repair or replace a monitoring well or wells; and
- b. For ingress and egress upon, over and across the Easement Area to access the monitoring well or wells in order to perform hydrologic measurements, conduct ground-water pumping tests and to observe fresh/salt water interface levels.

Grantee shall exercise all of its rights contained in this Easement in the least intrusive manner so as not to interfere with Grantor's use of its property. Grantor reserves the right to use Grantor's property and the Easement Area in any manner not inconsistent with this Easement; provided, however, that Grantor shall avoid physically disturbing the well casing or cover (water meter box) of the monitoring well or wells in any way without the prior written approval of Grantee, which approval shall not be unreasonably withheld, conditioned or delayed. Grantee hereby agrees to restore the Easement Area to the same condition as it was prior to any construction, maintenance, repair or access by Grantee.

All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the respective heirs, assigns, successors, tenants and personal representatives of the parties hereto. This Easement may be amended or modified only by an instrument signed by Grantor and Grantee.

The formation, interpretation and performance of this Easement shall be construed pursuant to and governed by the laws of the State of Florida. In the event of any dispute arising out of this Easement or any instrument given in connection herewith, or in the event it shall become necessary for any party to employ counsel to protect the party under this Easement or any instrument given in connection herewith, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs, whether incurred out of court or in litigation including fees

04/12/2017

and costs incurred for representation on appeals, expert witness fees and costs for paralegal assistance, to the extent permitted under Section 768.28, F.S. 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, F.S.

This grant shall not constitute a dedication to the public, and no parties shall have any rights or entitlements pursuant to the terms of this Easement except as specifically set forth herein.

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

Signed, sealed and delivered in the presence of:	City of Eagle Lake		
Witness #1 signature	By: J. R. Sullivan		
Print Witness #1 name	The Wayor		
Witness #2 signature			
Print Witness #2 name			
ACKN	OWLEDGMENT		
STATE OF FLORIDA COUNTY OF			
The foregoing instrument was acknowledge 2017, by	ed before me this day of,		
as identification.	hey are personally known to me or have produced		
(01)	Name of Notary		
(Seal)	(Name of Notary typed, printed or stamped)		
	Commission No		
	My Commission Expires:		

04/12/2017

Attachment: Eagle Lake Combined EXhibit MinTraq (3105 : CFWI Project, Eagle Lake, SWF Parcel No. 20-

EXHIBIT "A"

Legal Description Parcel 20-020-134 (Proposed Well Site Area)

That part of Section 7, Township 29 South, Range 26 East, Polk County, Florida, being over and across a portion of Lot 2, Block 16 of THE TERRACES, Eagle Lake according to the plat thereof as recorded in Plat Book 20, Page 17, public records of Polk County, Florida, being particularly described as follows:

Commence at the southwest corner of Lot 3, Block 16 of said THE TERRACES, Eagle Lake; thence North 45°08'43" East along the south line of said Block 16 a distance of 61.96 feet; thence North 44°43'21" West a distance of 90.90 feet for the POINT OF BEGINNING; thence continue North 44°43'21" West a distance of 15.00 feet; thence North 45°16'39" East a distance of 10.00 feet; thence South 44°43'21" East a distance of 15.00 feet; thence South 45°16'39" West a distance of 10.00 feet to the POINT OF BEGINNING.

Containing: 150.000 square feet.

TOGETHER WITH:

Legal Description Parcel 20-020-134 (Proposed Access Area)

That part of Section 7, Township 29 South, Range 26 East, Polk County, Florida, being over and across a portion of Lot 2, Block 16 of THE TERRACES, Eagle Lake according to the plat thereof as recorded in Plat Book 20, Page 17, public records of Polk County, Florida, being particularly described as follows:

Commence at the southwest corner of Lot 3, Block 16 of said THE TERRACES, Eagle Lake; thence North 45°08'43" East along the south line of said Block 16 a distance of 61.96 feet; thence North 44°43'21" West a distance of 105.90 feet for the POINT OF BEGINNING; thence continue North 44°43'21" West a distance of 36.28 feet to the north line of aforesaid Lot 2, Block 16, being the non-tangent intersection with a curve having a radius of 2236.74 feet; thence northeasterly along said north line of Lot 2 and said curve to the left through a central angle of 00°15'22", an arc distance of 10.00 feet (chord 10.00 feet, chord bearing = North 44°55'10" East); thence South 44°43'21" East a distance of 36.35 feet; thence South 45°16'39" West a distance of 10.00 feet to the POINT OF BEGINNING. Containing: 363.107 square feet.

Approved for use by the Survey Section 03-28-2017, W.O. 17-073.

Remainder of this page intentionally left blank.



EXHIBIT "B"

Site Name: Eagle Lake SWF Parcel No. 20-020-134 Approved by Attorney:

LICENSE AGREEMENT

This License Agreement is made and entered into by and between the City of Eagle Lake, a municipal corporation of the State of Florida, having an address of 75 7th Street North, P.O. Box 129, Eagle Lake, Florida 33839, hereinafter referred to as "Licensor" and the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as "Licensee."

WHEREAS, Licensor holds fee title to certain real property located within Polk County, Florida, hereinafter, the "Licensed Area"; and

WHEREAS, Licensee desires to access and use the Property to construct, maintain, and repair or replace a monitoring well, and to access such monitoring well to perform hydrologic measurements, conduct ground-water pumping tests and observe fresh/salt water interface levels; and

WHEREAS, Licensor agrees to allow access to and use of the Property owned by 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, it 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, located within the Property, to construct, maintain, and repair or replace a monitoring well or wells, and to access such monitoring well or wells to perform hydrologic measurements, conduct ground-water pumping tests and observe fresh/salt water interface levels. Uses may include ingress and egress for workers, machinery and vehicles. 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.
- 2. The license period shall begin upon the initial start of project construction by the Licensee and shall continue in effect through the completion of construction of the project by Licensee, unless earlier terminated by either party giving sixty (60) days prior written notice to the other party, at the address set forth above.
- 3. Licensee agrees that it does not and will not at any time claim any interest or estate of any kind in the Property and will restore the Property to a safe and aesthetic condition, as existed prior to Licensee's use.

- 4. To the extent permitted by law, Licensor 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 Licensor, or anyone for whose acts or omissions Licensor may be liable as a result of Licensor's fee ownership or its use of the Property. Nothing contained herein shall constitute a waiver of Licensor'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.
- 5. To the extent permitted by law, Licensee agrees to indemnify and hold harmless Licensor, 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.

LICENSEE

Southwest Florida Water Management District

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

Date

LICENSOR

City of Eagle Lake

J. R. Sullivan, Mayor

Date

EXHIBIT "A"

Legal Description Parcel 20-020-134 (Proposed Temporary Construction Area)

That part of Section 7, Township 29 South, Range 26 East, Polk County, Florida, being over and across a portion of Lots 1 and 2, Block 16 of THE TERRACES, Eagle Lake according to the plat thereof as recorded in Plat Book 20, Page 17, public records of Polk County, Florida, being particularly described as follows:

Commence at the southwest corner of Lot 3, Block 16 of said THE TERRACES, Eagle Lake; thence North 45°08'43" East along the south line of said Block 16 a distance of 56.96 feet; thence North 44°43'21" West a distance of 70.92 feet for the POINT OF BEGINNING; thence continue North 44°43'21" West a distance of 50.00 feet; thence North 45°16'39" East a distance of 75.00 feet; thence South 44°43'21" East a distance of 50.00 feet; thence South 45°16'39" West a distance of 75.00 feet to the POINT OF BEGINNING. Containing: 3,750.000 square feet.

Approved for use by the Survey Section 03-28-2017, W.O. 17-073.

Remainder of this page intentionally left blank.

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 23, 2017

Consent Agenda

<u>Transfer of Property to Manatee County – Tampa Bay Estuarine Ecosystem, Pine Island</u> <u>Tract, SWF Parcel No. 21-728-128S</u>

Purpose

The purpose of this item is to request Governing Board approval to transfer the title of approximately 60 acres, known as the Tampa Bay Estuarine Ecosystem Project, Pine Island Tract, to Manatee County. A map of the property is included as an exhibit to this item.

Background/History

The Pine Island tract was purchased by the District, Manatee County and the City of Bradenton in 2003. The District's contribution was \$450,000, Manatee County contributed \$150,000 and the City of Bradenton also contributed \$150,000. The District currently holds the title and Manatee County manages the property.

As part of the biennial surplus review, the Governing Board, at its meeting on May 19, 2015, directed staff to negotiate surplus options other than a private sale of the Pine Island tract. District staff and Manatee County staff first attempted to exchange properties; however, after a thorough review of property owned by the County, it was determined that there were no suitable properties meeting the District's areas of responsibilities with a similar value to facilitate a property exchange.

The City of Bradenton, who also has an interest in the property, approved Manatee County holding title at its February 8, 2017 City Council meeting.

Benefits/Costs

This transaction will reduce the acreage of District landholdings, reduce management liability and eliminate District administrative costs related to owning the property. The Quit Claim Deed transferring title to Manatee County includes a reservation providing that if the property is sold or transferred and no longer available for public use, the County will be required to reimburse the District for its financial contribution made to the original purchase price of the property, which is \$450,000.

Staff Recommendation:

- Execute Quit Claim Deed transferring title to SWF Parcel No. 21-728-128S to Manatee County.
- Authorize staff to execute other documents necessary to complete the transaction.

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

Tampa Bay Estuarine Ecosystem - Pine Island (Surplus ID - TBE-2)





Tampa Bay Estuarine Ecosystem - Pine Island (Surplus ID - TBE-2)

Prepared by: Southwest Florida Water Management District 2379 Broad Street Brooksville, FL 34602

Return to: Property Acquisition Division 1112 Manatee Avenue West Suite 800 Bradenton, FL 34205

QUIT CLAIM DEED

This Indenture, made this _____day of _____,2017, by and between the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter called "the Grantor" and Manatee County, a political subdivision of the State of Florida, having an address of 1112 Manatee Avenue West, Suite 920, Bradenton, Florida 34205, hereinafter called "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of ten dollars and no cents (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does remise, release and quitclaim to the Grantee and its successors and assigns forever all the right, title, interest, claim and demand which the Grantor has in and to the following real property lying and being in the County of Manatee, State of Florida, and described in Exhibit "A" attached hereto and incorporated herein by reference.

IT IS EXPRESSLY UNDERSTOOD and acknowledged by the GRANTOR and by the GRANTEE, by acceptance of this deed, that, in accordance with Section 270.11(3), Florida Statutes, the GRANTEE has petitioned the GRANTOR for the release of the undivided three-fourths interest in, and title in and to the undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on or under the said land and the undivided one-half interest in all the petroleum that is or may be in, on or under the said land all as set forth in Section 270.11(1), Florida Statutes, and that the GRANTOR by this deed includes the conveyance of the GRANTOR'S interest in all phosphate, minerals, and metals that are or may be in, on or under the said land and interest in all petroleum that is or maybe in or on or under the said land.

Quit Claim Deed Parcel Name: Pine Island SWF Parcel No: 21-728-128S Page 1 of 4 Together with all the tenements, hereditaments and appurtenances thereto belonging or anywise appertaining.

Reserving however to the Grantor that if the property is sold or transferred and no longer available for public use that the Grantee shall reimburse the Grantor for its share of the financial contribution in the amount of \$450,000 made to the total purchase price of the property as stated in the deed recorded in Official Record Book 1863 Page 0134 of the public records of Manatee County, Florida.

In Witness Whereof, the Grantor has caused these presents to be executed the date and year first above written.



Quit Claim Deed Parcel Name: Pine Island SWF Parcel No: 21-728-128S Page 2 of 4

ACKNOWLEDGMENT

STATE OF FLORIDA COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this _____ day of ______, 2017, by Randall S. Maggard as Chair and Bryan K. Beswick as Secretary of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the Southwest Florida Water Management District, who are personally known to me.

(Notary Seal)	Notary Public
	Print:
	Commission No:
	My Commission Expires:
	APPROVED BY: INITIALS DATE
	Attorney
	OPS Bureau Chief
	Division Director

Quit Claim Deed Parcel Name: Pine Island SWF Parcel No: 21-728-128S Page 3 of 4

EXHIBIT "A"

Legal Description Parcel 21-728 -128S

That certain property known as "Pine Island" lying within the following described lands:

The East 1/2 of the Northeast 1/4; the And Southwest 1/4 of the Northeast ¼; the Northwest 1/4 of the Northeast 1/4 of Section 32, Township34 South, Range 18, East: and

Fractional North 1/2 of Section 33, Township 34 South, and Range 18 East, All being in Manatee County, Florida

Quit Claim Deed Parcel Name: Pine Island SWF Parcel No: 21-728-128S Page 4 of 4

GENERAL COUNSEL'S REPORT

May 23, 2017

Consent Agenda

<u>Approve Amendment to Agreement for Release of Conservation Easement – Sarasota</u> <u>Interstate Park of Commerce (SIPOC) – Sarasota County</u>

The District issued Individual Conceptual ERP No. 49025469.000 for the Sarasota Interstate Park of Commerce (SIPOC) on September 28, 2004. This Conceptual Permit for a 372-acre commercial project provided conceptual approval for the stormwater management system; 100-year floodplain; and wetland delineation, impacts, and mitigation. A wetland and upland conservation easement was proposed as part of the wetland mitigation plan.

Subsequent construction permits ERP Nos. 49025469.001 and .002 were issued on March 14, 2005 and March 29, 2005, respectively, to authorize construction and recording activities required to establish the conceptually approved wetland mitigation. This mitigation was intended to offset wetland impacts associated with the .001 and .002 permit construction activities, as well as the remaining wetland impacts to be authorized under future ERP construction permits for the SIPOC project. A 63.91-acre upland and wetland Conservation Easement, No. 2005234325 (CE), was recorded pursuant to the .001 and .002 permits.

Issuance of ERP construction permits after the .002 permit added additional wetland mitigation to that which was provided under the .001 and .002 permits, creating an excess of wetland mitigation needed for the wetland impacts authorized to date. Due to the additional mitigation, the functional value and mitigation lift provided by the CE was no longer needed.

The property owner, Benderson, LLC ("Benderson"), requested a release of the CE to better accommodate future development plans associated with the SIPOC project and, in exchange for the release of the CE, agreed to provide the District within twelve months of the release of the CE, either a land exchange or new conservation easement of equivalent environmental value, or participation in a District land purchase ("Release Agreement"). If Benderson failed to provide or tender the District with a new conservation easement or a land exchange that is environmentally equivalent to the CE, or participate in a District land purchase for acreage that would provide an environmental equivalent to the CE, then the District's sole remedy is that Benderson shall pay the value of the CE, determined as of May 24, 2016.

Prior to the expiration of the twelve-month period for providing the District with a land exchange or new conservation easement, Benderson orally requested a one-year extension of the Release Agreement. Benderson is currently speaking with land owners but requires additional time to negotiate a suitable land exchange agreement. The proposed Amendment to the Agreement for Release of Conservation Easement will accomplish this extension and is attached as Exhibit "A" to this item.

Staff Recommendation:

Approve the Amendment to the Agreement for Release of Conservation Easement.

Presenter: Christopher Tumminia, Staff Attorney

AMENDMENT TO AGREEMENT FOR RELEASE OF CONSERVATION EASEMENT BETWEEN SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND BENDERSON DEVELOPMENT COMPANY, LLC

This Amendment to Agreement for Release of Conservation Easement ("Amendment") made and entered into this _____ day of _____, 2017, 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 Benderson Development, LLC, a Florida limited liability company, having an address of 7978 Cooper Creek Boulevard, University Park, Florida 34201, hereinafter referred to as "Benderson."

WHEREAS, the District issued Permit No. 49025469.000 (the Conceptual Permit) to SARASOTA ASSOCIATES A-I, LLC; SARASOTA ASSOCIATES B-II, LLC; SARASOTA ASSOCIATES C-III, LLC; SARASOTA ASSOCIATES D-IV, LLC; SARASOTA ASSOCIATES E-V, LLC; DESOTO ROAD ASSOCIATES I, LLC; and HONORE ASSOCIATES I, LLC, and Permit Nos. 49025469.001(the "Phase 1A Construction Permit"), 04925469.002 (the "Mitigation Permit") and 49025469.003 (the "Phase 1B Construction Permit") to Benderson for the Sarasota Interstate Park of Commerce (SIPOC) project (all four permits hereinafter referred to collectively as the "Permit"); and

WHEREAS, the Mitigation Permit authorized exotic/nuisance plant species removal, hydrologic enhancements, wetland creation, enhancement plantings and monitoring, maintenance and conveyance of a conservation easement ("Conservation Easement"); and

WHEREAS, wetland impacts and mitigation were agreed to in the Permit, prior to the implementation of the Uniform Mitigation Assessment Methodology (UMAM), using the wetland ratio guidelines outlined in the Southwest Florida Water Management District Basis of Review in effect at that time; and

WHEREAS, the mitigation provided by Benderson provides the amount of mitigation required to fully offset all of the Permit impacts authorized to date without the inclusion of the Conservation Easement; and

WHEREAS, the Parties executed an Agreement for Release of Conservation Easement ("Release Agreement"), which required Benderson to provide the District, within twelve (12) months of Benderson recording the Release of Conservation Easement, with a new conservation easement or a land exchange that is environmentally equivalent to the Conservation Easement, or participation in a District land purchase for acreage that would provide an environmental equivalent to the Conservation Easement, in exchange for the release of the Conservation Easement; and

Amendment to Agreement for Release of Conservation Easement Sarasota Interstate Park of Commerce (SIPOC) Page 1 of 3

WHEREAS, the Release Agreement provided that if Benderson fails to provide or tender the District with a new conservation easement or a land exchange that is environmentally equivalent to the Conservation Easement, or participation in a District land purchase for acreage that would provide an environmental equivalent to the Conservation Easement, within twelve (12) months of Benderson recording the Release of Conservation Easement, then the District's sole remedy is that Benderson shall pay the value of the Conservation Easement, determined as of May 24, 2016; and

WHEREAS, the parties hereto wish to Amend the Release Agreement, extending the period of time in which Benderson has to provide the District with a new conservation easement or a land exchange that is environmentally equivalent to the Conservation Easement.

NOW THEREFORE, the District and Benderson, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, agree as follows:

1. The District and Benderson acknowledge that all other aspects of the Agreement for Release of Conservation Easement, a copy of which is attached as Exhibit "A" hereto, not modified herein remain in full force and effect.

2. Paragraph 2 of the Agreement for Release of Conservation Easement is hereby amended and replaced by the following:

2. Benderson shall provide to the District, on or before May 24, 2018, a new conservation easement or a land exchange that is environmentally equivalent to the Conservation Easement, or participation in a District land purchase for acreage that would provide an environmental equivalent to the Conservation Easement, in exchange for the Release of Conservation Easement.

3. Paragraph 3 of the Agreement for Release of Conservation Easement is hereby amended and replaced by the following:

3. If Benderson fails to provide or tender the District with a new conservation easement or a land exchange that is environmentally equivalent to the Conservation Easement, or participation in a District land purchase for acreage that would provide an environmental equivalent to the Conservation Easement, on or before May 24, 2018, then the District's sole remedy is as follows:

a. Benderson shall pay the value of the Conservation Easement, determined as of May 24, 2016.

IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this Amendment to Agreement for Release of Conservation Easement on the day and year set forth below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, A PUBLIC CORPORATION

By:	Attest:	
Chair	Secretary	
Date:		

APPROVED BY:	INITIALS	DATE
Attorney	<u> </u>	5/10/17
Manager		
Bureau Chief		<u></u>
Division Director		

BENDERSON DEVELOPMENT COMPANY, LLC

By:_____ NAME/TITLE

Date:_____

(Seal)



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AGREEMENT FOR RELEASE OF CONSERVATION EASEMENT

THIS AGREEMENT FOR RELEASE OF CONSERVATION EASEMENT (Agreement) is made and entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (hereinafter referred to as the "District"), a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, and Benderson Development Company, LLC (hereinafter referred to as the "Benderson"), a Florida limited liability company, whose address is 7978 Cooper Creek Boulevard, University Park, Florida 34201.

WITNESSETH:

WHEREAS, the District issued Permit No. 49025469.000 (the Conceptual Permit) to SARASOTA ASSOCIATES A-I, LLC; SARASOTA ASSOCIATES B-II, LLC; SARASOTA ASSOCIATES C-III, LLC; SARASOTA ASSOCIATES D-IV, LLC; SARASOTA ASSOCIATES E-V, LLC; DESOTO ROAD ASSOCIATES I, LLC: and HONORE ASSOCIATES I, LLC, and Permit Nos. 49025469.001(the Phase 1A Construction Permit), 04925469.002 (the Mitigation Permit) and 49025469.003 (the Phase 1B Construction Permit) to Benderson for the Sarasota Interstate Park of Commerce (SIPOC) project (all four permits hereinafter referred to collectively as the "Permit"); and

WHEREAS, the Mitigation Permit authorized exotic/nuisance plant species removal, hydrologic enhancements, wetland creation, enhancement plantings and monitoring, maintenance and conveyance of a Conservation Easement; and

WHEREAS, wetland impacts and mitigation were agreed to in the Permit, prior to the implementation of the Uniform Mitigation Assessment Methodology (UMAM), using the wetland ratio guidelines outlined in the Southwest Florida Water Management District Basis of Review in effect at that time; and

WHEREAS, the mitigation provided by Benderson provides the amount of mitigation required to fully offset all of the Permit impacts authorized to date without the inclusion of the Conservation Easement (a copy of which is attached and incorporated herein as Exhibit "1");

WHEREAS, the District has been requested by Benderson to release the Conservation Easement; and

WHEREAS, the Conservation Easement may be released to the underlying fee owner; and

WHEREAS, the District is amenable to releasing the Conservation Easement.

NOW THEREFORE, the District and Benderson, in consideration of the mutual terms, covenants and conditions set forth herein, agree as follows:

- 1. The District shall approve and execute the Release of Conservation Easement attached and incorporated herein as Exhibit 2 at the District's May 24, 2016 Governing Board Meeting.
- 2. Benderson shall provide to the District, within twelve (12) months of Benderson recording the Release of Conservation Easement, a new conservation easement or a land exchange that is environmentally equivalent to the Conservation Easement, or participation in a District land purchase for acreage that would provide an environmental equivalent to the Conservation Easement, in exchange for the Release of Conservation Easement.
- 3. If Benderson fails to provide or tender the District with a new conservation easement or a land exchange that is environmentally equivalent to the Conservation Easement, or participation in a District land purchase for acreage that would provide an environmental equivalent to the Conservation Easement, within twelve (12) months of Benderson recording the Release of Conservation Easement, then the District's sole remedy is as follows:

a. Benderson shall pay the value of the Conservation Easement, determined as of May 24, 2016.

- 4. The District shall not unreasonably withhold its approval of a new conservation easement or a land exchange that is environmentally equivalent to the Conservation Easement, or participation in a District land purchase for acreage that would provide an environmental equivalent to the Conservation Easement, in exchange for the Release of Conservation Easement.
- 5. The property provided by the new conservation easement or land exchange must be environmentally equivalent to the Conservation Easement, or the property provided by participation in a District land purchase must be for acreage that would provide an environmental equivalent to the Conservation Easement. However, the property provided by the new conservation easement, land exchange or participation in a District land purchase is not required to be located in the Sarasota Basin.
- 6. The property provided by the new conservation easement, land exchange or participation in District land purchase, provided in exchange for the Release of Conservation Easement, may be located anywhere in the Southwest Florida Water Management District area.
- 7. The time limits set forth in this Agreement may be extended upon written consent of both parties.
- 8. The following documents are attached and made a part of this Agreement:
EXHIBIT 1: Conservation Easement

EXHIBIT 2: Release of Conservation Easement

IN WITNESS WHEREOF, each Party, or its lawful representative, has executed this Agreement on the date set forth next to its signature below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: Michael A. Babb, Chair

Attest Marey M. Adams, Secretary

(seal)

BENDERSON DEVELOPMENT COMPANY, LLC

201

By: David H. Baldauf, Manager

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Date: /

Date: June 6, 2016

EXHIBIT 1

V Kevin Kinney 8441 Cooper Creek Bluel University Park FL 34201

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This instrument prepared by and center to Edward Vogier II Vogier Astron, PLLC 1001 3⁴⁴ Ave. West, Solie 500 Bradenton, FL 34205

RECORDED IN OFFICIA	NL RECORDS
INSTRUMENT # 20052343	125 22 PGS
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CLERK OF THE CIRCL	IT COURT
MMARSH Receipt	#701212
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SIPOC

CONSERVATION EASEMENT



THIS CONSERVATION EASEMENT is made this day of January, 2005 by SARASOTA ASSOCIATES A-I, LLC; SARASOTA ASSOCIATES B-II, LLC; SARASOTA ASSOCIATES C-III, LLC; SARASOTA ASSOCIATES D-IV, LLC; SARASOTA ASSOCIATES E-V, LLC; DESOTO ROAD ASSOCIATES I, LLC; and HONORE ASSOCIATES I, LLC having an address at 8441 Cooper Creek Boulevard, University Park, Florida 34201 ("Grantors"), as owners of the real property described in Exhibit "A" (the "Property").

On behalf of themselves and their successors, heirs and assigns, Grantors do hereby grant and give unto the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation having an address at 2379 Broad Street (U.S. Highway 41 South), Brooksville, Florida, 34604-6899 ("Grantee") a Conservation Easement over the Property:

WITNESSETH:

WHEREAS, the Grantors desire to construct the Sarasota Interstate Park of Commerce (DRI) at the site in Sarasota County, Florida (legal description contained in Sarasota County Ordinance No. 98-084, as may be amended, known hereinafter as the

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"DRI Development Order"), which is subject to the regulatory jurisdiction of the Grantee; and

WHEREAS, Permit No. 49025469.000 ("Permit") and any subsequent relevant permits issued by Grantee authorize certain activities which affect waters in the State of Florids; and

WHEREAS, this Permit requires that the Grantors mitigate certain adverse impacts to wetlands or other surface waters subject to the Grantee's regulatory jurisdiction;

WHEREAS, the Grantors propose to preserve, enhance or restore wetlands or uplands as mitigation for the impacts authorized by the Permit; and

WHEREAS, the Grantors, in consideration of the consent granted by the Permit, is agreeable to granting and securing the Grantee a perpetual conservation easement as defined in Section 704.06, Florida Statutes, over the Property,

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the provisions of Section 704.06, Florida Statutes, Grantors hereby voluntarily grant and convey to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (the "Conservation Easement"). Grantors fully warrant title to said Property, and will warrant and defend the same against the lawful claims of all persons whomsoever.

 <u>Property.</u> The Property that is the subject of this Conservation Easement is described in Exhibit "A" attached hereto and incorporated herein by this reference.

J.LEGALXCMK.Worlda Title Matters/Florida purchsize files/SIPOC/Conservation Easement/SIPOC CE clean (EV) 122404.doc <u>Purpose</u>. The purpose of this Conservation Easement is to assure that the Property will be retained forever in its natural condition and to prevent any use of the Property that will impair or interfere with the environmental value of the Property.

 <u>Prohibited Uses.</u> Any activity on or use of the Property inconsistent with the purpose of this Conservation Easement or the Permit is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

- (a) Construction or placing of buildings, roads, utilities and other structures on or above the ground, except as specified in paragraph 4(c) herein.
- (b) All signs and billboards or other advertising not specifically allowed under paragraphs 4(d) and (e) herein.
- (c) Dumping or placing of soil or other substances or material as landfill, or the dumping or placing of trash, waste, or unsightly or offensive materials.
- (d) Removing, or destroying of trees, shrubs or other vegetation, except for removal of nuisance or exotic vegetation and routine maintenance in accordance with the provisions of the Permit or subsequent permit, or a plan approved by Grantee.
- (e) Excavating, dredging, or removal of loam, peat, soil, gravel, rock or other material substances, except for excavation related to the construction of wetland mitigation, as specified in the Permit or subsequent permits.
- (f) Surface uses except for purposes that permit the land or water area to remain predominately in its natural condition.
- (g) Activities detrimental to drainage, flood control, water conservation,

erosion control, soil conservation or fish and wildlife habitat conservation. JALEGALIKMK/Florida Title Matters/Florida purchize files/SIPOC/Conservation Easement/SIPOC CE clean (EV) 122404.doc

Attachment: Exhibit A - SAR Interstate Pk of Commerce - May 2017 (3126 : May 2017 - Release of CE - SAR Interstate Pk - Chris Tumminia)

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- (h) Acts or uses detrimental to such retention of land or water areas in a natural state.
- (i) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological or cultural significance.

4. <u>Reserved Rights.</u> Grantors reserves unto themselves, and their successors and assigns, all rights accruing from its ownership of the Property, including the right for ingress and egress into the Property and the right to engage in or permit or invite others to engage in all uses of the Property, that are not prohibited herein and are not inconsistent with the purpose of this Conservation Easement. The Grantors specifically reserve the right to:

- (a) Perform wetland creation, maintenance, and monitoring activities on the Property consistent with the Permit.
- (b) Perform maintenance and monitoring activities in upland areas consistent with the Permit.
- (c) Within twenty (20) feet of the right of way for DeSoto Road, maintenance, repair, replacement and renewal of any and all facilities including, but not limited to, electric power and telephone poles, wires, cables, conduits, water mains, sewers, irrigation and drainage lines, drainage ditches, lakes, sumps and swales, under drains, transportation corridors, and any other equipment, conveyances, or appurtenances subject to obtaining the appropriate permits or other approvals granted by the Grantee.

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- (e) Subject to approval by Grantee, construction and maintenance of passive recreational facilities for walking; bird watching; nature trails; and boardwalks along with associated signage. However, it is understood, recognized and agreed that unless authorized by the Permit, or any permits subsequently issued by Grantee, this Conservation Easement shall not constitute a permit or authorization for the construction and operation of such facilities, and that all of such work and use shall be subject to applicable federal, state, Grantee, or local permitting requirements. Grantors shall satisfy the following conditions and requirements in connection with construction of the described facilities within the Property:
 - i. Grantors shall minimize and avoid, to the fullest extent possible, impact to any wetland or upland buffer areas within the Property and shall avoid materially altering the natural surface water flow in such area; and
 - All construction and maintenance activities shall utilize NPDES crossion and turbidity control Best Management Practices; and
 - iii. Adequate containers for litter disposal shall be situated

adjacent to such facilities and periodic inspections shall be J:\LEGAL\KMK\Florida Title Mattera\Florida purchase files\SIPOC\Conservation Essement\SIPOC CE clean (EV) 122404.doc instituted by the maintenance entity to clean any litter from the area surrounding the facilities; and

- iv. Grantors shall identify for Grantee, and obtain Grantee's approval of the specific location of the facilities.
- (1) Utilization of the Property to fulfill open space, preservation areas, wetland mitigation, buffers, tree protection, as specified under the DRI Development Order, the Sarasota County Comprehensive Plan and Land Development Regulations, and any other applicable local, state and federal statutes, ordinances and regulations.
- (g) Grantors shall notify all parcel buyers, successors and assigns of the provisions of this Conservation Easement.

5. <u>Grantors' Property Maintenance</u>, Grantors agrees to maintain the Property pursuant to the terms herein.

6. <u>Taxes.</u> Grantors shall pay, before delinquency, all taxes, assessments, fees and charges, of whatever description, levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of this Conservation Easement, and shall furnish Grantee with satisfactory evidence of payment by June 1 of the succeeding year after the taxes are due.

 <u>Rights of Grantee.</u> To accomplish the purposes stated herein, Grantors convey the following rights to Grantee:

(a) To enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantors or their successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement.

JALEGALAKMKAFlorida Title Matters/Florida purchase files/SIPOC/Conservation Easement/SIPOC CE clean (EV) 122404.doc (b) To proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and require the restoration of areas or features of the Property that may be damaged by any activity inconsistent with the Conservation Easement.

8.

8. <u>Grantee's Discretion</u>. Grantee may enforce the terms of this Conservation Easement at its discretion, but if Grantors breach any term of this Conservation Easement and Grantee does not exercise its rights under this Conservation Easement, Grantee's forbearance shall not be construed to be a waiver by Grantee of such term, or of any subsequent breach of the same, or any other term of this Conservation Easement, or of any of the Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantors shall impair such right or remedy or be construed as a waiver. Grantee shall not be obligated to Grantors, or to any other person or entity, to enforce the provisions of this Conservation Easement.

9. <u>Grantee's Liability.</u> Grantors will assume all liability for any injury or damage to the person or property of third parties which may occur on the Property arising from Grantors' ownership of the Property. Neither Grantors, nor any person or entity claiming by or through Grantors, shall hold Grantee liable for any damage or injury to person or personal property which may occur on the Property.

10. <u>Acts Beyond Grantors' Control</u>. Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantors for J:LEGAL\KMK\Florida Title Matters\Florida purch@e files\SIPOC\Conservation Easement\SIPOC CE clean (EV) 122404.doc any injury to or change in the Property resulting from natural causes beyond Grantors' control, including, without limitation, fire, flood, storm and earth movement, or from any necessary action taken by Grantors under emergency conditions to prevent, abate or mitigation significant injury to the Property resulting from such causes.

11. <u>Severability.</u> The invalidation of any provision or provisions of this Conservation Easement by lawful court order shall not affect or modify any of the other provisions of this Easement, which other provisions shall remain in full force and effect.

12. <u>Recordation</u>. Grantors shall record this Conservation Easement in the official records of Sarasota County, Florida, at the time required by the Permit by the Grantee, but not later than the date of commencement of construction activities consistent with the Permit. Grantors shall record this Conservation Easement at any time Grantee may require to preserve its rights. Grantors shall pay all recording costs and taxes necessary to record this Conservation Easement in the official records. Grantors will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the official records.

13. <u>Successors</u>. The covenants, terms, conditions and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the Property.

 Recitals. The above recitals are true and correct and are hereby incorporated herein.

IN WITNESS WHEREOF, Grantors have executed this Conservation Easement

on the day and year first above written.

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(Signatures on following pages)

J. LEGAL/KMK/Florida Title Matters/Florida purchese files/SIPOC/Conservation Easement/SIPOC CE clean (EV) 122404.doc (Second signature page to Conservation Externant executed by Satasola Associates A-I, LLC, Satasola Associates B-II, LLC, Satasola Associates C-III, LLC, Strasola Associates D-IV, LLC, Strasola Associates E-V, LLC, DeSoto Road Associates I, LLC and Honore Associates I, LLC in favor of The Southwest Florida Water Management District)

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STATE OF FLORIDA COUNTY OF MANATEE

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SARASOTA ASSOCIATES E-V, L JH ſΣ By: Name: David H. Baldauf lus: Manager

DESOTO ROAD ASSOCIATES I, LLC By: Name: David H. Baldauf Its: Manager

HONORE ASSOCIATES LLC By: Name: David H. Baldapf lts: Manager

14hr

The foregoing instrument was acknowledged before me this 31 day of January, 2005, by David H. Baldauf, as Manager of Sarasota Associates A-I, LLC.

KEVIN M. KONNEY MY COMMISSION #DOJJA6540 EXPRES: JAN 17, 2009 Jarded Knugh 1st Rate Insuran

AVINC

Notary Public State of Florida Typed Name: Commission Expires: Commission No.:

Personally Known X OR Produced Identification Type of Identification Produced

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(Signahave page to Construction Eastment executed by Stratots Associates A-1, LLC, Saratota Associates B-11, LLC, Saratota Associates C-11, LLC, Saratota Associates D-1V, LLC, Saratota Associates E-V, LLC, DeSoto Rord Associates I, LLC and Honore Associates I, LLC in favor of The Southwest Florida Water Management District)

WD INESSES ۸. M. Kinn

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M Print Name مط simber, ٥Ê Print Name

SARASOTA ASSOCIATES A-J, LLC q ĸ Ц D By: A Name: David H. Baldauf Its: Manager

SARASOTA ASSOCIATES B-II, LLC P ß By: Name: David H. Baldauf

Its: Manager

SARASOTA ASSOCIATES C-JII, LLC J By: ~ Name: David H. Baldauf Its: Manager

Print Name 9 a Imper Print Name

SARASOTA ASSOCIATES D.IV. LLC ł t By: Name: David H. Baldauf Its: Manager

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J:\LEGAL\KMK\Florida Title Matters\Florida purchite files\SIPOC\Conservation Easement\SIPOC CE clean (EV) 122404.doc

STATE OF FLORIDA COUNTY OF MANATEE The foregoing instrument was acknowledged before me this <u>31</u> day of January, 2005, by David H. Baldauf, as Manager of Sarasota Associates B-II, LLC. KEVIN M. KONHEV Notary Public State of Florida MY CONNESSEN # DO386510 DCPRES: JAN 17, 2009 Typed Name: Bordest Brough 1 of State Incompa Commission Expires: Commission No.: Personally Known ____ OR Produced Identification Type of Identification Produced _____ STATE OF FLORIDA COUNTY OF MANATEE The foregoing instrument was acknowledged before me this 31 day of January, 2005, by David H. Baldauf, as Manager of Sarasota Associates C-III, LLC. KEVIN M. KANNEY MY COMMISSION # 00385540 Notary Public State of Florida Typed Name: EXPRES: JAN 17, 2008 Commission Expires: Bonded Ennugh Let State Insurant Commission No.: Personally Known OR Produced Identification Type of Identification Produced STATE OF FLORIDA COUNTY OF MANATEE The foregoing instrument was acknowledged before me this by David H. Baldauf, as Manager of Sarasota Associates D-IV, LLC. 31 day of January, 2005, KEVIN M, KHINEY COMMISSION #DODR5510 Notary Public State of Florida Typed Name: EXPIRES: JUN 17, 2009 Commission Expires: Sordel Freigh Isl State Insurance Commission No .: Personally Known OR Produced Identification Type of Identification Produced

J:LEGALAKMK/Florida Title Matters/Florida purchase files/SIPOC/Conservation Easement/SIPOC CE clean (EV) 122404.doc

STATE OF FLORIDA COUNTY OF MANATEE day of January, 2005, Notary Public State of Florida KEVH M. KHRIEY MY COMMISSION #DD386540 EDPRES: JAN 17, 2009 Typed Name: Borded Brough 1st State improved Commission Expires: Commission No.: Personally Known _ OR Produced Identification Type of Identification Produced STATE OF FLORIDA COUNTY OF MANATEE The foregoing instrument was acknowledged before me this 31 day of January, 2005, by David H. Baldauf, as Manager of DeSoto Road Associates 1, LLC. KEVIH M. KUMMEY NY COMUNISENCH IPOD386540 Notary Public State of Florida Typed Name: EOPRES. JAN 17, 2009 Commission Expires: Bonded through \$11 State Income Commission No.: Personally Known ____OR Produced Identification Type of Identification Produced _____ STATE OF FLORIDA COUNTY OF MANATEE The foregoing instrument was acknowledged before me this by David H. Baldauf, as Manager of Honore Associates I, LLC. 31 day of January, 2005, KEVIN HL KHAREY Notary Public State of Florida MY COMMISSION # D0385540 EXPRES: JUN 17, 2009 Sortes Brough 1st Easts Insurance Typed Name: Commission Expires: Commission No.: Personally Known_ OR Produced Identification Type of Identification Produced J:\LEGAL\KMK\Florida Title Matters\Florida purchi3e files\SIPOC\Conservation Easement\SIPOC CE clean (EV) 122404.doc

Joinder Corporata

This Instrument prepared by: Kevin M. Kinney, Counsel Benderson Development Company, Inc. University Park Florida 34201

JOINDER

PACE ABOVE THES LINE FOR RECORDINIS ON

WHEREAS, Wells Fargo Bank, National Association, whose mailing address is Two Logan Square, Suile 1750, 100-120 North 18th Street, Philadelphia, PA 19103, hereinsfler referred to as the "Mortgagee" is the owner and holder of that certain Mortgage, Security Agreement and Assignment of Leases and Rents dated the 6th day of August 2002 and recorded ion August 6, 2002 in Official records instrument No. 2002128197 of the Public Records of Sarasota County, Florida, covering the hereinafter described real property, and

WHEREAS, Mortgagee hereby joins in the conveyance to SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, whose mailing address is 2379 Broad Street, Brooksville, Florida 34604-6899 of the Conservation Easement on the following described real property located in Sarasota County, Florida, to wit:

See legal description identified as Exhibit "A" attached hereto.

IN WITNESS WHEREOF, the Mortgagee has caused this Joinder to be duly executed this _2 8 day of _________, 2005,

Signed, sealed and delivered in the presence of:

(CORPORATE SEAL)

WELLS FARGO BANK, NATIONAL ASSOCIATION

Witness Skinalure Printed Nama Winess Signale Printed Name

(Signature of two witnesses or secretary required by law)

A٧ 20 Printed Name and Title

ATTEST:_

Secretary Signature

Printed Name

STATE OF COUNTY OF

NOTARY PUBLIC Bignature
Printed Name

ovien

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[Legal Description]

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E. C.			1997 - J. C. C. C. Start St 1997 - J. S. Start St 1997 - Start St
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SKETCH AND DESCRIPTION			
Legal Description: SOUTHERN CONSERVATION AREA			
A PLACEL OF LANG LYING IN THE MORTH & OF THE SOUTHWEST & G Florida, seing hore participiany described as follows:	ACCTION 1. TOWNERS IN SOUTH. RANGE 18 EAST, SI	MAJOTA COUNTY,	
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3. THE "LEGAL DESCRIPTION" HEREIN WAS PREPARED BY THE SURVETOR PER THE CLIENT'S REQUEST.	Surveyor's Cen	tification:	
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Planners	SUETCH OF DESCRIPTION	W.C.E.	3/17/04
Landscape Architects	REUSED SKETCH OF DESCRIPTION	T.H.L.	3/30/04
Surbeyors Construction Menonemat			
www.cphengineers.com			
500 West Fulton Street, Sanford, FL 31771 P.O. Box 2808, Sanford, FL 32772-280. Phone: 407.312.644 Far: 407.310 6539			
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www.cphe	ngineers.com				
500 West Fullon Street, Sauford, FL. Phone 407.322	12773 P.O. Box 2598, Sanford, Fl. 3 5841 Fax: 407.330.0539	2772-2808	Certificate of Anthorization No.	7143	

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EXHIBIT 2

RELEASE OF CONSERVATION EASEMENT

This RELEASE OF CONSERVATION EASEMENT is made this 24^{++} day of May, 2016 by the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (hereinafter referred to as the "District"), whose address is 2379 Broad Street (U.S. Highway 41 South), Brooksville, Florida 34604.

WHEREAS, SARASOTA ASSOCIATES A-I, LLC; SARASOTA ASSOCIATES B-II, LLC; SARASOTA ASSOCIATES C-III, LLC; SARASOTA ASSOCIATES D-IV, LLC; SARASOTA ASSOCIATES E-V, LLC; DESOTO ROAD ASSOCIATES I, LLC; and HONORE ASSOCIATES I, LLC granted the District a Conservation Easement dated January 31, 2005, and duly recorded on October 18, 2005 in the Official Records of Sarasota County, Florida as Instrument # 2005234325 (hereinafter referred to as the "Conservation Easement"), and:

WHEREAS, said Conservation Easement relates to the property described in Exhibit "A" attached hereto, and

WHEREAS, Benderson Development Company, LLC (hereinafter referred to as the "Benderson") is the owner of the property described in Exhibit "A"; and

WHEREAS, The District agrees to release the property described in Exhibit "A" from said Conservation Easement and Benderson has agreed to grant the District, and the District has agreed to accept, a replacement conservation easement, a land exchange or participation in District land purchase in exchange for and as consideration for this release of the Conservation Easement recorded in the Official Records of Sarasota County, Florida as Instrument # 2005234325.

NOW, THEREFORE, the above recitations being hereby incorporated by reference, the District hereby releases, discharges, and vacates the Conservation Easement on the property described in the attached Exhibit "A." The lands described in the attached Exhibit "A" shall be and the same hereby are, forever discharged from the terms and conditions of the said Conservation Easement.

IN WITNESS WHEREOF, the Southwest Florida Water Management District has caused this Release of Conservation Easement to be executed in its name and its official seal affixed hereto by its Governing Board on this $\frac{241}{10}$ day of May, 2016.

> SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida

By:

Michael A. Babb, Chair

DISTRICT SEAL

ATTEST év M. Adams, Secretary

Approved As To Legal Form & Content SWFWMD Attorney

STATE OF FLORIDA COUNTY OF Hillsburnsh

(SEAL)



Public Signature

<u>Child S. Martin</u> Printed/Typed Name of Notary Commission No. <u>FF 013823</u> Commission Expires <u>May 1, 201</u>7

[signatures continue on next page]

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Attachment: Exhibit A - SAR Interstate Pk of Commerce - May 2017 (3126 : May 2017 - Release of CE - SAR Interstate Pk - Chris Tumminia)



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Attachment: Exhibit A - SAR Interstate Pk of Commerce - May 2017 (3126 : May 2017 - Release of CE - SAR Interstate Pk - Chris Tumminia)



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GENERAL COUNSEL'S REPORT

May 23, 2017

Consent Agenda

Settlement Agreement – George L. Southworth Revocable Trust v. SWFWMD – DOAH Case No. 16-007361 – ERP No. 43042121.000 – Hernando County

On June 25, 2015, the trustee of the George L. Southworth Revocable Trust ("Southworth") applied for an Environmental Resource Permit ("ERP") to authorize the establishment of a 367.43-acre wetland mitigation bank to be known as the Aripeka Mitigation Bank ("Project"), which was assigned Application ID No. 714765. On November 3, 2016, the District issued Notice of Agency Action for approval of ERP No. 43042121.000 ("Permit") to Southworth authorizing the establishment of the Project, which provides for a maximum of 38.62 credits to be awarded to the Aripeka Mitigation Bank for the installation of a shallow ditch block and five low water crossings, enhancement of wetland communities by removing pine plantations and planting the areas with appropriate native vegetation, and enhancement of disturbed uplands by removing pine plantations and food plots and planting appropriate upland vegetation.

On November 22, 2016, the District received a timely Petition for Formal Administrative Hearing ("Petition") from Southworth challenging the District's issuance of the Permit. The District altered portions of the mitigation plan, management plan, and draft conversation easement submitted by Southworth. These alterations were made in order for the District to be able to issue the Permit authorizing the Project. In its Petition, Southworth alleged that these alterations make it difficult or impossible for Southworth to operate the Project as planned. The District ultimately referred the matter to the Division of Administrative Hearings ("DOAH") on December 13, 2016, to conduct a formal hearing regarding the Petition. The matter was assigned DOAH Case No. 16-007361. On December 20, 2016, the matter was placed in abeyance at DOAH for a period of 90 days in order for the parties to discuss settlement. After settlement discussions failed, on April 5, 2017, the Administrative Law Judge set the matter for hearing on July 31 and August 1, 2017.

In April 2017 settlement discussions were renewed and the District and Southworth reached an agreement in principle to resolve this matter, which is memorialized in a written Settlement Agreement. The Settlement Agreement provides for the following:

- The parties filed a Joint Motion to Relinquish Jurisdiction on May 4, 2017, requesting that this matter be relinquished back to the District in order to effectuate the terms of the Settlement Agreement, after which the matter will be held in abeyance at the District until the District's Governing Board has an opportunity to review and approve the Settlement Agreement;
- Within two (2) days of approval of the Settlement Agreement by all parties, Southworth agrees to submit a Notice of Voluntary Dismissal with Prejudice, withdrawing his Petition concerning the Permit and thereby closing this matter;
- Within two (2) days of Southworth's submittal of a Notice of Voluntary Dismissal with Prejudice, the District agrees to issue a revised ERP authorizing the Project, and the revised ERP will be in the form of the draft revised ERP appended to the Settlement Agreement; and,
- Southworth agrees to not request a formal administrative hearing regarding the revised ERP authorizing the Project.

In the draft revised ERP appended to the Settlement Agreement, the District deletes duplicative information, revises the map of the mitigation service area to reflect what was submitted by Southworth, updates some of the permit conditions to more accurately reflect Project-specific information, and denotes that the mitigation plan was revised by the District. In any event that the Settlement Agreement terminates, the District agrees to refer the matter back to DOAH to conduct proceedings consistent with the issues raised by Southworth's Petition. On May 3, 2017, Southworth signed the Settlement Agreement.

Staff Recommendation:

See Exhibit

Approve the Settlement Agreement, and authorize any litigation as necessary in order to obtain compliance with the Settlement Agreement.

Presenter: Adrienne E. Vining, Senior Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

GEORGE L. SOUTHWORTH REVOCABLE TRUST,

Petitioner,

V.

DOAH Case No. 16-007361 ERP No. 43042121.000

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT,

Respondent.

/

<u>SETTLEMENT AGREEMENT</u>

THIS SETTLEMENT AGREEMENT ("Agreement") is entered into by and between GEORGE L. SOUTHWORTH REVOCABLE TRUST ("Southworth"), whose address is P.O. Box 16966, Tampa, Florida 33687, and the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ("District"), whose address is 2379 Broad Street, Brooksville, Florida 34604-6899; (collectively referred to herein as the "Parties").

WITNESSETH THAT:

WHEREAS, the District is the administrative agency charged with the responsibility to conserve, protect, manage, and control water resources within its geographic boundaries and to administer and enforce Chapter 373, Florida Statutes, and related rules under Chapter 40D, Florida Administrative Code; and

Settlement Agreement Southworth v. SWFWMD Page 1 of 6 WHEREAS, Southworth is a trust that owns approximately 408 acres in Hernando County, Florida; and

WHEREAS, on June 25, 2015, Southworth applied for an Environmental Resource Permit ("ERP") to authorize the establishment of a 367.43-acre mitigation bank known as the Aripeka Mitigation Bank ("Project"), which was assigned Application ID No. 714765; and

WHEREAS, on November 3, 2016, the District issued ERP No. 43042121.000 ("Permit") to Southworth authorizing the establishment of the Project, which provides for a maximum of 38.62 credits to be awarded to the Aripeka Mitigation Bank for the installation of a shallow ditch block and five low water crossings, enhancement of wetland communities by removing pine plantations and planting the areas with appropriate native vegetation, and enhancement of disturbed uplands by removing pine plantations and food plots and planting appropriate upland vegetation; and

WHEREAS, on November 22, 2016, the District received a timely Petition for Formal Administrative Hearing ("Petition") from Southworth concerning the District's issuance of the Permit; and

WHEREAS, on December 13, 2016, the District referred the matter to the Division of Administrative Hearings ("DOAH") to conduct a formal hearing in this matter, which was assigned Case No. 16-007361; and

WHEREAS, in April 2017, the Parties engaged in settlement discussions and have now resolved their dispute; and

Settlement Agreement Southworth v. SWFWMD Page 2 of 6 WHEREAS, the Parties filed a Joint Motion to Relinquish Jurisdiction on May **3**, 2017, requesting that this matter be relinquished back to the District in order to effectuate the terms of this Agreement, after which the matter will be held in abeyance at the District until the District's Governing Board has an opportunity to review and approve the Agreement.

NOW, THEREFORE, in consideration of the aforesaid premises, which are hereby made a part of this Agreement, and other good and valuable consideration, receipt of which is hereby acknowledged, the Parties agree as follows:

 The Parties hereby incorporate the "Whereas" clauses recited above into this Agreement.

2. Within two (2) days of approval of this Agreement by all Parties, Southworth agrees to submit a Notice of Voluntary Dismissal with Prejudice, withdrawing his Petition concerning the Permit and thereby closing this matter.

3. Within two (2) days of Southworth's submittal of a Notice of Voluntary Dismissal with Prejudice, the District agrees to issue a revised ERP authorizing the Project. The revised ERP will be in the form of the draft revised ERP appended to this Agreement as Exhibit A and hereby incorporated by reference.

4. Southworth agrees to not request a formal administrative hearing regarding the revised ERP authorizing the Project.

This Agreement shall be effective on the date the last party has executed
 it. This Agreement is subject to review and approval by the District's Governing Board.

Settlement Agreement Southworth v. SWFWMD Page 3 of 6

Packet Pg. 120
In the event that the District's Governing Board does not approve this Agreement, it shall be null, void, and of no legal effect.

6. In the event that this Agreement terminates by operation of Paragraph 5, the District agrees to refer this matter back to DOAH to conduct proceedings in accordance with the issues raised by Southworth's Petition.

Each party shall bear its own costs and attorney's fees related to this matter.

8. This Agreement may be enforced by the Parties in any manner authorized by law and does not preclude any party from seeking judicial or administrative remedies for violation of the terms or conditions of this Agreement.

 Entry of this Agreement shall not relieve Southworth of the duty to comply with all applicable federal, state and local laws, regulations and ordinances.

10. This Agreement, upon execution, constitutes the entire agreement of the Parties. The Parties are not bound by any stipulations, representations, agreements, or promises, oral or otherwise, not printed or inserted herein. This Agreement cannot be changed orally or by any means other than written amendments referencing this Agreement and signed by all Parties.

 This Agreement may be executed in separate counterparts, which shall not affect its validity.

> Settlement Agreement Southworth v. SWFWMD Page 4 of 6

IN WITNESS WHEREOF, the District has caused this Agreement to be executed on the day and year written below in its name by its Governing Board and Southworth has caused this Agreement to be executed on the day and year written below in its name.

Date: 5-3-2017

GEORGE L. SOUTHWORTH REVOCABLE By: George L. Southworth, custée

Approved by the Governing Board of the Southwest Florida Water Management District this _____ day of _____, 2017.

By:

Randall S. Maggard, Chair

Attest:

Bryan K. Beswick, Secretary

Approved as to Legal Form and Content

Office of General Counsel

Settlement Agreement Southworth v. SWFWMD Page 5 of 6

Filed this _____ day of _____, 2017.

(Seal)

Deputy Agency Clerk

Copies furnished to:

Eric T. Olsen, Esq. Erin J. Tilton, Esq. Hopping Green & Sams, P.A. 119 Monroe St., Suite 300 Tallahassee, Florida 32301 <u>erico@hgslaw.com</u> <u>erint@hgslaw.com</u>

Adrienne E. Vining, Esq. Cathleen C. Kenney, Esq. Southwest Florida Water Management District Office of General Counsel 7601 U.S. Highway 301 North Tampa, Florida 33637-6759

Settlement Agreement Southworth v. SWFWMD Page 6 of 6



Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899 (352) 796-7211 or 1-800-423-1476 (FL only) SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only) *On the Internet at:* WaterMatters.org

An Equal Opportunity Employer 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 Highway 301 North

 Tampa, Florida 33637-6759

 (813) 985-7481 or

 1-800-836-0797 (FL only)

DATE

George L Southworth Revocable Trust Attn: George L. Southworth Post Office Box 16966 Tampa, FL 33687

Subject: Notice of Intended Agency Action - Approval ERP Individual Construction

Project Name: App ID/Permit No: County: Sec/Twp/Rge:

Aripeka Mitigation Bank o: 714765 / 43042121.000 Hernando S31/T23S/R17E, S25/T23S/R16E, S30/T23S/R17E, S36/T23S/R16E

Dear Permittee(s):

The Southwest Florida Water Management District (District) has completed its review of the application for Environmental Resource Permit. Based upon a review of the information you have submitted, the District hereby gives notice of its intended approval of the application.

The File of Record associated with this application can be viewed at

<u>http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx</u> and is also available for inspection Monday through Friday, except for District holidays, from 8:00 a.m. through 5:00 p.m. at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

If you have any questions or concerns regarding the application or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

Michelle K. Hopkins, P.E. Bureau Chief Environmental Resource Permit Bureau Regulation Division

cc: TerraBlue Environmental, LLC U. S. Army Corps of Engineers David W. Desilet, P.E., Lincks & Associates, Inc. Eric T. Olsen, Hopping Green & Sams, P.A.

	EXHIBIT	
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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) SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only) *On the Internet at:* WaterMatters.org

An Equal Opportunity Employer 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 Highway 301 North

 Tampa, Florida 33637-6759

 (813) 985-7481 or

 1-800-836-0797 (FL only)

DATE

George L Southworth Revocable Trust Attn: George L. Southworth Post Office Box 16966 Tampa, FL 33687

Subject: Notice of Agency Action - Approval ERP Individual Construction

Project Name: App ID/Permit No: County: Sec/Twp/Rge:

e: Aripeka Mitigation Bank it No: 714765 / 43042121.000 Hernando : S31/T23S/R17E, S25/T23S/R16E, S30/T23S/R17E, S36/T23S/R16E

Dear Permittee(s):

The Southwest Florida Water Management District (District) is in receipt of your application for the Environmental Resource Permit. Based upon a review of the information you submitted, the application is approved.

Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action on the permit application described in this letter.

If approved construction plans are part of the permit, construction must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at <u>www.WaterMatters.org/permits</u>.

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notices of agency action, as well as a noticing form that can be used, are available from the District's website at <u>www.WaterMatters.org/permits/noticing</u>. If you publish notice of agency action, a copy of the affidavit of publication provided by the newspaper should be sent to the District's Tampa Service Office for retention in this permit's File of Record.

If you have any questions or concerns regarding your permit or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

Michelle K. Hopkins, P.E. Bureau Chief Environmental Resource Permit Bureau Regulation Division

Enclosures:	Approved Permit w/Conditions and Attachments
	As-Built Certification and Request for Conversion to Operation Phase
	Notice of Authorization to Commence Construction
	Notice of Rights
cc:	TerraBlue Environmental, LLC
	U. S. Army Corps of Engineers
	David W. Desilet, P.E., Lincks & Associates, Inc.
	Eric T. Olsen, Hopping Green & Sams, P.A.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE INDIVIDUAL CONSTRUCTION PERMIT NO. 43042121.000

EXPIRATION DATE: DATE

PERMIT ISSUE DATE: DATE

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapter 62-330, and 62-342 Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME:	Aripeka Mitigation Bank
GRANTED TO:	George L Southworth Revocable Trust Attn: George L. Southworth Post Office Box 16966 Tampa, FL 33687
OTHER PERMITTEES:	N/A

ABSTRACT: This permit authorization is for the establishment of a 367.43-acre mitigation bank as named above and as shown on the approved construction drawings and restoration plans drawings. A maximum of 38.62 UMAM credits shall be awarded to the Aripeka Mitigation Bank by this permit. The activities associated with this wetland mitigation bank will include installing a shallow ditch block and five low water crossings; enhancing wetland communities by removing pine plantations and planting the areas with appropriate native vegetation; enhancing disturbed uplands by removal of pine plantations and food plots and planting appropriate upland vegetation. The project is located on the south side of Osowaw Boulevard, approximately one mile southwest of its intersection with US 19, in Hernando County. Information regarding the wetlands and surface waters is stated below and on the permitted attachments for the project.

OP. & MAIN. ENTITY:	George L Southworth Revocable Trust
OTHER OP. & MAIN. ENTITY:	N/A
COUNTY:	Hernando
SEC/TWP/RGE:	S31/T23S/R17E, S25/T23S/R16E, S30/T23S/R17E, S36/T23S/R16E
TOTAL ACRES OWNED	
OR UNDER CONTROL:	408.00
PROJECT SIZE:	367.43 Acres
LAND USE:	Environmental
DATE APPLICATION FILED:	June 25, 2015
AMENDED DATE:	N/A

I. Water Quantity/Quality

Water Quantity/Quality Comments:

The construction activities associated with this mitigation bank will not contribute additional runoff volume or pollutant loading. The proposed shallow ditch block is set below the elevation of the seasonal high water table and calculations provided by the engineer-of-record ensure that the ditch block will not impound water onto off-site properties. The on-site timber roads are allowed to be removed under Rule 62-330.0511. F.A.C, therefore no pre-/post-development modeling is required for the low water crossings proposed for these roads. No adverse on-site/off-site water quantity impacts are expected. The vertical datum on the construction plans is referenced to NAVD88.

A mixing zone is not required. A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type	Encroachment Result* (feet)
0.00	0.00	No Encroachment	N/A

*Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims Minimal Impact type of compensation.

III. Environmental Considerations

Wetland/Other Surface Water Information

Wetland/Other		Not	Permane	ent Impacts	Temporary Impacts		
Surface Water Name	Total Acres	Impacted Acres	Acres	Functional Loss*	Acres	Functional Loss*	
W1 Creek/Spring Run	1.92	1.92	0.00	0.00	0.00	0.00	
Preservation							
W2 Floodplain Wetlands	230.40	230.40	0.00	0.00	0.00	0.00	
Preservation							
W3 Cypress Wetlands	14.17	14.17	0.00	0.00	0.00	0.00	
Enhancement							
W4 Cypress Enhancement	6.94	6.94	0.00	0.00	0.00	0.00	
W5 Hydric Pine Flatwoods	24.59	24.59	0.00	0.00	0.00	0.00	
Enhancement							
W6 Mixed Forested	11.01	11.01	0.00	0.00	0.00	0.00	
Wetlands Enhancement							
W7 Freshwater Marsh	1.77	1.77	0.00	0.00	0.00	0.00	
Preservation							
W8 Estuarine Salt Marsh	5.45	5.45	0.00	0.00	0.00	0.00	
Preservation							
Total:	296.25	296.25	0.00	0.00	0.00	0.00	

* For impacts that do not require mitigation, their functional loss is not included.

Wetland/Other Surface Water Comments:

There are approximately 296.25 acres of wetlands and other surface waters consisting of 1.92 acres of Creek Streams (FLUCCS 510), 230.40 acres of Floodplain/Bottomland Swamp (FLUCCS 615), 21.11 acres of Cypress (FLUCCS 621), 24.59 acres of Hydric Pine Flatwoods (FLUCCS 625), 11.01 acres of Mixed Forested Wetland (FLUCCS 630), 1.77 acres of Freshwater Marsh (FLUCCS 641) and 5.45 acres Estuarine Salt Marsh (FLUCCS 642).

Mitigation Information

	Crea	ation	Enh	ancement	Pres	servation	Rest	oration	Enh +Pre	ancement eservation	Ot	her
Name	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
W1 Creek Spring Run Preservation	0.00	0.00	0.00	0.00	1.92	0.10	0.00	0.00	0.00	0.00	0.00	0.00
W2 Floodplain Wetlands Preservation	0.00	0.00	0.00	0.00	230.40	18.43	0.00	0.00	0.00	0.00	0.00	0.00
W3 Cypress Wetlands Enhancement	0.00	0.00	14.17	1.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W4 Cypress Enhancement	0.00	0.00	6.94	0.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W5 Hydric Pine Flatwoods Enhancement	0.00	0.00	24.59	3.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W6 Mixed Forested Wetlands Enhancement	0.00	0.00	11.01	1.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W7 Freshwater Marsh Preservation	0.00	0.00	0.00	0.00	1.77	0.09	0.00	0.00	0.00	0.00	0.00	0.00
W8 Estuarine Salt Marsh Preservation	0.00	0.00	0.00	0.00	5.45	0.16	0.00	0.00	0.00	0.00	0.00	0.00
U1 Pine Flatwoods Enhancement	0.00	0.00	22.74	6.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
U2 Pine Flatwoods Preservation	0.00	0.00	0.00	0.00	8.98	0.99	0.00	0.00	0.00	0.00	0.00	0.00
U3 Scrubby Flatwoods Enhancement	0.00	0.00	9.95	2.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
U4 Scrubby Flatwoods Enhancement	0.00	0.00	7.99	1.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
U5 Mesic Hammock Preservation	0.00	0.00	0.00	0.00	18.26	1.46	0.00	0.00	0.00	0.00	0.00	0.00
U6 Sand Pine Scrub Preservation	0.00	0.00	0.00	0.00	1.31	0.16	0.00	0.00	0.00	0.00	0.00	0.00
Total:	0.00	0.00	97.39	17.23	268.09	21.39	0.00	0.00	0.00	0.00	0.00	0.00

Mitigation Comments:

Aripeka Mitigation Bank contains 367.43 acres of upland and wetland mitigation including enhancement and preservation of uplands; preservation and enhancement of freshwater forested wetlands; preservation of freshwater herbaceous wetlands; and preservation of saltwater herbaceous wetlands. This total includes 1.56 acres of existing timber roads for access, 0.37 acre for a staging area and 0.02 acre of an existing ditch, which do not receive credits. The mitigation areas have been established as 14 assessment areas comprised of wetland and upland habitats including: Creek/Streams (FLUCCS 510), Bottomland Swamp (FLUCCS 615), Mixed Wetland Forest (FLUCCS 630), Cypress (FLUCCS 621), Hydric Pine Flatwoods (FLUCCS 625), Freshwater Marsh (FLUCCS 641), Saltwater Marsh (FLUCCS 642), Pine Flatwoods (FLUCCS 411), Scrubby Flatwoods (FLUCCS 423), Mesic Hammock (FLUCCS 420), and Sand Pine Scrub (FLUCCS 413).

A conservation easement granted to the Southwest Florida Water Management District for the purpose of mitigation and satisfying requirements of Chapter 62-342, Florida Administrative Code for establishing mitigation banks is required by the Environmental Resource Permit.

Land Resources Parcel Number 15-118-178 has been assigned to the conservation easement that will be granted to the Southwest Florida Water Management District.

Specific Conditions

- 1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit may be terminated, unless the terms of the permit are modified by the District or the permit is transferred pursuant to Rule 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
- 2. The Permittee shall retain the design professional registered or licensed in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the design professional so employed. This information shall be submitted prior to construction.
- 3. If limestone bedrock is encountered during construction of the stormwater management system, the District must be notified and construction in the affected area shall cease.
- 4. The Permittee shall notify the District of any sinkhole development in the stormwater management system within 48 hours of discovery and must submit a detailed sinkhole evaluation and repair plan for approval by the District within 30 days of discovery.
- 5. The Permitted Plan Set for this project includes the set received by the District on January 19, 2016.
- 6. District staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the District as a permit prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
- 7. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.
- 8. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:

a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.

b. Any existing septic tanks on site shall be abandoned at the beginning of construction.c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction

- 9. All stormwater management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
- 10. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
- 11. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
- 12. Activities that are not specifically authorized by this permit are prohibited from being conducted within the boundaries of the mitigation bank unless a permit modification is approved by the District authorizing the additional activities. Should unauthorized activities be conducted that could adversely impact fish and wildlife, the number of credits awarded to the mitigation bank shall be reduced accordingly. Conducting unauthorized activities within the boundaries of the mitigation bank which adversely impact fish and wildlife are grounds for revoking this permit and discontinuing the use of any remaining mitigation credits.
- 13. The Permittee shall manage and maintain the Aripeka Mitigation Bank in perpetuity. Unless otherwise specified by permit conditions, the Permittee shall manage the mitigation bank in accordance with the document contained in the file-of-record entitled "Approved Long Term Management Plan" (Attachment 3), that was uploaded into the District's Water Management Information System (WMIS) on November 1, 2016. Section 7.0 of Attachment 3 is intentionally stricken and the language contained within that section is not part of the Approved Long Term Management Plan and is not approved by this permit. Any substantial deviation from the approved Long Term Management Plan is grounds for revoking this permit unless the Environmental Resource Permitting Bureau Chief specifically approves such deviation.
- 14. Unless otherwise specified by permit conditions, the Permittee shall monitor the mitigation bank in accordance with the document contained in the file-of-record entitled "Approved Mitigation Plan" (Attachment 2), that was uploaded into WMIS on November 1, 2016. A portion of Section 12.0 of Attachment 2 is intentionally stricken and the language contained within that section is not part of the Approved Mitigation Plan and is not approved by this permit. In addition to the monitoring specified in the referenced "Approved Mitigation Plan," the Permittee shall provide a monitoring report annually in conjunction with the semi-annual cost adjustment required under Subsection 62-342.700(11), Florida Administrative Code (F.A.C.). This monitoring report shall document conditions at the mitigation bank relative to the success criteria established by this permit and shall identify maintenance and management activities conducted since the preceding report was submitted.
- 15. Beginning April 30 of each subsequent year after permit issuance, the Permittee shall provide the District with documentation demonstrating that all real estate taxes and assessments on the property comprising the Aripeka Mitigation Bank, as identified in this permit, have been paid.

- 16. The mitigation service area for the Aripeka Mitigation Bank shall be the Upper Coastal Watershed as shown in Figure 10.2.8-4 of the Environmental Resource Permit Applicant's Handbook Volume 1 and depicted in "Approved Mitigation Service Area" (Attachment 1), and uploaded into WMIS on April (date), 2017.
- 17. Mitigation credits may be used upon release, except as limited by this permit condition. Use of credits may be discontinued if, at any time, the Aripeka Mitigation Bank is deemed to be in noncompliance with this permit. The District will provide written notice of this noncompliance to the Aripeka Mitigation Bank and inform it that the use of credits must be discontinued. Upon subsequent written notice from the District, mitigation credits shall again be available if the Aripeka Mitigation Bank is determined to be in compliance with the conditions of this permit.
- 18. Mitigation credits for the Aripeka Mitigation Bank shall be released in the following credit type categories: (1) Freshwater Forested, (2) Freshwater Herbaceous and (3) Estuarine Herbaceous. Except as limited by this permit, use of released mitigation credits shall be accepted by the District when those credits are appropriate and sufficient to offset specific impacts to wetlands and other surface waters and when the specific impacts can be permitted pursuant to all applicable criteria in Subsection 373.414(1)(b), Florida Statutes, and Rule 62-330.302, F.A.C.
- 19. A maximum of 38.62 credits shall be awarded to the Aripeka Mitigation Bank by this permit as detailed in the "Approved Credit Release Schedule" (Attachment 4), that was uploaded into WMIS on November 1, 2016. Each of the following items must be completed in order to obtain the maximum number of credits, conveyance of a conservation easement acceptable to the District; completion of all permitted construction activities; and achievement of success criteria contained in the permit Specific Conditions.
- 20. Credits shall be released for use by the mitigation bank according to the approved ERP mitigation Approved Credit Release Schedule uploaded into WMIS on November 1, 2016, except as limited by this permit condition.

a. Notwithstanding any other term or condition of this permit or the credit release schedule, no credits will be released until a conservation easement consistent with the terms of the draft conservation easement (Attachment 6) uploaded into WMIS on November 1, 2016 for the mitigation bank property has been conveyed to the District free and clear of all mortgages, liens, encumbrances, leases, tenancies, security interests, covenants, conditions, restrictions, rights-of-way, easements, judgments, unrecorded leases, and other matters affecting title that are unacceptable to the District.

b. No credits will be released until a title insurance policy for the Aripeka Mitigation Bank, consistent with the terms in the Westcor Land Title Insurance Company title insurance commitment received by the District and uploaded into WMIS on September 30, 2016, except that Exception No. 9 on Schedule B-II of the referenced title insurance commitment must be deleted from the final title insurance policy, has been provided.

c. No credits shall be released until the financial responsibility mechanism for perpetual management, required pursuant to Subsection 62-342.700(9), F.A.C., is approved by the District. The financial responsibility mechanism for perpetual management must be in effect prior to the withdrawal of any credits from the mitigation bank.

21. An initial mitigation credit ledger was uploaded into WMIS as "Approved Draft Credit Ledger" (Attachment 5) on November 1, 2016. Separate mitigation credit ledgers shall be maintained for each of the categories defined in Specific Condition No. 19. The Permittee shall submit an updated credit ledger with each request for withdrawal of credits in the form of a short form modification. Each submittal must include the following information:

a. The name, address, and phone number of the permit applicant requesting to receive mitigation credits from the mitigation bank.

b. Permit application numbers (including ERP/SWERP and any related federal permit) of the impact project receiving the mitigation credits.

c. Location of the impact project receiving the mitigation credits.

- 22. If the Standby Trust Fund becomes an active Trust Fund, then the Permittee shall, at least 30 days prior to the anniversary date of establishment of the Trust Fund, provide to the District a statement from the Trustee confirming the value of the Trust Fund on an annual basis. Any securities in the Trust Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Trust Fund.
- 23. If the Standby Trust Fund becomes an active Trust Fund, and the Permittee intends to appoint a successor Trustee for the Trust Fund, the Permittee shall provide a DRAFT Appointment of Successor Trustee document to the District, prior to finalizing the document, for review and approval by the District. Once the District has approved the successor Trustee, the Permittee shall provide the District the original executed Appointment of Successor Trustee document within 30 days of execution of the document. The successor Trustee shall specify the date on which it will assume administration of the Trust Fund in writing to the District by certified mail at least 10 days before such change becomes effective.
- 24. The Permittee shall provide a biennial cost adjustment as required under Subsection 62-342.700(11), F.A.C. This cost adjustment shall include a monitoring report that documents conditions at the mitigation bank relative to the success criteria established by this permit and shall identify maintenance and management activities conducted since the preceding report was submitted.
- 25. Success Criteria by assessment area:

WETLAND MITIGATION SUCCESS CRITERIA Cypress Wetland Enhancement: W-3 (14.17 acres) and W-4 (6.94 acres)

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Mitigation will be considered successful when the Permittee demonstrates that the conditions in the assessment area have met the success criteria below:

a. The assessment area can reasonably be expected to develop into a Cypress wetland (FLUCCS 621) as determined by the <u>Florida Land Use and Cover and Forms Classification System (third edition;</u> <u>January 1999)</u>.

b. Topography, water depth and water level fluctuation in the mitigation area are characteristic of the wetlands/surface water type specified in criterion "a." Hydrographs will demonstrate appropriate hydrology according to the Approved Monitoring Plan for a minimum of two years.

c. Planted or recruited species (or plant species providing the same function) shall meet the criteria specified:

Zone:	Canopy	Shrub	Herbaceous
Cover:	>30% or 600 Trees/Ac.	10-40%	>75%
Species:	Taxodium distichum Magnolia virginiana Nyssa sylvatica Fraxinus caroliniana Acer rubrum	Cephalanthus occidentalis Lyonia lucida Hypericum spp.	Osmunda regalis Osmunda cinnamomea Eriocaulon spp. Cladium jamaicense Xyris spp.

Overall desirable wetland species shall comprise greater than 85% cover.

d. Species composition of recruiting vegetation is indicative of the habitat type specified in criterion "a."

e. Coverage by nuisance or exotic species does not exceed <1% in any area within the assessment site and <1% percent for the entire assessment site.

f. Coverage by pines does not exceed <20% over the assessment area.

g. The wetland mitigation area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

Hydric Pine Flatwoods Enhancement: W-5 (24.59 acres)

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Mitigation will be considered successful when the Permittee demonstrates that the conditions in the assessment area have met the success criteria below:

a. The assessment area can reasonably be expected to develop into a Hydric Pine Flatwoods (FLUCCS 625) as determined by the Florida Land Use and Cover and Forms Classification System (third edition; January 1999).

b. Topography, water depth and water level fluctuation in the mitigation area are characteristic of the wetlands/surface water type specified in criterion "a."

Hydrographs will demonstrate appropriate hydrology according to the Approved Monitoring Plan for a minimum of two years.

c. Planted or recruited species (or plant species providing the same function) shall meet the criteria specified:

Zone:	Canopy	Shrub	Herbaceous
Cover:	50-100 Trees/Ac.	10-30%	>50%
Species:	Pinus serotina	Lyonia lucida	Osmunda cinnamomea
	Pinus elliottii	Hypericum spp.	Amphicarpum spp.
	Taxodium distichum		Eriocaulon spp.
	llex cassine		Cladium jamaicense
	Acer rubrum		Xyris spp.
			Woodwardia virginiana

Overall desirable wetland species shall comprise greater than 85% cover.

d. Species composition of recruiting vegetation is indicative of the habitat type specified in criterion "a."

e. Coverage by nuisance or exotic species does not exceed <1% in any area within the assessment site and <1% percent for the entire assessment site.

f. d. A minimum of one prescribed burn will be conducted within the assessment area before a final determination of success will be approved.

g. The wetland mitigation area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

Mixed Forested Wetlands Enhancement: W-6 (11.01 acres)

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Mitigation will be considered successful when the Permittee demonstrates that the conditions in the assessment area have met the success criteria below:

a. The assessment area can reasonably be expected to develop into a Mixed Forested Wetlands (FLUCCS 630) as determined by the <u>Florida Land Use and Cover and Forms Classification System (third</u> edition; January 1999).

b. Topography, water depth and water level fluctuation in the mitigation area are characteristic of the wetlands/surface water type specified in criterion "a."

Hydrographs will demonstrate appropriate hydrology according to the Approved Monitoring Plan for a minimum of two years.

c. Planted or recruited species (or plant species providing the same function) shall meet the criteria specified:

Zone:	Canopy	Shrub	Herbaceous
Cover:	>30%	10-40%	>75%
Species:	Taxodium distichum Magnolia virginiana Nyssa sylvatica Fraxinus caroliniana Acer rubrum	Cephalanthus occidentalis Lyonia lucida Hypericum spp.	Osmunda regalis Osmunda cinnamomea Eriocaulon spp. Cladium jamaicense Xyris spp.

Overall desirable wetland species shall comprise greater than 85% cover.

d. Species composition of recruiting vegetation is indicative of the habitat type specified in criterion "a."

e. Coverage by nuisance or exotic species does not exceed <1% in any area within the assessment site and <1% percent for the entire assessment site.

f. Coverage by pines does not exceed <20% over the assessment area.

g. The wetland mitigation area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

Pine Flatwoods Enhancement: U-1 (22.74 acres)

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by Regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Mitigation will be considered successful when the Permittee demonstrates that the conditions in the assessment area have met the success criteria below:

a. The assessment area can reasonably be expected to develop into a Pine Flatwoods (FLUCCS 411) as determined by the Florida Land Use and Cover and Forms Classification System (third edition; January 1999).

b. Species composition of recruiting vegetation is indicative of the habitat type specified in criterion "a" and shall meet the following criteria specified for each stratum:

The density of pine flatwoods canopy species including *Pinus palustrus* and *Pinus elliotti* shall exhibit coverage of 50-100 trees per acre;

Desirable species shall exhibit decreased coverage for shrubs 20-40%;

Desirable herbaceous pine flatwoods species shall exhibit coverage to be greater than 75%.

c. Coverage by nuisance and exotic species does not exceed 1% in any area within the assessment site and 1% for the entire assessment site.

d. A minimum of one prescribed burn will be conducted within the assessment area before a final determination of success will be approved.

Scrubby Flatwoods Enhancement: U-3 (9.95 acres) and U-4 (7.99)

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Mitigation will be considered successful when the Permittee demonstrates that the conditions in the assessment area have met the success criteria below:

a. The assessment area can reasonably be expected to develop into a Scrubby Pine Flatwoods (or Pine-Hickory-Oak) (FLUCCS 423) as determined by the <u>Florida Land Use and Cover and Forms Classification</u> <u>System (third edition; January 1999)</u>.

b. Planted or recruited species (or plant species providing the same function) shall meet the criteria specified:

Zone:	Canopy	Shrub	Herbaceous
Cover:	50-100 Trees/Ac.	<40%	>40%
Species:	Pinus palustrus	Serenoa repens	Zamia pumila
	Carya glabra	Vaccinium myrsinites	Yucca filamentosa
	Quercus myrtifolia	Asimina spp.	Conradina spp.
	Quercus chapmanii	Befaria racemosa	Eustachys petraea
		Callicarpa americana	Opuntia humifusa
		Lyonia ferruginea	

Overall desirable wetland species shall comprise greater than 85% cover. Planted or recruited species shall be established for more than five years.

d. Species composition of recruiting vegetation is indicative of the habitat type specified in criterion "a."

e. Coverage by nuisance and exotic species does not exceed 1% in any area within the assessment site and 1% for the entire assessment site.

f. A minimum of one prescribed burn will be conducted within the assessment area before a final determination of success will be approved.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

Michelle K. Hopkins, P.E.

Authorized Signature

EXHIBIT A

GENERAL CONDITIONS:

- 1 The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate, project-specific conditions.
 - a. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C., or the permit may be revoked and the permittee may be subject to enforcement action.
 - b. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
 - c. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(8)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
 - d. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[effective date], incorporated by reference herein (<<u>http://www.flrules.org/Gateway/reference.asp?No=Ref-02505></u>), indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
 - e. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
 - f. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex -"Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - For all other activities "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - 3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
 - g. If the final operation and maintenance entity is a third party:
 - Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction

needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

- 2. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
- h. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
- i. This permit does not:
 - 1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - 2. Convey to the permittee or create in the permittee any interest in real property;
 - 3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - 4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
- j. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
- k. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
- I. The permittee shall notify the Agency in writing:
 - 1. Immediately if any previously submitted information is discovered to be inaccurate; and
 - 2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
- m. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
- n. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification

shall be provided in accordance with Section 872.05, F.S. (2012).

- o. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
- p. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
- q. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
- r. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
- 2. In addition to those general conditions in subsection (1) above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.



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Aripeka Mitigation Bank--May 2015 Service Area Map (Upper Coastal Basin) Figure 7 TerraBlue Environmental P.O. Box 135 Homosassa Springs FL 34447 386-878-3064 scollins@terrablueenvironmental.com





MITIGATION BANKING PLAN

for

ARIPEKA MITIGATION BANK HERNANDO COUNTY, FL

Submitted for: George L. Southworth Revocable Trust Aripeka Mitigation Bank Tampa Florida 33612

Submitted to: SWFWMD Tampa Service Office 7601 Highway 301 North Tampa, Florida 33637

Submitted by: TerraBlue Environmental, LLC PO Box 135 Homosassa Springs, FL 34447

DATE: Aprill 2016

NOTE: This Mitigation Banking Plan has been revised by the Southwest Florida Water Management District and is the Approved Mitigation Plan for the Aripeka Mitigation Bank.

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1.1 INTRODUCTION

The George L Southworth Revocable Trust (GLSRT) proposes to establish the Aripeka Mitigation Bank (AMB) on 367 acres within 408 acres of private lands that GLSRT owns in Hernando County, Florida (Figures 1 & 2).* Under federal and State regulations, the project would be permitted as a mitigation bank for the federal (Army Corps of Engineers (ACOE)) and state (Southwest Florida Water Management District (SWFWMD)) agencies.

The purpose of the AMB and GLSRT's goal is to protect, enhance, and restore the AMB site to a more natural character, reminiscent of the way the property looked and functioned historically, a goal based on a watershed approach to restoration and enhancement of aquatic resources and, thus, ensuring an essential link in the area's wildlife corridor. Permit issuance of the AMB also provides a mechanism for the GLSRT not only to enhance the AMB's habitats but also to benefit and contribute to the health of the Indian Creek, directly connected to the Gulf of Mexico.

Establishment of the Aripeka Mitigation Bank (AMB) will allow consideration for aquatic, water resource needs for sustainable and enhanced water quality, water supply, flood protection, and watershed functions within the Upper Coastal watershed. Although tied to mitigation-based credits, this project is an essential link for the longterm enhancement, as well as protection, of significant water resources and wildlife habitat connected not only to Indian Creek but also to its estuarine components connected to the Gulf of Mexico. In addition, the mitigation bank will provide up-front mitigation credit to GLSRT to be used for sale or transfer to other private and public entities to offset impacts to wetland systems resulting from their development projects. The withdrawal of credits from the bank will be in accordance with project needs. GLSRT reserves the right to enter into formal agreement with appropriate entities to purchase mitigation use rights within the bank parcels. Credits will be created through preservation, enhancement, and restoration, as well as protection actions executed by GLSRT. Once established, the AMB will be perpetually maintained in its enhanced natural condition. GLSRT expects to retain management and financial responsibility to assure that this Mitigation Plan is fully and properly implemented.

The proposed AMB property is defined by its tidally influenced creek and springfed run systems with their associated forested bottomland swamps and cypress strands, as well as degraded uplands and wetlands now converted to silvicultural and agricultural uses. Indian Creek and a springfed creek run merge on the AMB and flow westerly through the AMB into Indian Creek Bay and the Gulf of Mexico. More than 1 mile of both Indian Creek and the springfed run transverse through the AMB. As such, the AMB will have mitigation and ecological value on a regional level, as well as on a local scale. The proposed AMB will have mitigation value on a regional level because of its connection to SWFWMD Conservation Lands, Weeki Wachee State Preserve and its tidal connection to the Gulf of Mexico. In addition, the AMB property lies within lands identified by Hernando County within the Chassahowitzka Florida black bear corridor, the Florida Greenway system and the Nature Coast Greenway and Wildlife Corridor (Figure 6). Thus, the AMB provides an essential link in assuring the longterm enhancement, as well as protection and preservation, of significant water resources and a regional wildlife corridor that supports the Florida black bear.

By permit issuance of the State Environmental Resource Permit (ERP) this document will establish environmental restoration and enhancement activities at the AMB. An approved Conservation Easement will be prepared and recorded by the GLSRT in Hernando County public records prior to an initial credit release on the AMB (See Appendix III). Implementation of individual enhancement actions included in this Mitigation Plan may precede the recording of the Conservation Easement to allow a more rapid release of credits once the AMB is permitted and the AMB's Conservation Easement is in place. Mitigation actions will ensure that the AMB is permanent and self-perpetuating. Appropriate financial mechanism(s) will be executed by the GLSRT to ensure financial responsibility. This Mitigation Plan provides background information on the AMB site and outlines the proposed actions and expected results of implementing the bank. This Plan is designed to establish the framework for conservation over the AMB as a whole by establishing how the component parts work together in a complimentary manner.

*As of January 8, 2016, the 40-acre southern parcel of the GLSRT property has been removed from the AMB. Without adjustment to actions, tasks, engineering, and performance criteria, the data and figures associated with AMB permitting documents have been updated to reflect the 40-acre reduction.



1.2 LOCATION

The proposed AMB is located in southern Hernando County, north of Aripeka, Florida. The property is a 367acre area within 408 acres owned by GLSRT located adjacent to and south of Osowaw Road, west of US 19, in the vicinity of Aripeka, FL, in Sections 25 & 36, Township 23S, Range 16East and Section 30, Township 23S, Range 17East, in Hernando County, FL. The property is found in latitude/longitude coordinates of 28.446971 /-82.653642 (*Figures 1 & 2*). The AMB is located in the Upper Coastal Basin (*Hydrologic Unit Name Crystal River-St.Pete and Code 03100207*).

This property is immediately adjacent to and bordered by Indian Creek Bay off the Gulf of Mexico, with adjacent lands under SWFWMD ownership, including the Weeki Wachee Preserve which is part of a regional system of conservation lands that extend up to the Crystal River Buffer Preserve and the Chassahowitzka Wildlife Management Area. The Weeki Wachee Preserve, with other SWFWMD conservation lands, forms the boundaries of the AMB, as well as segments of its western boundaries (*Figure 6*). The balance of the AMB contains and is bounded by additional forested bottomland swamps and creek systems.

1.3 SUMMARY OF HISTORIC & EXISTING CONDITIONS

1.3.1 Historic Perspective

Prior to 1940, the AMB site was harvested. Historically, trails were constructed, crossing through the floodplain and across Indian Creek in several locations to harvest timber. Aerial photography from 1940's indicates that the uplands, as well as wetlands, were cleared for silvicultural and agricultural uses. Historic aerials also indicate that the wetlands onsite consisted of riverine, floodplain forested swamps, cypress and tidally influenced salt marshes. Historic aerials also indicate that the uplands were likely scrub, pine flatwoods and oak hammocks before conversion to pine plantations. Wetlands were harvested for timber and replanted into pine plantations. By clearing the property, historic natural communities were converted to altered communities. By removing historic canopies, successional species encroached into and replaced historic species composition where not currently replanted into pine plantations. The balance of the cleared uplands were converted into food plots to attract game species to hunters. The site's hydrology has been altered by harvesting cypress from wetlands, construction of nonculverted roads through onsite forested wetlands and uplands to access silviculture timber stands and hunt stands, and construction of a bridge across Indian Creek. Some of the roads have been graded at elevated grades. These actions and alterations would serve to affect historic water levels and hydroperiods.

1.3.2 Existing Conditions

The AMB is a mix of natural and altered communities and conditions. Harvesting has continued from the 1940's to the present. With the purchase of the AMB by GLSRT, timber access roads were constructed which connected the parcels, crossing through the floodplain and across Indian Creek. As mentioned above, the AMB landscape is a function of Indian Creek, freshwater springs, a springfed run, and tidal influence by the Gulf of Mexico. The creek and springfed run system support forested bottomland swamps and cypress strands, as well as connnective uplands and wetlands now converted to silvicultural and agricultural uses. Indian Creek and the springfed run merge on the AMB and flow westerly through the AMB into Indian Creek Bay and the Gulf of Mexico. Numerous drainageways meander throughout the floodplain, creating topographic diversity. Harvesting for timber markets is an ongoing activity--since acquisition by GLSRT 10-20 years ago. The extensive floodplain ecosystem is subject to current and future harvesting. Hydric pine flatwoods have been and are subject to future harvesting and conversion for timber. Cypress strands, additional floodplain wetlands, historic pine flatwoods and scrub uplands are currently converted into pine plantations. Since cypress trees were historically harvested within the floodplain, very few cypress trees remain in it. Existing trees in the floodplain are hummocked, with soil subsidence evident beneath leaf litter and root systems. Several acres of barren food plots are maintained to attract game species for hunting. Exotic plant species, such as Lygodium, Brazilian pepper and cogon grass, are present. The site's hydrology has been altered by harvesting cypress from wetlands, construction of nonculverted roads through onsite forested wetlands and uplands to access silviculture timber stands and hunt stands, and construction of a bridge across Indian Creek. Some of the roads have been graded at elevated grades. These actions and alterations would serve to affect historic water levels and hydroperiods. The site's hydrology is altered by past and present timber operations, ditches and elevated roads. These actions disrupt water levels and hydroperiods. These actions may have allowed shifts in vegetation and an infestation of exotic and nuisance species in the vicinity of the roads and planted pine. These conditions are expected to continue without establishment of the AMB. There appears to be no mineral rights or other encumbrances on the property.



1.4 SUMMARY OF PROPOSED MITIGATION

The proposed AMB has been identified for a regional mitigation bank that will be used to enhance and restore wetland and upland habitats, protect floodplain storage capabilities, provide regional watershed improvements, increase wildlife utilization potential within a regional wildlife corridor, ensure the protection of enhanced communities, and ensure archaeological protection.

The proposed AMB is being created to provide a regional mitigation bank that will serve the needs of development interests in the Upper Coastal Basin, within Hernando, Pasco, Citrus, and Sumter Counties, as well as the New Port Richey, Odessa, Lecanto, Brooksville, Crystal River, St. Petersburg, Clearwater, and Dunnellon areas. GLSRT's goal is to restore the AMB site to a more natural character, reminiscent of the way the property looked and functioned historically, a goal based on a watershed approach to restoration and enhancement of aquatic resources. The goal of the GLSRT is consistent with providing economically efficient and flexible mitigation opportunities, while fully compensating for wetland and other aquatic resource losses in a manner that contributes to long-term ecological functioning of the Upper Coastal watershed where the AMB is located.

This Mitigation Plan identifies restoration and enhancement opportunities at the AMB and describes actions that will be performed to effect beneficial changes. Specific objectives include: hydrologic enhancement through reestablishment of surface water flows and wetland hydroperiods; ecological restoration of converted, altered communities to natural communities; ecological enhancement through rehabilitation of overgrown and firesuppressed habitats; wildlife enhancement through forestry stewardship and hydrologic enhancement actions; protection by granting a conservation easement to ensure viable bank preservation; and via security measures control of unauthorized hunting and trespassing. Targeted habitats (mitigation categories) are to be achieved by completing specific mitigation actions. These mitigation categories are shown on Figure 5 and mitigation actions are described in Section 3.0.

Implementation of hydrologic improvements will enhance the onsite water environment. Existing roads influence the passage of water, evidenced by differences in either water elevations on each side of the road and/or washouts during heavy rainfall events. To restore hydrologic balance, low water crossings will be added to roads where appropriate (Appendix I, Figures 5 & 8). Ditch plug(s) will be placed in designated ditch(s). Implementation of vegetative improvements will restore and enhance onsite communities to produce optimal habitat diversity. Selective thinning and harvesting of planted pine trees and overgrown shrub layers will be initiated by thinning and mechanical reduction techniques. A prescribed burn program will be initiated and become an ongoing mechanism to benefit and restore fire-dependent communities. After selective thinning and prescribed burns actions have been initiated, regeneration of native species within target communities should occur. Specific areas will be replanted with appropriate plants to augment their restoration. Treatments to control exotic species growth will be applied. A Forestry Stewardship Plan (FSP) describes the forestry improvements in detail (Appendix II). A draft Burn Plan (BP), subject to finalization and agency approval(s) prior to conducting any burns, describes the proposed prescribed burn program described in the FSP ((Appendix II). Appropriate wildlife management techniques will be used to produce optimal diversity of habitats and species populations. Though it appears that the population of, and damaging effects from, feral hogs are currently not extensive, there are feral hogs on the AMB. Feral hogs are known to cause severe damage to natural communities. The control of feral hogs is a wildlife management tool that the GLSRT will utilize. Several Listed Species are known to or could potentially inhabit the AMB, and an integral goal of the AMB is to maintain and improve habitats for these species. Protection of potential cultural resources on the AMB is a priority. If archaeological resources are identified or are found within the AMB, provisions will be made in the mitigation plan to ensure that the archaeological site(s) receives protection according to State Division of Historical Resources (DHR) recommendations.

1.5 SUMMARY OF ECOLOGICAL BENEFITS

The AMB represents an opportunity to enhance and ensure the protection of regionally significant water resources and to enhance and restore integrally connected wetlands, as well as upland habitats. By the AMB's establishment as a mitigation bank, the AMB would become a major contributor to protecting and preserving the health of Indian Creek. By virtue of protecting and preserving onsite springs, spring run, and Indian Creek that discharge into the Indian Bay estuarine ecosystem, the AMB would become a major contributor to protecting and preserving the health of the Indian Bay estuarine ecosystem as it merges into the Gulf of Mexico.

The AMB would become an integral component of applying a watershed approach to water resource needs within the Upper Coastal Basin. Because the property extends into Indian Creek Bay estuarine ecosystem, which is bounded to the Gulf of Mexico, the proposed AMB will have significant mitigation and ecological value on a regional level, as well as on a local scale. The entire AMB is an essential link to ensuring the protection of and sustained management of waters and conservation corridor lands within the Upper Coastal Basin. The proposed AMB will also have significant mitigation value on a regional level because of its connection to SWFWMD Conservation Lands, Weeki Wachee State Preserve and its tidal connection to the Gulf of Mexico. In addition, the AMB property lies within lands identified by Hernando County within the Chassahowitzka Florida black bear corridor, the Florida Greenway system and the Nature Coast Greenway and Wildlife Corridor (Figure 6). The AMB property has been identified by SWFWMD as valuable conservation land for acquisition and protection. Thus, the AMB provides an essential link in assuring the long-term enhancement, as well as protection, of significant water resources and a regional wildlife corridor that supports the Florida black bear. The conservation easement that will be placed upon the AMB will ensure that the AMB land is preserved in perpetuity according to mitigation banking standards.

Furthermore, though historically high quality habitats dominated the AMB, it has been degraded by humaninfluenced actions. Therefore, the proposed ecological value of the AMB site to the region and regional watershed has potential for significant improvement. Hydrologic conditions that have been impaired will be returned to the "hydrologic balance." Altered cypress communities connected to the AMB floodplain wetlands would be enhanced. Another benefit that will occur on the AMB is that once established, upland habitats will be restored providing diversity to areas that had been cleared, fire-suppressed and converted to pine plantations. Rare upland habitat areas in the region would benefit. The Forestry Stewardship Plan will allow the recruitment of diverse forested and herbaceous ecosystems, which will in turn provide an increase in wildlife food sources. Enhancement of the property's historic plant communities is beneficial for improving wildlife populations, including some that are listed as endangered or threatened. GLRST will ensure that land management activities are successfully achieved and sustained, such that they are compatible with the AMB's goals and objectives.



2.1 EXISTING VEGETATIVE COMMUNITIES

2.1.1 General

Vegetative communities on the AMB are diversified. Some remain natural, while other areas are being and have been converted.

The AMB is comprised of approximately 296 acres of wetlands and 71 acres of uplands. The most prevalent wetlands are the floodplain wetlands associated with Indian Creek and the Springfed run. The most prevalent upland community types are pine plantations. Historically, the uplands on the AMB were likely longleaf pine flatwoods and scrub uplands. By the early 1940's, the AMB site was altered, and used for cattle, timber and turpentine operations, as well as silvicultural operations. Uplands and wetlands were harvested, converting native communities to altered communities. Uplands were cleared for agriculture and replanted with slash and longleaf pine. Areas not fully cleared, harvested, and replanted have been left with a long period of fire suppression. Roads constructed through the uplands and wetlands, and drainage ditches excavated across wetlands, affect normal sheetflow and onsite hydrology. Because these alterations affect water levels and hydroperiods, this condition may have allowed shifts in vegetation and an infestation of exotic species. Adjacent landowners utilize the property without authorization. These actions have also influenced and contributed to the AMB's existing and degraded conditions. This activity has likely also had an adverse impact on species populations and utilization. Feral hogs are present onsite. They will continue to degrade AMB habitats, since they consume, knock down, rub, and trample native vegetation, as well as root through the soils causing damage since rooting destabilizes soil surfaces and weakens native vegetation.

Historic plant communities were recognized by identification of soils, existing plant growth, and scrutiny of historic aerial photographs (1941-1952). A review of available information indicates that the AMB once supported scrub uplands and mesic pine flatwoods where scrub oaks and slash, longleaf, and/or sand pines were widespread. Vegetation mapping was performed following the Florida Land Use, Cover and Forms Classification System (*FLUCCS, FL Dept. Transportation, 1999*), and the Natural Resource Conservation Service (*NRCS*) Soil Survey (*Hernando County, 1991*). A base landuse map was obtained from SWFWMD, and this was revised using 1999 color-infrared, as well as 2006, 2009, 2011-2013 Digital Orthoquad aerial photographs, and by extensive field investigations. Field verification was used to groundproof the aerials. Vegetative descriptions of the AMB refer to current conditions, identified from habitat mapping efforts conducted during 2014-2015. A description of the FLUCCS community types, FNAI (*Florida Natural Areas Inventory*) classification, dominant vegetation, and soils is provided below. Soils are shown on Figure 3. Vegetative communities are shown on Figure 4. Table 1 below provides a listing of the vegetative communities occuring on the AMB. Detailed descriptions of pre-bank conditions will be provided in the Baseline Monitoring event subject to permit issuance.

Vegetative Communities	Acres	FLUCCS	FNAI Classification	
Riverine (Indian Creek&Springfed Run)	1.92	510	Riverine (Blackwater stream/Spring-run Stream)	
Floodplain Forested Wetlands	225.89	615	Floodplain Swamp	
Freshwater Marsh	1.77	641	Floodplain Marsh	
Cypress	18.68	621	Floodplain Swamp	
Mixed Forested Wetlands	11.01	630	Hydric Hammock	
Hydric Pine Plantation	31.53	441w	Altered Community: Pine Plantation	
Estuarine Salt Marsh	5.45	642	Estuarine Salt Marsh	
Ditch	0.02	512	Altered Community: Ditches	
Wetlands Subtotal	296.27			
Pine Plantation	30.73	441	Altered Community: Pine Plantation	
Pine Flatwoods	8.98	411	Mesic Flatwoods	
Food Plots	9.95	215	Altered Community: Clearing/Regeneration	
Mesic Hammock	18.26	434	Mesic Hammock	
Sand Pine Scrub	1.31	413	Scrub	
Bank Staging Area/Access Roads (NonCredit)	1.93	100/814	Altered Community: Developed/Roads	
Upland Subtotal	71.16			
Total	367.43			

Table 1. Vegetative Communities Summary Tabl	le
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Attachment: Settlement Agreement FINAL (3092 : May 2017-Settlement Agreement AVining)



Existing	Existing Vegetative	Targeted Vegetative	Mitigation Catagory (Assass Area)	Targeted	Acros
FLUCCS	Communities	Communities Mitigation Category (Assess.Area)		FLUCCS	Acres
510	Riverine (Blackwater stream/Spring-run Stream)	Riverine (Blackwater/Spring-run Stream)	W1-Creek/Spring Run Preservation	510	1.92
615	Floodplain Swamp Components	Floodplain Swamp Components	W2-Floodplain Wetlands Preservation	615/621	230.40
621	Cypress	Cypress W3-Cypress Wetlands Enhancement		621	14.17
441w	Hydric Pine Plantation	Cypress	W4 – Hydric Pine Plantation to Cypress Enhancement	621	6.94
441w	Hydric Pine Plantation	Hydric Pine Plantation	W5 – Hydric Pine Plantation to Hydric Pine Flatwoods Enhancement	625	24.59
630	Mixed Forested Wetlands	Mixed Forested Wetlands	W6 – Mixed Forested Wetlands Enhancement	630	11.01
641	Freshwater Marsh	Freshwater Marsh	W7 – Freshwater Marsh Preservation	641	1.77
642	Estuarine	Estuarine	W8 – Estuarine Preservation	642	5.45
Wetland Total Credit Acres				296.25	
441	Pine Plantation	Pine Flatwoods	U1- Pine Plantation to Pine Flatwoods Enhancement	411	22.74
411	Pine Flatwoods	Pine Flatwoods	U2-Pine Flatwoods Preservation	411	8.98
215	Food Plots	Scrubby Flatwoods	U3- Food Plots to Scrubby Flatwoods Enhancement	419	9.95
441	Pine Plantation	Scrubby Flatwoods	U4- Pine Plantation to Scrubby Flatwoods Enhancement	419	7.99
434	Mesic Hammock	Mesic Hammock	U5-Mesic Hammock Preservation	434	18.26
413	Sand Pine Scrub	Sand Pine Scrub	U6 – Sand Pine Scrub Preservation	413	1.31
			Upland Total Cre	dit Acres**	69.23
			Total C	redit Acres	365.48
	AMB N	onCredit Acres Included in C	onservation Easement		
740	Road Uplands	Roads	Roads	Na	1.56
100	Staging Area Uplands	Staging Area	Staging Area	Na	0.37
512	Ditch Wetlands	Ditch	Ditch	па	0.02
			Total A	AMB Acres	367.41

 Table 1a. Existing and Targeted Vegetative Communities Summary Table

* Note: Potential temporary wetland impact acres with hydrologic enhancement actions are shown in Table 4, Section 4.2. **The 69.23 acres of bank credit uplands provide credits from enhanced and preserved acreage which is beneficial to wetland dependent species and which also provides buffers to connective wetlands throughout the AMB.

2.1.2 Listed Flora

The AMB, as well as the Upper Coastal Basin, supports a diverse and rich mix of forested and aquatic habitats and is home to several species listed as endangered and/or threatened. The variety of natural communities not converted to plantations and those to be restored provide potential conditions for several Listed or rare plant species. In addition to the sensitive aquatic habitats that exist in the basin, there are terrestrial environments that also provide ecologically important habitats. Several Listed species, listed by the FL Dept of Agriculture, have the potential to occur on the AMB. These may include: hooded pitcherplant (*Sarracenia minor*), plume polypody (*Pecluma plumula*), blue butterwort (*Pinguicula caerulea*), royal fern (*Osmunda regalis*), cinnamon fern (*Osmunda cinnamomea*), pine lily (*Lilium catesbaei*), giant airplant (*Tillandsia utriculata*), pine pinweed (*Lechea divaricata*) and cardinal flower (*Lobelia cardinalis*). To date several of the above Listed species have been noted. These include: cinnamon fern, blue butterwort, plume polypody, and royal fern. Listed plants that have the potential to occur within the AMB, as well as their preferred habitat types, are summarized in Table 2 below.

Table 2. Listed Species with Potential to Occur on the AMB, Listed Species Status and Preferred Habitats					
Listed Species Potential in Hernando County	Federal	State			
Region	USFWS	FFWCC	Preferred Habitats		
Asclepias curtissii - curtiss' milkweed	Ν	Е	scrub		
Centrosema arenicola - sand butterfly pea	Ν	Е	scrubby pine flatwoods and xeric uplands		
Encyclia tampensis - Florida butterfly orchid	Ν	Т	forested wetlands, bottomland forest		

forested wetlands, bottomland forest
and the size October to and a size of a state
scrubby pine flatwoods and xeric uplands
Pine flatwoods
Spring run streambanks
Scrub/scrubby flatwoods
forested wetlands, hydric pine flatwoods
forested wetlands, bottomland forest
forested wetlands, bottomland forest
forested wetlands, bottomland forest
Scrub
Pine flatwoods
Pine flatwoods
scrubby pine flatwoods and xeric uplands
epiphyte in shrublands and pine flatwoods

2.1.3 Wetlands

There are approximately 296 acres of wetlands on the AMB. The dominant FLUCCS community types include: Riverine (*Indian Creek and Springfed run*); 2) Floodplain Wetlands; 3) Cypress; and 4) Hydric Pine Plantation. The most prevalent wetlands are floodplain wetlands. A description of the community types is provided below.

Specific Land Forms (Wetlands)

Riverine (510) – Indian Creek, seepage springhead(s) and the springfed run, all non-sovereign, are significant and important waters of the AMB. From east to west, they hydrate the AMB and bring freshwater to the Indian Bay estuary at the northwestern corner of the property. They vary in depth and width from several inches to more than 4 feet deep. Water was consistently present and flowing in these systems. Velocity of water passage is variable, but generally swift. The embankments are shallow and clayey. Benthic composition is sand with a mix of organics. Submerged aquatic vegetation is essentially absent except near the confluence with Indian Creek Bay. The creek and springfed run are heavily canopied and therefore not easily discernable by aerial interpretation. In the pre-bank condition, the canopy trees, such as cabbage palm (*Sabal palmetto*), red maple (*Acer rubrum*), loblolly bay (*Gordonia lasianthus*), and pop ash (*Fraxinus caroliniana*), as well as Carolina willow (*Salix Caroliniana*) and buttonbush (*Cephalanthus occidentalis*) fringe the creek systems. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. They include: great blue heron, water moccasin, raccoon, river otter, larg-mouth bass, mosquitofish, osprey, a few songbirds and wading birds. Wildlife are further described in Section 2.5 below.

Floodplain Bottomland Swamps (615) – This community represents the extensive floodplain wetlands surrounding and supporting AMB's riverine communities. This habitat is a relatively closed canopy community mosaic of hydric hammocks interspersed with deeper swamp components and drainageways. It includes the numerous, narrow slough runs which originates by seepage springs and flows across the floodplain, and that are generally unnoticable except during dry periods. This interconnnected system directly connects to and surrounds Indian Creek onsite and its ecological function is dependent on Indian Creek, as is the Creek dependent on the floodplain. This community is supported by Okeelanta complex soils which are mucky, with a water table which is typically at or above the ground surface for most of the year. Field investigations during 2014-2015 show that the existing, pre-bank soil conditions were dry to flooded. On the AMB in the pre-bank condition, the canopy is predominately closed. The trees are hummocked with cavities beneath surface roots. The dominant canopy species noted are: cabbage palm (Sabal palmetto), red maple (Acer rubrum), southern magnolia (Magnolia grandiflora), American elm (Ulmus americana), swamp bay (Persea palustris), and pop ash (Fraxinus caroliniana). Not dominant but scattered canopy species also include: laurel oak (Quercus laurifolia), swamp dogwood (Cornus foemina), sweet-bay (Magnolia virginiana), sugarberry (Celtis laevigata), sweetgum (Liquidambar styraciflua), blackgum (Nyssa sylvatica), loblolly bay (Gordonia lasianthus), and cypress (Taxodium ascendens). Shrub/subcanopy layers are variably dense and dominated by: cabbage palm, wax myrtle (Myrica cerifera), highbush blueberry

(*Vaccinium corymbosum*), greenbriar (*Smilax auriculata*), poison ivy (*Toxicodendron radicans*), and peppervine (*Ampelopsis arborea*). Groundcover layers are predominately absent, but where groundcover is present, the dominant species are: swamp fern (*Blechnum serrulatum*), Virginia chainfern (*Woodwardia virginica*), cinnamon fern (*Osmunda cinnamomea*), maidencane (*Panicum hemitomon*), lizard's tail, wild coffee (*Psychotria nervosa*), and beakrush (*Rhyncospora sp.*). Exotic species have not yet been noted. Feral hog presence was noted. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. They include: river otter, mud turtle, great blue heron, cardinal, osprey, mockingbird, red-shouldered hawk, water moccasin, and raccoon. Wildlife are further described in Section 2.5 below.

Cypress (621) - This community is cypress, predominately located along AMB's northern boundary. It is a community on the AMB which once formed a contiguous strand with the floodplain wetlands but which is largely separated from them by converted pine plantations. The acreage of cypress has been diminished by harvesting and replanting with slash pines. This community is classified as a forested wetland by the dominance of pond cypress (Taxodium ascendens) or bald cypress (Taxodium distichum). According to NRCS soil survey data, this community is supported by Aripeka complex soils. These soils are described as somewhat poorly drained, nearly level and sandy, with a seasonal high water table that is typically within a depth of 18-30 inches below ground surface for 2-6 months and to a depth of 30-60 inches for at least 6 months during the year. Field investigations during 2014-2015 show that the pre-bank soil conditions have been dry to inundated. In the cypress areas near Osowaw Road, the soils are mixed with "clayey" materials, and appear to lie over marl limestone layers near the surface. In the pre-bank condition, the canopy is relatively open and dominated by cypress, as well as other species which include: laurel oak (*Quercus laurifolia*), blackgum (*Nyssa sylvatica*), red maple (Acer rubrum), and cabbage palm (Sabal palmetto). There is slash pine encroachment into the cypress community, with a greater than 20% cover by the encroaching slash pine. The noted shrub and groundcover is partially vegetated with: seedling slash pine, gallberry (Ilex glabra), saltbush (Baccharis halmifolia), cabbage palm, wax myrtle (Myrica cerifera), bladderwort (Utricularia sp.), beakrush (Rhyncospora sp.), maidencane (Panicum hemitomon), spikerush (Eleocharis sp.), sundew (Drosera capillaris), arrowhead (Sagittaria lancifolia), sphagnum moss (Sphagnum sp.), softrush (Juncus effusus), swamp fern (Blechnum serrulatum), and cinnamon fern (Osmunda *cinnamomea*). Exotic species Brazilian pepper and Lygodium were noted, with an approximate $\geq 1\%$ cover. Feral hog presence was noted. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. They include: great blue heron, cardinal, mockingbird, wild turkey, whitetailed deer and raccoon. Wildlife are further described in Section 2.5 below.

Hydric Pine Plantations (441w) – These are densely planted pine plantations which were largely converted from forested wetlands (cypress) or historically harvested pine flatwoods adjacent to cypress communities, and contain hydric characteristics. These areas are transitional zones between adjacent mesic pine plantations, cypress and the floodplain areas. This community was densely planted with slash pine in 2001 and 2005. Since then the planted pine coverage has diminished, and this altered community contains patches of pine trees ranging from dense to sparse. In the pre-bank condition, planted pines have not survived and/or growth has not been robust. Most of these areas are partially bedded with shallow beds. Access roads have contributed to altering the historic drainage patterns and hydrology. According to NRCS soil survey, this community is supported by Wabasso fine sand and Aripeka complex soils. The Wabasso fine sand soils are described as poorly drained, nearly level and sandy, with a seasonal high water table which is typically within a depth of 10-40 inches below ground surface for > 6 months and a depth of 10 inches for less than 60 days in wet seasons. The Aripeka soils have a seasonal high water table that is typically within a depth of 18-30 inches below ground surface for 2-6 months and to a depth of 30-60 inches for at least 6 months during the year. Field investigations during 2014-2015 show that the existing, pre-bank soil conditions have been dry to saturated but not inundated. In these areas, as well as the cypress areas near Osowaw Road, the soils are mixed with "clayey" material, and appear to lie over marl limestone layers near the surface. Algal mats were evident throughout these areas. The planted pines are typically less than 25' in height. Slash pine is the dominant canopy tree. Minor inclusions of pond pine (Pinus serotina), cypress, sweetgum, Brazilian pepper, and red maple were also noted. Where the planted trees are sparser to absent due to lack of survival, groundcover includes sawgrass (*Cladium sp.*), beakrush (*Rhvncospora sp.*), maidencane (Panicum hemitomon), Virginia chainfern (Woodwardia virginica), broomsedge, cinnamon fern (Osmunda cinnamomea), coinwort (Centella asiatica), seedling saltbush (Baccharis halimifolia), blackberry (rubus sp), red maple, and wax myrtle (*Myrica cerifera*), as well as seedling cypress. The shrub layer includes: St. Johns wort, saltbush (Baccharis halimifolia), blackberry (rubus sp), red maple, and wax myrtle (Myrica cerifera). Exotic species

Brazilian pepper, Chinese tallow, and Lygodium were noted, with an estimated $\geq 2\%$ cover, representing an increase since 2014. Feral hog presence was noted. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. They include: white-tailed deer, wild turkey, cardinal, gray squirrel. Wildlife are further described in Section 2.5.

Mixed Forested Wetlands (630) – These mixed forested wetlands are in the northern portion of the AMB, bisected by onsite roads, and connected to hydric pine plantation and cypress communities. Forming a buffer, these communities lie largely between floodplain wetlands and pine plantations. They have also been encroached into by silvicultural operations. It is a community which once formed a buffer with floodplain and cypress wetlands but which is largely separated from them by converted pine plantations. The acreage of this community has also likely been diminished by harvesting and replanting with slash pines. This community is supported by Aripeka complex soils. These soils are described as somewhat poorly drained, nearly level and sandy, with a seasonal high water table which is typically within a depth of 18-30 inches below ground surface for 2-6 months and to a depth of 30-60 inches for at least 6 months during the year. Field investigations during 2014-2015 show that the existing, pre-bank soil conditions have been dry to inundated. The canopies within these wetlands are relatively closed and dominated by a mix of hardwoods as well as conifers. Specifically, they are dominated by: loblolly bay (Gordonia lasianthus), cypress (Taxodium ascendens), sweetbay (Magnolia virginiana), red maple (Acer rubrum), laurel oak (Ouercus laurifolia), cabbage palm (Sabal palmetto), and water oak (Ouercus nigra). There is slash pine encroachment, with a greater than 20 % cover by the encroaching slash pine. In the pre-bank condition, the shrub species are dominated by: shiny lyonia (Lyonia lucida), saltbush (Baccharis halmifolia), red maple, sweetgum, cabbage palm, blackberry (rubus sp), and wax myrtle (Myrica cerifera). The groundcover layer is variable, consisting of: Virginia chain fern, cinnamon fern, soft rush, violets, sawgrass, waterhoarhound (Lycopus rubellus), greenbriar vine and poison ivy. Exotic species were noted, with an approximate $\geq 1\%$ cover. Feral hog presence was noted. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. They include: great blue heron, cardinal, robin, mockingbird, gray squirrel, opossum. Wildlife are further described in Section 2.5 below.

Freshwater Marshes (641) – There are several freshwater marshes on the AMB. These were forested cypress communities that were harvested. They subsequently regenerated with herbaceous species and currently, these areas are largely herbaceous. They contain a densely vegetated groundcover and open water, as well as isolated hummocks containing live oaks. This community is supported by Okeelanta and Aripeka complex soils. Okeelanta soils are described as very poorly drained, nearly level and mucky, with a seasonal high water table which is typically at or above the ground surface for most of the year, except during extended dry periods. Aripeka soils are described as somewhat poorly drained, nearly level and sandy, with a seasonal high water table which is typically within a depth of 18-30 inches below ground surface for 2-6 months and to a depth of 30-60 inches for at least 6 months during the year. Field investigations during 2014-2015 show that the pre-bank soil conditions have been saturated to inundated. These marshes are fringed with cypress, red maple, slash pine, dog fennel, sawgrass, wax myrtle (*Myrica cerifera*), blackberry and saltbush. Noted interior marsh vegetation includes: sawgrass, cattail (Typha sp.), water hyssop (Bacopa sp.), maidencane (Panicum hemitomon), Carolina aster (Aster caroliniana), pluchea (Pluchea odorata), coinwort (Centella asiatica), saltbush (Baccharis halimifolia), water hoarhound (Lycopus rubellus), duckweed (Lemna minor), and cinnamon fern. Exotic species have not yet been noted. In its prebank condition, the presence of native animal species noted during field investigations to date has been rare. Species noted include: great blue heron. Wildlife are further described in Section 2.5 below.

Estuarine Salt Marshes (642) – These are the salt marshes of the Gulf Coast. These areas are largely herbaceous and located near the mouth of Indian Creek where it merges into the Indian Creek Bay ecosystem but within the AMB. These marshes contain a densely vegetated groundcover and open water, as well as isolated hummocks containing cabbage palms. This community is supported by Weekiwachee muck soils. These soils are described as very poorly drained muck found in tidal marshes which may be flooded for prolonged periods. They have a high water table which fluctuates with the tides. AMB's salt marshes are regularly inundated with tidal waters. They are fringed with leather fern, cabbage palm, longleaf pine, sawgrass, wax myrtle (*Myrica cerifera*), marshelder, and saltbush. Salt marsh vegetation noted includes: leather fern, sawgrass, softrush, needlerush, cordgrass, cabbage palm, and saltbush. In its pre-bank condition, the presence of native animal species noted during field investigations includes: osprey, mullet, and a variety of wading birds. Wildlife are further described in Section 2.5 below.

Open Water/Ditches (512) – There are small interior ditches on the AMB. These areas consist of manmade shallow swales and ditches to facilitate drainage. The deeper ditch flows north under Osowaw Road, artificially draining the AMB floodplain and freshwater marsh wetlands. Another is a former road, now serving as an open water ditch, connecting two pine plantations. Another was excavated to provide fill material for the construction of an elevated road approach to a bridge over Indian Creek. These shall be incorporated into the overall preservation landscape of the floodplain wetlands. Only one of these ditches appears to have the potential to significantly drain the floodplain wetlands. These are nonvegetated with a mucky benthic layer. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been absent. Wildlife are further described in Section 2.5 below.

2.1.4 Uplands

There are approximately 71 acres of uplands on the AMB. The dominant FLUCCS community types are: 1) Pine Plantations; 2) Food Plots; 3) Pine Flatwoods; and 4) Mesic Hammocks. The most prevalent upland community types are pine plantations. Historically, these were likely areas of longleaf pine and scrub/scrubby flatwoods. Existing vegetative communities (*based on FLUCCS*) are shown on Figure 4. A brief description of the FLUCCS community types is provided below.

Specific Land Forms (Uplands)

Pine Flatwoods (411) - These areas are pine flatwoods which are dominated by longleaf pines. On the AMB, these pine flatwoods are canopied by older pine trees, under a relatively closed canopy. Though the pine flatwoods were predominately, historically harvested, these areas were left intact and/or regenerated without subsequent conversion to pine plantations. In the pre-bank condition, these pine flatwoods are merchantable. Pine flatwoods are supported by frequent fires, fires which have been absent on the AMB. Thus, these flatwoods are and have been fire-suppressed, and are overgrown with dense shrub layers. In general, pine flatwoods are typically characterized by canopies of variably spaced pine trees, and are characterized by a low and flat topography, relatively poorly drained, acidic and sandy soils. This community is supported by Wabasso fine sand. Wabasso fine sand is nonhydric, poorly drained with a depth of 10-40 inches below ground for more than 6 months during the year. Field investigations during 2014-2015 show that the existing, pre-bank soil conditions have been dry. In the pre-bank condition, the understory and groundcover is dominated by a combination of: saw palmetto (Serenoa repens), cabbage palm, red cedar, laurel oak, persimmon, possum haw, St. Peters wort (Hypericum tetrapetalum), shiny blueberry (Vaccinium myrsinites), bracken fern (Pteridium aquilinum), broomsedge, beakrushes, panicum grasses, dog fennel, chalky bluestem (Andropogon virginicus var glaucus), woodsgrass (Chasmanthium sp), Elliot's milk pea (Galactia elliotti), yellow polygala (Polygala nana), blackberry and grapevine (Vitis sp.). Exotic species Brazilian pepper and Chinese tallow were noted, with an approximate <1% overall coverage. Feral hog presence was noted. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. They include: white-tailed deer, cardinal, gray squirrel. Wildlife are further described in Section 2.5 below.

Pine Plantation (441) – These are altered communities, densely planted in both slash and longleaf pine and are scattered throughout the AMB, in areas that were typically historic slash pine and/or longleaf pine (Pinus *palustris*) flatwoods, scrub or scrubby flatwoods. This community lies between adjacent hydric pine plantations, cypress and the floodplain areas. The natural communities were cleared, site prepped into rows and planted in 2001 and 2005. Some of the pine plantations are mowed between the planted rows, leaving an open grassy area without a shrub layer where mowed. Some of the plantation areas are also partially bedded with shallow beds. The pine plantations are overgrown with a dense shrub layer except where they have been mowed. They are firesuppressed. Pine flatwoods as a natural community are characterized by relatively poorly drained, acidic and sandy soils, and which are supported by prescribed burns. On the AMB, this community is supported by Wabasso, Eau Gallie, Tavares and Myakka fine sands. These fine sands are predominately nonhydric, poorly drained except Tavares which is moderately well-drained. Their depth to water is 40 inches below ground for more than 4-6 months during the year. Field investigations during 2014-2015 show that the existing, pre-bank soil conditions have been dry. In the pre-bank condition, the planted slash pine canopies are dense with a coverage exceeding 700 trees/acre. The densely planted longleaf pines exceed 700 trees/acre, were mostly planted in 2005, are between 3-10 feet in height, and have not yet reached maturity. In both pine plantation types, the shrub layers are moderately to densely vegetated. The shrub layers presently contain slash pine

seedlings, red cedar saplings, saltbush, blackberry and grapevine. The groundcover layer may be pine straw, shallowly bedded and largely unvegetated. Alternatively, where a stand has groundcover, the vegetation is dominated by: bracken fern, greenbriar, blackberry, cogan grass, and broomsedge. Exotic species such as Brazilian pepper, cogan grass, Chinese tallow, and Lygodium were noted, with an estimated $\geq 2\%$ cover. Feral hog presence was noted. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. No species were noted, but evidence of use by wild turkey, white-tailed deer and feral hogs was noted. Wildlife are further described in Section 2.5 below.

Food Plots (215) – These altered communities are areas cleared of historic upland vegetation, site-prep cleared of all vegetation and either later replanted with herbaceous species as food sources to attract game species for hunters or left cleared of all vegetation. They are regularly tilled and seeded. Where the food plots were planted with longleaf pine the majority of the trees did not survive, leaving barren sand plots except for one or two pines. The barren food plots are located generally on higher elevations within the AMB. According to NRCS soil survey, this community is supported by Adamsville fine sand soils. The Adamsville fine sand soils are described as somewhat poorly drained, nearly level and sandy, with a seasonal high water table which is typically within a depth of 20-40 inches below ground surface for 2-6 months and a depth within 20 inches for less than 2 weeks and a depth of 40 inches for the balance. Field investigations during 2014-2015 show that the existing, pre-bank soil conditions have been dry. Nuisance species were noted in these areas. Feral hog presence was noted. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Wild turkey and white-tailed deer were noted. Wildlife are further described in Section 2.5 below.

Mesic Hammock (434) – This community is a mesic hammock that has been historically harvested. This successional community is comprised of a variety of hardwoods, as well as conifers. As a natural community, hardwood hammock areas are dominated by a variety of oak species but not dominated by live oak. Minor assemblages of pine may or may not be present. This community is supported by Myakka fine sand. These fine sands are predominately nonhydric, poorly drained, with a depth to water 40 inches below ground for at least 6 months and 10 inches below for 1-4 months during the year. Field investigations to date have shown that the prebank soil conditions have been dry and not saturated to within 10 inches of the surface. In the pre-bank condition, the canopy is relatively closed and dominated by: live oak (Quercus virginiana), laurel oak (Quercus laurifolia), southern magnolia (Magnolia grandiflora), pignut hickory, sand pine, red maple (Acer rubrum), red cedar, and longleaf pine. Noted shrub and groundcover presence is variably dense, sparse or open. Species include: saw palmetto (Serenoa repens), woodsgrass (Chasmanthium sp), persimmon, sparkleberry, possum haw, bracken fern (Pteridium aquilinum), beautyberry (Callicarpa americana), greenbrier, grapevine, and/or shiny blueberry. Exotic species such as Chinese tallow were noted, with an estimated $\geq 1\%$ cover. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. They include: coral snake, salamander, cardinal, barred owl, pileated woodpecker, robin, mockingbird, and gopher tortoise. Wildlife are further described in Section 2.5 below.

Sand Pine Scrub (413) – Scrub uplands include sand pine scrub areas such as found on the AMB. This sand pine scrub community is found in one location on the AMB. The community has been historically harvested but has regenerated with a dominance of a sand pine canopy. Though previously altered, this community appears to have retained some of the composition that defines it as sand pine scrub. These communities are typically relatively open upland areas dominated by sand pine (Pinus clausa) and scrub oak. Scrub uplands are unique shrub communities that have become rare, and are considered imperiled. These scrub communities typically occupy higher ridge elevations, have well-drained, infertile, sandy soils, are supported by high intensity and infrequent fires, and their species are adapted to fire and xeric conditions. This community is supported by Tavares fine sand (slope). These fine sands are nonhydric, moderately well-drained, with a depth to water typically between 40-60 inches below ground. Field investigations during 2014-2015 show that the pre-bank soil conditions, as expected, have been dry. In the pre-bank condition, the canopy is relatively open and the dominant trees noted include sand pine, scrub oak and longleaf pine. With no prescribed burns, the shrub layer is relatively dense, greater than 60%, and overgrown. The groundcover layer is sparsely vegetated. The dominant shrub and groundcover layer species noted include: rusty lyonia (Lyonia ferruginea), prickly pear cactus (Opuntia sp.), myrtle oak (Quercus myrtifolia), Elliott's milkpea (Galactia elliotti), wiregrass (Aristida stricta), shiny blueberry, coastalplain staggerbush (Lyonia fruticosa), runner oak, bracken fern, witchgrass (Dichanthelium commutatum), and reindeer moss (*Cladonia sp.*). Exotic species presence is >1% in the pre-bank condition. Feral hog presence was

noted. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. They include: gopher tortoise and mockingbird. Wildlife are further described in Section 2.5 below.

Roads (814) -- The property is accessible to vehicles authorized by the GLSRT and there are several unpaved timber/access roads within the AMB site. The series of roads are partially elevated, cleared and maintained.

2.2 SOILS

Soils are classified by the U.S. Department of Agriculture Natural Resource Conservation Service (NRCS). Soils have been identified on the AMB by using NRCS soil databases. Both the Soil Survey Manual for Hernando County and the NRCS Web Soil Survey were used to identify soils on the AMB. The soil classifications found within the AMB are shown in the attached Figure 3. There are low-lying hammock, sand ridge--xeric knoll (rare), sand depressional, flats and flatwoods soils on the AMB. The floodplain soils are very poorly drained hydric soils that are rich in organic layers. Wetland communities dominate these soils. Sand depression soils are poorly drained, hydric soils, often adjacent to Flats or Flatwoods soil landscapes. The sand ridge-knoll soils are upland soils, non-hydric with marine sediments (sand), and which can be well drained. Flats soils are known as the slough soils, and they are poorly drained, hydric soils with marine sediments, and may be frequently flooded. Flatwoods soils are upland soils that are poorly drained and non-hydric with marine sediments. In general, the major compositions of AMB soils are classified as: Adamsville fine sand (1), Aripeka fine sand (4), Aripeka complex hydric (5), Eau Gallie fine sand (18), Myakka fine sand (35), Okeelanta complex hydric (37), Tavares fine sand slope (49), Wabasso fine sand (51), and Weekiwachee muck (53). The fine sands may be non-hydric or hydric. The hydric soils on the AMB are: Aripeka fine sand (4), Aripeka complex hydric (5), Okeelanta complex hydric (37), and Weekiwachee muck (53) found in the floodplains and cypress wetlands. Tavares fine sand slope soils typically support the longleaf pine flatwoods and xeric oak vegetative communities. The soils dominating the AMB are described below.

Adamsville fine sand (1) – This is typically a nonhydric soil that is a somewhat poorly drained, nearly level and sandy soil. It is typically found on low, broad flats that are less than 2 feet higher than adjacent sloughs. It is characterized by a seasonal high water table typically within a depth of 20-40 inches below ground surface for 2-6 months, rises to within 20 inches for less than 2 weeks during the year, and to a depth of 40 inches for the balance. It is typically associated with pine flatwoods. On the AMB, it appears to currently support the higher elevation food plot communities in proximity to the floodplain wetlands.

Aripeka complex hydric (5) – This is a hydric soil that is somewhat poorly drained to very poorly drained, nearly level and sandy. It is typically found on low ridges and swamps. It makes up a large part of the Chassahowitzka Swamp. It is characterized by a seasonal high water table typically within a depth of 18-30 inches below ground surface for 2-6 months and to a depth of 30-60 inches for at least 6 months during the year. It is typically associated with floodplain swamps. On the AMB, it supports the cypress communities.

Eau Gallie fine sand (18) -- This is a nonhydric soil that is a poorly drained, nearly level and sandy soil. It is characterized by a seasonal high water table typically within a depth of 10 inches below ground surface for 1-4 months and to a depth of 40 inches for at least 6 months. It is typically associated with large areas on low ridges in the flatwoods. On the AMB, it predominately supports the pine plantation vegetative communities.

Myakka fine sand (35) -- This is typically a nonhydric soil that is a poorly drained, nearly level and sandy soil. It is characterized by a seasonal high water table typically within a depth of 10 inches below ground surface for 1-4 months and to a depth of 40 inches for the balance. It is typically associated with pine flatwoods. On the AMB, it supports the mesic hammock and pine plantation vegetative communities.

Okeelanta complex hydric (37) -- This is a hydric soil that is very poorly drained, nearly level and mucky. It is typically found on low ridges and swamps. It makes up a large part of the Weekiwachee and Chassahowitzka Swamps. It is characterized by a seasonal high water table, typically at or above the ground surface for most of the year, except during extended dry periods. It is typically associated with low swamp areas interspersed with a few low ridges within floodplain swamps. On the AMB, it supports the floodplain communities.
Tavares fine sand slope (49) -- This is a nonhydric soil that is moderately well drained and is typically found on low ridges and knolls. The water table is typically 40-60 inches below ground surface except during very dry periods. It typically supports longleaf pine/turkey oak and pine flatwoods. On the AMB, it supports higher elevation pine plantation vegetative communities.

Wabasso fine sand (51) -- This is a nonhydric soil that is a poorly drained, nearly level and sandy soil. It is characterized by a water table typically within a depth of 10-40 inches below ground surface for greater than 6 months and to a depth of 10 inches for less than 60 days in wet seasons, and a depth of more than 40 inches during very dry periods. Wabasso fine sand typically supports the mesic hammocks and pine flatwoods. On the AMB, it supports the pine flatwoods, pine plantation (hydric and mesic) and food plots vegetative communities.

Weekiwachee muck (53) -- This is a hydric soil found in the swamps, particularly cypress. It is a very poorly drained muck soil found in tidal marshes, is organic, and may be flooded for prolonged periods. It is characterized by a seasonal high water table which fluctuates depending on the tide. The soil is typically flooded during normal high tides. On the AMB it supports the tidally-influenced estuarine salt marsh wetlands.

2.3 HYDROLOGY

Indian Creek originates and flows through the AMB to Indian Creek Bay. It is tidally influenced. The springfed run flows northwest, flows onto the AMB and merges into Indian Creek on the AMB. These waters flow westerly for more than 1 mile across the AMB (Figure 6). They are between 2-6 feet in depth, deepening as they progress westward. They are defined creek systems, narrow with steeply sloped banks and with water flowing over a sand/limestone substrate. They serve as freshwater sources for Indian Creek Bay's estuarine ecosystem before entering the Gulf of Mexico. Indian Creek and the springfed run carry a volume of freshwater from their sources to Indian Creek Bay, passing and hydrating the AMB enroute. They have an extensive floodplain on the AMB, supporting complex and diverse plant communities. Since the springfed run, creek and floodplain systems lie on the AMB, with bank establishment they and their associated floodplain forested and herbaceous swamps and marshes will receive mitigation bank protection. The springfed run is also supported by other immediately adjacent seepage springs located onsite and throughout this area. The Aripeka Spring Group lies immediately south of the AMB, and the Group covers an area of one square mile, discharging freshwater to vicinity wetlands and creeks. The Weeki-Wachee Spring to the north is also nearby. That spring was purchased by the State of Florida as part of a "springs initiative" with the belief that "public ownership protects the wetlands' natural functions of conveying spring water to the gulf, cleansing surface water and providing flood protection, as well as buffering nearby residential communities from tropical storms." In a publication by the US Geologic Service, springs are recognized as unique and important water resources for estuaries and that spring-fed estuaries are directly linked to salinity. and the salinity of the estuary is related to the quantity and quality of water discharging from the springs. The AMB's springfed run and Indian Creek all contribute to the health and vitality of the Indian Creek Bay estuary. The AMB includes and is part of a Florida-imperiled, significant hydrological and ecological connection to freshwater springs, springfed runs, estuarine ecosystems and extensive swamps. AMB's direct hydrological connection to these ecosystems contributes to the health of the Upper Coastal watershed (HUC zone: Crystal River-St.Pete).

Surface water conditions were characterized by using published data from the Southwest Florida Water Management District, US Geological Service, data collected by Hernando County and onsite field investigations conducted during 2014-2015. AMB wetland surface water and riverine water generally flows westerly or northwesterly towards the Gulf of Mexico through the interconnected wetlands and waters referenced above. During flood tides, water from the Gulf influences this westerly flow by instead flowing eastward into Indian Creek. Water also discharges offsite from a culverted ditch towards the north into the Weeki Wachee Preserve area. Topographic maps and Lidar data indicates that the overall elevation of the property ranges from 5' NGVD to 10' where most of the wetlands on the AMB lie at elevations around 6' and most of the uplands are around 10' or higher elevations. Wetlands on the northeast are several feet higher than those to the west.

Timber roads were constructed through wetlands. Most are elevated for access through wetlands. Where the roads pass through wetlands, either altering or severing wetland connections, the roads are reinforced with concrete rubble but not at wetland grade. No culverts were installed under the elevated roadbed where crossing wetlands. As such, AMB timber roads have the potential to obstruct or divert surface water flows originating

onsite. Reduced water levels and hydroperiods may have allowed shifts in vegetation and an infestation of exotic and nuisance species. Conversion to pine plantations, harvesting in wetlands, drainage alterations and fire suppression in adjacent uplands have produced altered wetland communities and affected overall hydrologic balances. General hydrological maps for the AMB, which include maps showing the locations of existing culverts and observed drainage patterns are attached in Figure 8a, Appendix I.

2.4 FORESTRY

Silvicultural operations began prior to the 1940s. This operation has been ongoing for numerous years, thus preexisting vegetative communities have been lost by clearcutting and harvesting actions. When GLSRT purchased the first parcel of the AMB property in 2001 and additional areas in 2005, silvicultural operations continued for the purpose of harvesting timber from uplands and wetlands. Harvesting is inclusive of hardwoods, cypress and pine trees. When an area is harvested it is replanted into a slash pine or a combination of a slash and longleaf pine plantation, both hydric areas and uplands. The majority of the hydric pine plantation areas were densely planted with slash pine during 2001. The majority of the other pine plantation areas were densely planted (700-900 trees per acre) during 2005. There have been no prescribed burns on the AMB since 2001. Exotic plant species are present. Timber operations are expected to continue with future encroachment into the balance of the floodplain not yet harvested for timber. The anticipated harvest rotations on planted pine on the AMB, without AMB, are targeted for 15-40 year rotations where the timber will be harvested as soon as it is merchantable. Subsequent site preparation and replanting cycles is anticipated in the future. Existing pine plantations exhibit remnant evidence of historic plant community types. This is exhibited by the growth of species within the pine plantation structure which includes species such as sand pine, longleaf pine, southern magnolia, scrub oak, tarflower, lyonia, lupine and wiregrass or cypress, sawgrass, St. Johns wort, sundew, saltbush and maidencane. Evidence of old, cut cypress stumps remain. In addition, where slash pines were planted in areas which had been forested wetlands, area such as forested cypress strands, the planted pine tree canopy is either relatively open, sparse or absent. Silvicultural operations and timber harvesting actions and conditions are expected to continue without establishment of the AMB mitigation bank.

2.5 WILDLIFE

Prior to submittal of the permit application, field investigations were conducted by TerraBlue Environmental. These efforts were concentrated on noting species onsite, as well as determining the presence of suitable habitat for Listed species, and the likelihood of occurrence of Listed species. There are several state and federally listed wildlife species which have the potential to occur on the AMB property. Listed species generally investigated included the Florida black bear, Florida scrub-jay, southern bald eagle, Florida sandhill crane, wood stork, eastern diamondback rattlesnake, Southeastern American kestrel, eastern indigo snake, gopher tortoise, various herons and egrets, American alligator, Sherman's fox squirrel, and other species. Bird rookeries and other communal nesting areas were also investigated though none were found. Several state and federally listed wildlife species have been observed on the AMB property. Listed species observed include: wood stork (Mycteria Americana), Florida sandhill crane (Grus canadensis pratensis), white ibis (Eudocimus albus), osprey (Pandion haliaetus), Little blue heron (Egretta caerulea), and gopher tortoise (Gopherus polyphemus). Several active gopher tortoise burrows were noted within the upland communities. The Florida black bear is known to occur in the area, an area which encompasses the Chassahowitzka corridor, and it has been observed onsite. The Weeki Wachee Preserve is directly connected to the AMB. It is part of a regional system of conservation lands that extend up to Crystal River Buffer Preserve, preserving the southernmost coastal hardwood hammocks in western Florida, in part for the protection of the Florida black bear population.

Pine plantation and pine flatwoods soils and vegetation provide habitat for white-tailed deer, wild turkeys, bobcats, skunks, opposums, raccoons, feral hogs, gray squirrels, warblers, tohees, crested fly-catchers, a variety of songbirds, and quail. The forested floodplain and depressional hydric soils provide habitat for a variety of waterfowl and wading birds, water moccasins, otters, gray squirrels, opossums, various toads, white-tailed deer, raccoons, bobcats, and salamanders. Within these habitats, there are non-Listed species with the potential to occur on the AMB. Non-Listed species noted to date include: feral hogs, white-tailed deer, wild turkey, gray squirrel, raccoon, mud turtle, water moccasin, large-mouth bass, mosquitofish, red-shouldered hawk, osprey, river otter, a few songbirds and wading birds, and several species of butterflies. The feral hogs on the AMB appear to be causing damage to vegetation. It is notable that no wildlife is currently abundant. Private hunting has been and is authorized on these private lands. Wildlife game species have been hunted on the AMB for

numerous years. Unauthorized hunting has also been ongoing for numerous years. This activity has likely had an adverse impact on species populations. These conditions are expected to continue without establishment of the AMB. Species that have the potential to occur within the AMB, as well as their preferred habitat types, are summarized in Table 3 and described below.

Table 3. Listed Species-Potential to Occur	on AMB-	Listed Spe	ecies Status-Preferred Habitats
Listad Species	Federal	State	Habitat
	031 W3	TTWCC	Inhabits xeric oak scrub, sand pine scrub, breed in shallow grassy
Rana capito - gopher frog	Ν	SSC	ponds or ditches, uses gopher tortoise burrows
	N	880	Inhabits bottomland forests, marshes and open water or mudflats,
Aphala ajaja - roseate spoondili	T	55C	roosis in shrubs and trees, forages in shallow water
Aphelocoma cocruicscens - Pionua seruo-jay	1	1	Inhabits hottomland forest wetlands/Creeks nests among cypress
Aramus guarauna - limpkin	Ν	SSC	knees or groundcover and tall trees
Athene cunicularia floridana - Florida burrowing owl	Ν	SSC	Inhabits sandhills, ruderal communities, dry prairies
Egretta caerulea - little blue heron	Ν	SSC	Inhabits wetlands and Creeks, nests in shrubs and trees
Egretta thula - snowy egret	Ν	SSC	Inhabits wetlands and Creeks, nests in shrubs and trees
Egretta tricolor - tricolored heron	Ν	SSC	Inhabits wetlands and Creeks, nests in shrubs and trees
Eudocimus albus - white ibis	Ν	SSC	Inhabits wetlands and Creeks, nests in shrubs and trees
Falco sparverius paulus – SF. American kestrel	N	т	Inhabits open rangeland, pastures, fencelines. Nest in natural cavities of dead trees and abandoned woodpecker nests
		T	Inhabits marshes and wet prairies, nests in marshes and forages in
Grus canadensis pratensis - Florida sandhill crane	N	T	open grassy areas & pastures
Haliaeetus leucocephalus – southern bald eagle	Ν	N	along coasts, Creeks and lakes
Mycteria americana - wood stork	F.	F	Inhabits forested wetlands/uplands near water. Nests in tops of trees in cypress or mangrove swamps
hijetelik umeneuna wood stork			Inhabits open water areas with fish, nests in tall structures and trees
Pandion haliaetus - osprey	Ν	SSC	near water
Podomys floridanus - Florida mouse	Ν	SSC	Inhabits sandhills, xeric oak scrub, sand pine scrub, and scrubby flatwoods. Uses gopher tortoise burrows
Sciurus niger shermani - Sherman's fox squirrel	N	SSC	Inhabits sandhills w/some pine, mesic flatwoods w/low ground cover
Alligator mississippiensis - American alligator	T(S/A)	SSC	Inhabits marshes, swamps, ponds, estuaries, Creeks
Drymarchon couperi - eastern indigo snake	Т	Т	Inhabits wetlands and uplands, particularly on xeric uplands and scrubby flatwoods
Gopherus polyphemus - gopher tortoise	N	Т	Sandhills, xeric oak scrub, sand pine scrub, scrubby flatwoods
Pituophis melanoleucus mugitus - Florida pine snake	N	SSC	Inhabits sandhills, xeric oak scrub, sand pine scrub, and scrubby flatwoods. Uses gopher tortoise burrows
Ursus americanus floridanusFlorida black bear	N		Inhabits dense forest, both upland and wetland, as well as encountered in other areas during its seasonal movements
T-Threatened E-Endangered SSC-Species Special Concern			· · · · · · · · · · · · · · · · · · ·

Threatened, Endangered and Species of Special Concern noted or have the potential to occur include:

Florida scrub jay (Aphelocoma coerulescens) – The scrub jay is a habitat specialist, requiring stands of scrub/sandhill communities. These stands need to be open, with a sparse subcanopy of saw palmetto and scrub oak to allow easy flight, and ample foraging habitat. No Florida scrub jays have been seen onsite. It is Listed under State and federal criteria.

Limpkin (*Aramus guarana*) - The limpkin is a reclusive bird that inhabits forested swamps, mangrove swamps and marshes. The limpkin feeds primarily on the native mollusk *Ampullariidae* commonly known as the Apple snail. Currently it is a State-Listed species of special concern, but FFWCC has recommended its list removal.

Little blue heron (*Egretta caerulea*), Snowy egret (*Egretta thula*), Tricolored heron (*Egretta tricolor*), and White ibis (*Eudocimus albus*) - These wading birds all have similar life histories, and inhabit marshes, lakes, Creeks, ponds and coastal systems. Each is currently State-Listed as Species of Special Concern. The FFWCC has recommended listing little blue heron and tricolored heron as threatened and recommended removal from the list for snowy egret, and white ibis. These species have been observed within wetlands near the creek systems.

Southeastern American kestrel (*Falco sparverius paulus*) - This is the resident subspecies of the kestrel, to be distinguished from its larger cousin, *Falco sparverius sparverius*, which is a winter visitor to Florida. The southeastern kestrel requires three components for optimal habitat: large, open fields for foraging, snags for nesting, and snags, fence lines or telephone poles as perching sites from which to hunt. It is a State-Listed threatened species. This species has the potential to occur.

Florida sandhill crane (*Grus canadensis pratensis*) - The Florida sandhill crane is a non-migratory subspecies of *Grus canadensis*. Sandhill cranes nest in shallow marshes and wet prairies, and forage for prey in the marshes and open fields. It is a State-Listed threatened species. Sandhill cranes have the potential to occur onsite.

Southern bald eagle (*Haliaeetus leucocephalus*) - The bald eagle is a species of interest due to its status as a national symbol and its special status under the Federal Bald Eagle Protection Act. Eagles can be seen flying over many habitat types, but they require water bodies for feeding, and large trees near feeding areas for nesting. This species is protected under the Federal Bald Eagle Protection Act. This species has not yet been noted onsite, but have the potential to occur. The FWC indicates that a bald eagle nest is present in the vicinity of the AMB. Field investigations to date did not reveal the location of that nest.

Wood stork (*Mycteria americana*) -This species requires feeding areas in the form of pools or ditches in which fish congregate and they nest in forested swamps. It is a federal-listed endangered species. Wood storks have the potential to occur, but no breeding colonies have been reported.

Red-cockaded woodpecker (*Picoides borealis*) - The colonial red-cockaded woodpecker (RCW) is a habitat specialist, requiring stands of over-mature longleaf pine that have contracted the red-heart disease for cavity building. These stands need to be open, with a sparse subcanopy to allow easy flight, and ample foraging habitat of younger pines surrounding the cavity trees. With the presence of mature longleaf pine uplands, suitable RCW habitat may occur on the site. No RCW's have been seen.

Sherman's fox squirrel (*Sciurus niger shermani*) - The Sherman's fox squirrel is the largest of the three fox squirrel subspecies that occur in Florida. While its population is declining, this squirrel is still fairly common within its optimum habitat of longleaf pine-turkey oak sandhills. It is State-Listed as a species of special concern. This species has not been observed but has the potential to occur on the AMB in pine forests as well as forested wetland areas.

American alligator (*Alligator mississippiensis*) - After being legally protected for several years, the alligator has made a population comeback, and are now fairly common in areas that will support them. Alligators can be found in most types of wetlands that have standing water and ample food supplies. While the alligator is listed as a listed threatened species it is subject to regulated hunts in Florida.

Eastern indigo snake (*Drymarchon corais couperi*) - The indigo snake is a habitat generalist, using a variety of habitats from mangrove swamps to xeric uplands. During winter months, however, it can typically be found in uplands utilizing the burrows of gopher tortoises (*Gopherus polyphemus*) as shelter. These snakes require large tracts of natural, undisturbed habitat. It is federal-listed threatened species.

Gopher tortoise (*Gopherus polyphemus*) - The gopher tortoise is a key component in the determination of habitat suitability for endangered species because of the large number of other animals that will use tortoise burrows for one or more of their life requisites. While it is common to find tortoises in uplands, the preferred habitats are xeric (scrub) uplands and high pine flatwoods. It is State-Listed as threatened. Gopher tortoises, as well as active burrows, have been noted on the AMB.

Florida pine snake (*Pituophis melanoleucus mugitus*) - This snake is another tortoise burrow commensal organism, utilizing both tortoise burrows and the tunnels of pocket gophers (*Geomys pinetis*). Preferred habitat of the pine snake is xeric (scrub) uplands, and to a lesser extent, flatwoods and other mesic uplands. It is listed as a State species of special concern. The pine snake has not been noted, but it has the potential to occur in pine uplands.

Gopher frog (*Rana capito*) - The gopher frog is a gopher tortoise burrow commensal organism, utilizing the burrows for shelter, and breeding in nearby wetlands. Prime gopher frog habitat includes xeric uplands, especially longleaf pine-turkey oak associations, with nearby (within one mile), seasonally flooded marshes or ponds. It is listed as a State species of special concern. This species has not been noted, but it has the potential to occur.

Florida mouse (*Podomys floridanus*) - The Florida mouse is one of the two mammal species that are endemic to Florida. It typically lives within gopher tortoise burrows in fire-maintained, xeric uplands. It is listed as a State species of special concern, but the FFWCC has recommended its removal from the list. This species has not been noted onsite, but it has the potential to occur.

Florida black bear (*Ursus americanus floridanus*) - Although the distribution of the black bear is patchy throughout Florida, it is believed to encompass the western portions of Hernando County. Preferred habitat of the black bear is dense forest, both upland and wetland, but the bear is often encountered in other areas during its seasonal movements. Palmetto fruit is an important component of the bear's diet. The availability of dense forests and low degree of development in and around the AMB implies a high likelihood of bear occurrence on the AMB. Bears have been noted in the region.

2.6 DEVELOPMENT POTENTIAL

Prior to the selection of this site for the AMB, TerraBlue Environmental investigated the potential for wetland impacts that could be assigned to future development within the geographic service area. In addition, TerraBlue Environmental investigated the potential for development on the AMB if the bank was not established. Though the property is recognized by SWFWMD as desirable for acquisition potential, the AMB is also suitable for commercial and/or residential development, as well as for additional, more intensive silvicultural harvesting within the forested communities, especially the harvesting of cypress or hardwoods for mulch and conversion to pine plantations. Adjacent lands not under conservation are suitable for development. There are realistic "without AMB" and "Existing" threats of continued degradation and risks if the AMB is not established. These are: 1) the sale of the property for development; 2) conversion to residential development; 3) continued intensive forested wetland & upland harvesting to install access roads for the removal of and to remove trees for timber markets and operations; and 4) continual degradation of ecologically valuable communities associated with revenuebased uses. The residential value of residential lots directly connected to springs, a springfed run and navigable creek which connects to the Gulf of Mexico is high. The ecological value of sustainable preservation, protection, restoration and enhancement on the AMB is vitally important to the Upper Coastal watershed. With establishment of the Aripeka Mitigation Bank, there are provisions that would prevent the elimination by development of rare upland habitats; and provisions for protection of any archaeological sites and site materials. If this property is not established as a mitigation bank it will be subjected to sale or development. The property is a highly desirable and undeveloped land in proximity to the Gulf of Mexico and Florida coast.

2.7 ARCHAEOLOGICAL RESOURCES

During TerraBlue Environmental's preliminary field investigations in 2014, no archaeological material was noted. The State Division of Historical Resources (DHR) has been contacted with respect to "Master File" identification of potential archaeological site material presence. DHR's response indicated no identified archaeological site material present on the AMB, but there is an identified site located at Osowaw Road, north of and within its right of way. The response is attached in Appendix III.

2.8 ECOREGION

The Environmental Protection Agency (EPA) defines an Ecoregion as an area of general similarity in ecosystem and in the type, quality, and quantity of environmental resources. They were defined to serve as a spatial framework for management, and monitoring of ecosystems. Ecoregions are directly applicable to resource regulation and management by state agencies, including: 1) development of biological criteria and water quality standards; 2) establishment of management goals for non-point-source pollution; and 3) integrated ecosystem management. North America has been divided into 15 broad, Level I ecological regions. North America has been further divided into 50 level II ecological regions that are intended to provide a more detailed description of the large ecological areas nested within the Level I regions. Level III ecological regions describe smaller ecological areas nested within Level II regions. Level IV ecological regions describe additionally separated ecological areas nested within the Level III areas. At level III, the continent currently contains 182 ecological regions. The Southern Coastal Plain Level III Ecoregion is nested within the Level II Mississippi Alluvial and Southeast USA Coastal Plains Ecoregion which is nested within the Eastern Temperate Forest Level I Ecoregion. Hernando County lies within the Southern Coastal Plain Level III Ecoregion. The AMB lies within the Gulf Coast Flatwoods Level IV Ecoregion and in proximity to Southwestern Florida Flatwoods Level IV Ecoregion.

The Southern Coastal Plain ecoregion extends from South Carolina and Georgia through much of central Florida, and along the Gulf coast lowlands of the Florida Panhandle, Alabama, Mississippi, and eastern Louisiana. The ecoregion is characterized by flat plains, as well as barrier islands, coastal lagoons, marshes, and swampy lowlands along the Gulf and Atlantic coasts. This ecoregion is lower in elevation, with less relief and wetter soils, than the Southeastern Plains ecoregion to its north. Natural vegetation was once dominated by longleaf pine flatwoods and savannas. This ecoregion also had and consists of other communities that support slash pine flatwoods, cypress, and mixed forested canopies.

2.9 OTHER

There is one small "staging" area which is situated on the northern boundary of the AMB land. It is excluded from the credit-acres but will remain included in the AMB conservation easement. It will be used by the GLSRT for storage, staging and administrative uses (Figure 5).



3.0 PROPOSED MITIGATION

3.1. GOALS, OBJECTIVES & ACTIONS

This mitigation plan identifies restoration and enhancement opportunities at the AMB and will describe actions to produce beneficial changes. The mitigation plan for the AMB includes proposed mitigation actions that will improve and protect on-site water management capabilities of approximately 367 acres located within the AMB. GLSRT's goal is to restore the AMB site to a more natural character, reminiscent of the way the property looked and functioned historically, a goal based on a watershed approach to restoration and enhancement of aquatic resources. This goal promotes preserved and enhanced watershed functions within the Upper Coastal watershed. Management of habitat for Listed and other wildlife species will be a high priority. Habitat restoration and enhancements.

The objective of this mitigation plan is to identify restoration and enhancement opportunities at the AMB, and describe general actions that will effect those changes. The objective of the AMB are to re-establish wetland functions within the Upper Coastal watershed by restoring, enhancing, preserving and managing ecologically sensitive and valuable habitats that support endangered and threatened (*Listed*) wildlife, and which are directly connected to the downstream waters and ecosystems. The objective of the AMB is to restore regionally significant landscapes by creating a regional mitigation bank that will also serve the needs of development interests in Hernando, Pasco, Pinellas, Hillsborough, Citrus and Sumter Counties, as well as the New Port Richey, Odessa, Lecanto, Brooksville, Crystal River, St. Petersburg, Clearwater, and Dunnellon areas.

Specific objectives include:

- Hydrologic and vegetative enhancement of wetland communities by re-establishment of hydrologic balance, surface water flows and wetland hydroperiods;
- Hydrologic and vegetative enhancement by rehabilitation, restoration and enhancement of harvested cypress communities;
- Hydrologic and vegetative enhancement of wetland and upland communities by rehabilitation/ restoration of natural communities clearcut and replanted in pine plantations;
- Vegetative/Habitat enhancement by rehabilitation/restoration of overgrown and fire-suppressed habitats;
- Habitat protection and preservation by execution of a conservation easement to prevent development and future degradation;
- Vegetative enhancement by facilitation of native vegetation regeneration in harvested communities;
- Wildlife enhancement, wildlife utilization potential, and management through hunting restrictions and invasive species controls;
- Vegetative enhancement by the introduction of prescribed burns within a preserved landscape; and
- Vegetative enhancement by exotic species control and treatments

To achieve the above specific objectives, specific mitigation actions will be completed. Approximately 296 acres of wetlands and 71 acres of uplands will be enhanced, restored and protected by establishment of the AMB. The targeted habitat types and success criteria which will result from these actions are described below and in Section 4.0. Because of the types of mitigation activities involved, it is anticipated that the AMB will require some long-term management after the natural systems are restored and become self-perpetuating. GLSRT will ensure that all necessary management activities will be completed and continued in perpetuity, as applicable. Proposed mitigation categories are shown on Figure 5.

In brief, the proposed mitigation actions to achieve AMB objectives include:

- AMB preservation and protection will occur by: 1) execution of a conservation easement; 2) control of unauthorized adverse impacts; and 3) installation of additional fencing with gates.
- Hydrologic enhancement of wetland communities will occur by: installation of low water water crossings and ditch plug(s).
- Vegetative enhancement of wetland communities will occur by: removal and/or thinning of planted pines, replanting cypress, installation of low water water crossings and ditch plug(s) and treatment of exotic species to ≤1% maintained coverage.
- Vegetative enhancement of upland communities will occur by: 1) substantial thinning of planted pines, mechanical reduction of overgrown shrub layers, and application of prescribed burns; 2) planting scrubby

flatwoods species in food plots; 3) installation of hydrologic improvements in adjacent wetlands; and 4) treatment for exotic species to $\leq 1\%$ coverage.

- Wildlife enhancement will occur by: 1) extending the AMB's perimeter fence with locked gates and/or similar locking devices on access points to control unauthorized access and hunting activities; 2) implementing land uses compatible with AMB habitats; 3) reducing feral hog populations; and 4) hydrologic and forestry stewardship actions which promote recruitment of desirable habitat conditions for native species. These actions maintain and improve habitats for potential Listed species, in particular, the wetland-dependent species.
- Archaeological protection will occur by: identification, protection and preservation of any noted archaeological resources via DHR protocols.
- Implementing a monitoring program to ensure mitigation success criteria are met.

3.2 VEGETATIVE ENHANCEMENT: FORESTRY STEWARDSHIP ACTIONS

Implementation of vegetative improvements, such as prescribed burns, pine tree reduction, mechanical shrub reduction and control of exotic vegetation, will restore, improve and protect onsite vegetative communities. These forestry management practices and appropriate game management will maximize the diversity of habitats and populations of native flora and fauna. AMB vegetative preservation, enhancement and restoration goals and objectives will be achieved by correcting correcting activities that occurred as part of an agricultural and/or silvicultural activity.

A Forestry Stewardship Plan (FSP) has been developed for the AMB. The goals and actions to accomplish vegetative enhancement are more fully described in the FSP (*Attached*). Success from these actions are described in Section 6.0 herein.

In brief, vegetative enhancement actions to achieve targeted success are:

- Cease harvesting cypress from wetlands and harvesting within wetlands;
- Cease site-prep/tree clearing of natural communities;
- During thinning, remove bedding effects, as practical, from bedded pine rows;
- Remove and/or thin planted pines from historic native habitats;
- Thin pine trees within pine plantations and maintain basal areas for pine flatwoods;
- Complete and maintain prescribed burns as appropriate for the targeted habitat type, to reduce the densely overgrown vegetative composition and facilitate regrowth of fire-dependent native species and to restore native community structure and functions;
- Plant native species in targeted areas to augment native species regeneration;
- Removal, thinning and selective reduction of canopy trees and overgrown, undesirable shrub layers. These actions will be completed by thinning and/or mechanical reduction techniques;
- Hunt and/or trap feral hogs for the benefit of habitat and wildlife; and
- Treat exotic species for control by herbicidal applications

Vegetative improvements and appropriate wildlife management will be used to produce optimal diversity of habitats and species populations. The Forestry Stewardship Plan describes the specific forestry improvements and methods to achieve those improvements in detail. A draft burn plan, subject to finalization and agency approval(s) prior to conducting any burns, describes the proposed prescribed burn program described in the FSP (*attached herein*).

3.3 HYDROLOGIC ENHANCEMENT ACTIONS

Implementation of hydrologic improvements, such as installation of low water crossings or culverts and/or ditch plug(s), together with implementation of forestry stewardship actions, will enhance and protect/preserve on-site water management capabilities and habitats, as well as species populations.

AMB hydrologic preservation and enhancement goals and objectives are:

- Re-establish surface water flows, "hydrologic balance," and wetland hydroperiods;
- Hydrologic ehancement of historically connected forested wetlands;
- Reduction nondesirable FAC/FACW species and/or increase in OBL/FACW species;
- Eliminate artificial hydrological drainage from manmade ditch; and
- Preservation and protection of significant water resources on the AMB.

The objectives of the AMB are to re-establish wetland functions within the Upper Coastal watershed by restoring, enhancing, preserving and managing ecologically sensitive and valuable habitats that support endangered and threatened (*Listed*) wildlife, and which are directly connected to the downstream waters and ecosystems that include but are not limited to the Indian Bay estuary and Gulf of Mexico.

The above hydrologic preservation and enhancement goals and objectives will be accomplished by the following applications:

- Execution of a mitigation bank conservation easement;
- Install several site-specific low water crossings within AMB roads;
- Install ditch plug(s) in excavated ditches to reduce artificial drainage effects in AMB wetlands;
- Remove hydric pine plantations to restore historic cypress/hydric hammock communities;
- Plant native wetland species to restore community structure from hydric pine plantations; and
- Control and treat exotic plant species from within wetlands

The above specific applications would serve to restore hydrologic balance between bisected wetlands and restore historic hydrologic connnections between several forested wetland systems. These applications minimize activities that require long-term success criteria yet maximize ecological function with the least amount of artificial manipulation.

The springfed run and creek systems hydrate AMB floodplain wetlands. Each have a network of multiple, branching flowways. Within normal or average periods the AMB floodplain wetlands are hydrated and functional. AMB wetlands also affect water volumes in the Indian Creek Bay. Surface water flows from the hydrologically connected swamps on the AMB toward and into vicinity creeks, springfed runs and springs which include regionally significant Weeki Wachee Preserve waters and wetlands, among others. Topographic and hydrologic information was gathered through the review of historic aerial photographs, USGS Quadrangle Maps, SWFWMD data, the Hernando County Soil Survey, and numerous field investigations. Site investigations have been made following rainfall events, and information has been gathered through direct observations of the general drainage patterns onsite. General hydrological maps for the AMB, which include maps showing the locations of existing culverts, ditches and observed drainage patterns, are shown in Figure 8a. From this information, the areas which will be preserved and/or improved by the proposed hydrological enhancements have been identified and are denoted as mitigation categories having hydrologic enhancement in Table 4 and Figures 5 & 8b. Because the springfed run and creek systems are regionally significant they will be protected and preserved.

Field investigations have shown that there are several timber roads which obstruct the natural flow of water between bisected wetlands. Because of this, permanent and stabilized improvements, such as low-water crossings, will be added to existing roads. It is anticipated that Mitigation Categories W3-W6 will be enhanced by the installation of 5 low water crossings in road areas constructed between wetland systems to allow the natural sheet flow of water between severed or altered wetlands, removing obstructed water passage, restoring hydrologic balance to these wetlands, and eliminating road washouts (*Figure 8b*). This restores historic sheet flow that will provide enhancement to "downstream" and "upstream" wetlands. The restoration of normalized sheet flow, however slight or substantial, will provide enhancement to "downstream" wetlands by allowing increased water elevations for a longer duration on the bank site. By the same token, water logged "upstream" wetland waters will flow across to the bisected wetlands, as they did prior to construction of the roads. These improvements will not have any adverse impacts on adjacent properties. Instead, their installations will ensure that there is perpetual hydrological enhancement to onsite wetland landscapes. The low water crossings will be constructed in accordance with as-built permitted criteria, according to the criteria shown in the AMB construction drawings. The 5 low water crossings will be constructed within the footprint of the existing road(s) to match wetland grade on either side of the road(s), and will act as broad-crested weirs capable of passing base and peak flows. They will be constructed of stone to provide vehicle support and stability when submerged during the wet season. They will be stabilized and roadway stabilization will prevent future erosion and sediment transport into adjacent wetland areas. Because hydrology has been affected in these wetlands, hydrologic improvements for hydrologic enhancement benefits are proposed for the AMB.

Field investigations have shown that there are several ditches on the AMB. One directs water northward offiste through a culverted feature under Osowaw Road. Another interior ditch was excavated between two pine plantations. Another was excavated for the construction of an elevated bridge approach road where the road crosses over Indian Creek and the floodplain swamp. The northern ditch, which drains water offsite, contributes to altering the historic drainage patterns and hydrology onsite. Thus, onsite drainage has the potential to alter and influence the function of AMB wetlands. Hydrologic improvements are anticipated by the installation of 1 ditch plug. A ditch plug in the one ditch (*Figure 8b*) will be strategically added to remove this artificial drainage effect, which will in turn assist with water storage capabilities. It will be constructed according to the criteria shown in the AMB construction drawings. It will be stabilized to prevent erosion and sedimentation. Therefore, artificial (ditch) drainage features will be altered, controlled or eliminated by the installation of ditch plug(s).

Portions of the pine plantation areas have been subjected to some level of mechanical bedding, constructed to ensure the survial and growth of the planted pines by allowing the pines to grow at higher elevations than natural grade. The bedding consists of alternating shallow berms. These bedded rows have the potential to disrupt the natural hydrology of the wetlands by creating shallow swales that channel water away from the planted pines. Bedding reduction is anticipated as a result of thinning activities during thinning operations. The intention is that the bedded row effect will dissapate by the machinery that is used to remove the planted pines. It is anticipated that the rows will sufficiently return to adjacent wetland grade, without the need to perform more disruptive mechanical leveling later that would unnecessarily destroy the existing native trees, shrubs and groundcover. By removing or flattening the beds, historic surface water hydrology and soil types will be restored. No further bedding will be done within the AMB.

The completion of a combination of hydrologic improvement activities, together with implementation of forestry stewardship actions, will enhance on-site water management capabilities. The combination of hydrologic improvements not only would reasonably enhance AMB wetlands but also contribute to the health and prosperity of the Upper Coastal Basin, Indian Creek and Indian Creek Bay, and AMB uplands for wetland dependent species. Locations, dimensions and construction details are shown on attached figures and engineering plans.

3.4 WILDLIFE MANAGEMENT ACTIONS

Improving wildlife utilization is a component of mitigation banking plans. Management of habitat for Listed and other wildlife species will be a high priority. All portions of the AMB will be managed for the benefit of wildlife. Appropriate management techniques described below will be used to produce optimal diversity of habitats and species populations. Wildlife management will focus on increasing the availability of food, water and shelter. Implementation of hydrologic and vegetative enhancement/restoration actions will improve and protect onsite habitats for a variety of wetland-dependent species. An integral goal of the proposed mitigation is to maintain and improve habitat for Listed and wetland-dependent species. Specific techniques described in AMB plans will be used to increase the availability of food, water and shelter to wildlife. Once established, the AMB will be capable of supporting a variety of protected species of wildlife. Several Listed Species are known to or could potentially inhabit the AMB and an integral goal of the proposed mitigation is to maintain or improve habitat for these species, in particular, the wetland-dependent species. The AMB could easily support a variety of Listed Species, which should increase through implementation of the proposed Mitigation Plan. Those species and their potential to occur were described in Section 2.5 of this Plan. Although a greater number and diversity of animal species are expected to occur as a result of implementation of the AMB, their presence is not proposed to be a success criterion for the release of credits, and will not be verified through monitoring. The above measures are wildlife management tools which the GLSRT will utilize.

Passive recreation is allowed on bank sites if there is no significant ecological degradation anticipated by those passive recreational activities. This means restricted human interference or interaction with habitat and wildlife. Passive recreation is likely to include hunting, bird watching, hiking, and other similar, non-destructive uses of restored, enhanced or protected habitats. These activities do not require permanent structures and are non-invasive.

Hunting is typically authorized on mitigation bank sites since it is consistent with a bank's management of ecological functions and values. In general, private hunting by the property owner or a limited number of "hunt

club members" is authorized, but general public ingress is discouraged. Wildlife game species have been hunted on the AMB over the years by its GLSRT landowner. There are no hunt clubs, but private hunting by the GLSRT and/or GLSRT's invitees is authorized. However, there is also hunting by trespassers poaching from the AMB. The poaching activities have likely had an adverse impact on game species populations. These conditions are expected to continue without establishment of a mitigation bank. Appropriate signage will be installed for increased security and wildlife protection measures to identify the AMB's conservation classification and prohibitions for trespassing, poaching and unauthorized hunting.

Though likely not excessive at this time, there are feral hogs on the AMB. Left to breed without management controls, feral hogs have the potential to cause significant damage to the vegetative composition of natural communities. Control of feral hogs by hunting and/or trapping is another wildlife management tool beneficial to the AMB landscape, and a tool which will be employed on the AMB. Authorized hunting with respect to controlling feral hog populations and authorized hunting for game species by the GLSRT and GLSRT's authorized invitees would be beneficial to mitigation bank habitats. Responsible hunting has long been recognized for the benefits to wildlife management. Hunting prevents over population and over exploitation of resources. The primary objective of allowing private hunting abilities on the AMB is to maintain healthy wildlife populations which do not exceed the carrying capacity of the land and ultimately degrade available habitat. Over exploitation of the resources can have negative consequences on a wide variety of game and nongame species. The Hunt Plan describes the objectives and actions associated with hunting on the AMB ((*Appendix II*)).

3.5 ARCHAEOLOGICAL PROTECTION ACTIONS

During TerraBlue Environmental's field investigations in 2014--2015 no archaeological material was noted. Because there could be archaeological material present, State Division of Historical Resources (DHR) was contacted for their review and comment prior to permit application submittals. DHR was contacted with respect to "Master File" identification of archaeological site material presence. By review of the Master File, no sites on GLSRT land were noted by the DHR. Protection of potential cultural resources on the AMB is a priority. A program to facilitate the protection of archaeological resources will be initiated via this method: if archaeological resources are found within the AMB, provisions will be made to ensure that the resources on the AMB site receive protection according to the DHR recommendations. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within a targeted mitigation area, the Florida Department of State, Division of Historical Resources would be contacted. In the event that unmarked human remains are encountered during or prior to AMB restoration or enhancement activities, work shall stop and the proper authorities notified in accordance with Section 872.05, Florida Statutes. Because this is a proposed mitigation bank with almost no earthwork, archaeological protection, if materials are found on the AMB, would be relatively straightforward. DHR correspondence describing their findings from the Master File is shown in Appendix III.

3.6 PRESERVATION ACTIONS

All of the mitigation methods listed above will be implemented following issuance of a permit. An approved conservation easement will be recorded in the pubic records of Hernando County to ensure preservation of the AMB. A draft conservation easement is provided in Appendix III.

The GLSRT will install and/or maintain a minimum of 6 gates with/without connective fences along potential access points adjacent to Osowaw Road to prohibit access and use by unauthorized personnel. GLSRT will install gates with fence and signage in several locations: 1) where the AMB joins SWFWMD land to its east; and 2) along Osowaw Road near the northeastern segment of the AMB to inhibit trespassing onto the AMB (*Figure 11*). Appropriate "No Trespassing/Access Prohibited--Conservation Area (Aripeka Mitigation Bank Site)" or similar signage which identifies the AMB as a preserved, enhanced landscape and prohibits unauthorized access and uses contrary to the AMB, with specific prohibitions for trespassing, poaching and unauthorized hunting, will be posted along appropriate AMB boundaries and on potential access points. No fences will be erected at the AMB boundary where it lies adjacent to internal floodplain wetlands to avoid fragmentation of wildlife corridors for species such as the Florida black bear. Access will be restricted and dedicated uses will be authorized only by GLSRT. These efforts would compliment wildlife management efforts. Existing roads and any firebreaks will be clearly marked (*Figure 12*).

4.0 PROPOSED MITIGATION CREDITS

4.1 CREDIT RELEASE METHOD

The Aripeka Mitigation Bank will be established in one phase. Approximately 296 acres of wetlands and 71 acres of uplands will be enhanced, restored, preserved and protected by establishment of the AMB. Acreages and credits available for each vegetative community and targeted mitigation category within the AMB are shown on the attached Figures 4 & 5 and Tables 1, 4 and 5. Credits are proposed to be released through a combination of implementation of specific tasks or programs, and meeting specific success criteria. An initial credit release will be issued upon placement of the conservation easement and execution of financial assurance mechanism(s).

As credits are released to the AMB, GLSRT will be permitted to withdraw and sell AMB credits to offset wetland impacts from private and public sector clients to compensate for wetland impacts on projects within the approved geographic service area of the AMB. The credits necessary to offset specific wetland impacts will be based upon the type and quality of wetlands being impacted by the project(s) and is subject to agency approval. A running total of credits and debits will be maintained by GLSRT and reported to the agencies, as appropriate. Each permit application that proposes to use the AMB will contain an up-to-date account of the credits available, credits used, and the number of credits proposed to offset the project impacts. Simultaneous with issuance of the permit authorizing wetland impacts and the use of the AMB for mitigation credits, SWFWMD will verify all changes to the credit balance and process the modification to the AMB permit.

4.2 MITIGATION CATEGORIES AND CREDITS

Wetlands and uplands will be enhanced by actions described in Section 3.0. The targeted communities and overall enhancement actions to achieve the targeted conditions are described under the mitigation category classifications presented below. There are several different mitigation categories, each with preservation and/or enhancement-restoration targeted components. The credits are derived according to the criteria listed in Tables 4-5. The Uniform Mitigation Assessment Method (UMAM) was used to calculate the Relative Functional Gain (RFG) or number of credits for each mitigation category. The amount of credits available for the AMB will be the product of a multiplier based on the UMAM-scored variables, the acreage of each mitigation category type, and the tasks completed or success criteria met. Preservation is a compensation factor by not only ensuring onsite protection from development but also ensuring protection from and cessation of harvesting in wetlands. Each of the targeted mitigation categories will receive protection/hydrologic enhancement and/or vegetative enhancement through implementation and completion of mitigation-based efforts described herein. Table 4 below provides a summary of the proposed mitigation categories, acres and UMAM credits.

Table 5 below provides the % of credits and number to be released by completion of mitigation task or success criteria for mitigation categories receiving enhancement (W3-W6, U1, U3-U4). Mitigation Categories to be preserved will receive 100% of their credits when: 1) Conservation easement is recorded; 2) Mitigation & Forestry Stewardship Plans Implemented; 3) Security (ie fencing/gates) are installed; & 4) Financial assurance mechanisms are executed.

It is anticipated that establishment of the AMB, cessation of harvesting in the forested wetlands, and recordation of the AMB conservation easement will preserve Mitigation Categories W1-W8, and U1-U6. It is anticipated that installation of site-specific hydrologic improvements will hydrologically enhance Mitigation Categories W3-W6. It is anticipated that forestry stewardship actions and exotic plant species control treatments from within wetlands will vegetatively enhance and/or restore Mitigation Categories W3-W6. It is anticipated that the introduction of forestry stewardship actions and conversion from pine plantations will vegetatively enhance Mitigation Categories U1, and U3-U4 with associated benefit to wetland dependent species which utilize the upland communities. The credits will be derived according to the criteria applied using the Uniform Mitigation Assessment Method (UMAM). The amount of credits available for the AMB will be the product of a multiplier based on the calculated credits, the acreage of each mitigation category type, and the tasks completed or success criteria met.

The AMB has the potential to generate 38.62 total UMAM credits, comprised of: 25.78 freshwater forested, 0.09 freshwater nonforested, 12.59 upland forested, and 0.16 estuarine credits. The credit ledger will reflect the following: 0.16 estuarine credits, 38.27 forested credits and 0.19 nonforested credits.



It is anticipated that all of the mitigation tasks and programs will be implemented upfront, prior to the request for credit release. Therefore, GLSRT proposes to use the "prior completion" provision of the agency rule which removes the requirement to provide financial assurance for construction. If GLSRT is unable to complete the construction activities upfront, the appropriate financial assurance mechanism will be provided for execution.

Mit ID	Targeted Habitat Types	Acres	Credits UMAM
W1-Creek/Spring Run Preservation	Riverine (510)	1.92	0.10
W2-Floodplain Forested Components Preservation	Floodplain Wetlands (615)	230.40	18.43
W3-Cypress Wetlands Enhancement	Cypress (621)	14.17	1.70
W4-Hydric Pine Plantation to Cypress Enhancement	Cypress (621/624)	6.94	0.76
W5-Hydric Pine Plantation to Hydric pine flatwoods Enhancement	Hydric pine flatwoods (625)	24.59	3.69
W6-Mixed Forested Wetlands Enhancement	Mixed Forested Wetlands (630)	11.01	1.10
W7-Freshwater Marsh Preservation	Freshwater Marsh (641)	1.77	0.09
W8-Estuarine Salt Marsh Preservation	Estuarine Wetlands (642)	5.45	0.16
AMB Wetlands Subtotal for Credits		296.25	26.03
U1- Pine Plantation to Pine Flatwoods Enhancement	Pine Flatwoods (411)	22.74	6.37
U2-Pine Flatwoods Preservation	Pine Flatwoods (411)	8.98	0.99
U3- Food Plots to Scrubby Flatwoods Enhancement	Scrubby Flatwoods (419)	9.95	2.09
U4- Pine Plantation to Scrubby Flatwoods Enhancement	Scrubby Flatwoods (419)	7.99	1.52
U5-Mesic Hammock Preservation	Mesic Hammock (434)	18.26	1.46
U6–Sand Pine Scrub Preservation	Sand Pine Scrub (413)	1.31	0.16
AMB Uplands Subtotal for Credits		69.23	12.59
Totals Credit Acres & Credits		365.48	38.62

Table 4	Targeted Mitigation	Categories	Acres &	UMAM Credits
	Laigulu Milligaliun	Calleon Calleon	ALICSU	

Fluccs	Habitat	Non Credit Area Description included in Conservation Easement	Acres	Credits			
740	Roads	Roads	1.56	NA			
100	Staging Area Uplands	Staging Area	0.37	NA			
512	Ditch	Ditch	0.02	NA			
Total NonCredit Acre Area in Conservation Easement 1.95ac							
TOTAL ACRES UNDER CONSERVATION EASEMENT: CREDIT/NONCREDIT ACRES = 367.43 Acres (296.27 Wet & 71.16 Up)							

Potential Hydrologic Enhancement Actions Temporary	Approximate Dimensions	Approximate
Wetland Impact Area		Acres
1 Ditch Plug within 0.02 acres ditch	10' x 10' = 100 sq' x 1	≤ 0.002 acres
5 Low Water Crossings within roads with temporary impacts	Variable lf x width x 5	<i>≤0.22 acres</i>
	<i>LWC1=0.07ac</i> 621; <i>LWC2=0.05ac</i> 615; <i>LWC3=0.01ac</i>	
	441w; LWC4=0.07ac 441w; LWC5=0.02 441w	

With hydrologic works there is the potential for temporary impacts during the enhancement process. These are within an existing ditch and road footprint areas. The engineering construction plans show cross and plan view segments for each. The 69.23 upland acres provide credits from enhanced/preserved acreage which is beneficial to wetland dependent species and which provides buffers to connective wetlands throughout AMB.

Table 4a. Summary of existing vs targeted mitigation categories and actions to achieve targets

Existing FLUCCS	Mit ID	Target	Mitigation Action Description	
615	W1 Creek /Spring Pup Preservation	615	Hydrologic-Vegetative-Wildlife Preservation—	
	WI-Creek/Spring Run Treservation		Vicinity HydrologicImprovements/ExoticSpecies Control/ Wildlife Management	
615	W2 FloodplainWatlands Procession	615	Hydrologic-Vegetative-Wildlife Preservation—	
015	5 w2-Floodplain wetlands Preservation		Vicinity Improvements/ExoticSpecies Control/Wildlife Management	
(21 W2 Common Wetlands Enhancement		601	Hydrologic-Vegetative-Wildlife Enhancement—	
021	w 5-Cypress wettands Enhancement	021	HydrologicImprovements/ExoticSpecies Eradication/Wildlife Management	
441	W4-Hydric Pine Plantation toCypress	621	Hydrologic-Vegetative-Wildlife Restoration—	
441W	Enhancement	021	Hydrologic-Vegetative Improvements/ExoticSpecies Control/Wildlife Management	
441	W5-Hydric Pine Plantation to Hydric Hydrologic-Vegetative-		Hydrologic-Vegetative-Wildlife Enhancement—	
441W	pine flatwoods Enhancement	625	Hydrologic-Vegetative Improvements/ExoticSpecies Control/ Wildlife Management	
620	W6-	620	Hydrologic-Vegetative-Wildlife Enhancement—	
030	MixedForestWetlandsEnhancement 630		HydrologicImprovements/ExoticSpecies Eradication/ Wildlife Management	

641	W7-Freshwater Marsh Preservation	641	Preservation—ExoticSpecies Control/Wildlife Management
642	W8-EstuarineSalt Marsh Preservation	642	Hydrologic-Vegetative-Wildlife Preservation— Vicinity ExoticSpecies Control/ Wildlife Management
441	U1- Pine Plantation to Pine Flatwoods Enhancement	411	Vegetative-Wildlife Enhancement— Exotic Control/VegetativeThin/Burns/ Revegetation /Wildlife Management
411	U2-Pine Flatwoods Preservation	411	Vegetative-Wildlife Preservation— Vicinity Improvements/ExoticSpecies Control/ Wildlife Management
215	U3- Food Plots to Scrubby Flatwoods Enhancement	419	Vegetative-Wildlife Enhancement— Exotic Control/VegetativeThin/Burns/ Revegetation /Wildlife Management
441	U4- Pine Plantation to Scrubby Flatwoods Enhancement	419	Vegetative-Wildlife Enhancement— Exotic Control/ VegetativeThin/Burns/ Revegetation /Wildlife Management
434	U5-Mesic Hammock Preservation	434	Vegetative-Wildlife EnhancementExotic Control/Wildlife Management
413	U6–Sand Pine Scrub Preservation	413	Vegetative-Wildlife Preservation— Vicinity Improvements/ExoticSpecies Control/Wildlife Management

							Credits	s by N	litigat	ion Cate	gory b	y Tasl	k/Acti	on			
			W1	W2	W3	W4	W5	W6	W7	W8	UI	U2	U3	U4	U5	U6	
ep	Task	*	NFW	FW	FW	FW	FW	FW	NFW	Estuarine	UF	UF	UF	UF	UF	UF	Total
		*	P*	Р	E	E	E	Ε	Р	Р	E	P	Ε	E	Р	Р	Credits
	Total Credits by Mitigation Category &	% Release	0.10	18.43	1.70	0.76	3.69	1.10	0.09	0.16	6.37	0.99	2.09	1.52	1.46	0.16	
	Cease harvesting in Wetlands, Record Conservation Easement, Execute Financial Assurance Mechanism(s) & Installation of Security Measures: Fencing & Gates	100% all Preservation (P) Categories	0.10	18.43					0.09	0.16		0.99			1.46	0.16	21.3
1	1) Cease harvesting in Wetlands, Record Conservation 12 Cease harvesting in Wetlands, Record Conservation 13 Ceasement & Execute Financial Assurance Mechanisms, 14 Implement Overall FSP & MitigationPlan. Installation of 14 Security Measures: Fencing & Gates; 2) Complete hydrologic enhancement activities-low-watercrossings & ditch plags etc; 3) 15 Complete initial thinning/harvests, prescribed burns / Plant ing per ForestryStewardshipPlan (FSP); and 4)Complete initial exotic vegetative control treatments per Fonstry Stewardship Plan																
-		Total Credit Rel	ease Upon	Complet	ion Step	1 Per Mi	igation (Category	(Preserv	ation Only	Credits)						21.3
2	Interim Sucæss:documented evidence trending towards successperFSP & Mit Plan Tables / Plant Lists 6A-6G. Interim Credit Release by Mitigation Category Success Completion								,								
					_		-	-	-	-	-				—		
2	Final success:documented evidence success criteria achieved perf/SP&Mit Plan Tables/PlantLists 6A-6G. Credit Release by Mitigation Category Success Completion														_		
	Final success:documented evidence success criteria achieved perFSP&Mit Plan Tables/PlantLists 6A-6G. Credit Release by Mitigation Category Success Completion	100% all Enhancement (E) Categories			1.70	0.76	3.69	1.10			6.37		2.09	1.52			17.23
-		Total Contra Dal	77.	0.1	Contraction of the second	20.10			CT.L		0.10				-	-	



4.3 SPECIFIC TARGETED MITIGATION CATEGORY DESCRIPTIONS

Mitigation Category W1 - Indian Creek/Spring Run Preservation - These habitats will be preserved to become protected spring and creek waters. Justification for the conservation of interconnected and diverse habitats is well established. Conservation ensures protection of, as well as enhancement of, environmentally sensitive lands which comprise Aripeka Mitigation Bank's Mitigation Category W1 riverine community. Conservation ensures protection of wildlife habitat, protection of threatened and endangered species, protection of keystone wildlife populations, preserves biodiversity and encourages preservation of natural vegetation. Indian Creek and the springfed run, all non-sovereign, are significant and important waters of the AMB. From east to west, they hydrate the AMB and bring freshwater to the Indian Bay estuary at the northwestern corner of the property. This community represents the spring and creek waters which flow through and across the AMB and supports AMB's extensive floodplain wetlands. This interconnected system directly connects to Indian Creek Bay and its ecological function is dependent on the floodplain, as is the floodplain dependent on these springfed runs, seepage springs and Creek. This habitat is open water. The targeted community will remain protected by its preservation and potential clearcutting, bedding, and plantation planting to the riverine embankments will be prevented. All adjacent wetland canopy tree harvesting will cease. These measures will promote the functional integrity of the integrally connective wetlands important to these waters. The Creek and springfed run contain flowing water. Their depths and widths vary from several inches deep to more than 4 feet deep and from <10 to >30 feet wide. The embankments are shallow and clayey. Benthic composition is sand with a mix of organics. Submerged aquatic vegetation is essentially absent except near the confluence with Indian Creek Bay. The creek and springfed run are heavily canopied and therefore not easily discernable by aerial interpretation. It is anticipated that with bank establishment, the canopy trees fringing the riverine systems will be comprised of desirable species to support the riverine habitats. Exotic species were not noted to date. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come. The anticipated wildlife includes (but not limited to): great blue heron, water moccasin, American alligator, raccoon, river otter, manatee, larg-mouth bass, Florida gar, forage fish, mosquitofish, southern bald eagle, osprey, various songbirds and other wading birds, mud turtle, wood stork, red-shouldered hawk, and FL black bear. As shown in Table 6, by the above actions, there is final success criteria with its credit release associated with success.

Mitigation Category W2-Floodplain Wetlands Preservation -- This habitat will be preserved to become a protected floodplain wetland with its mosaic of forested hammocks interspersed with deeper swamp components. This community represents the extensive floodplain wetlands surrounding and supporting AMB's spring and creek waters. This interconnnected system directly connects to and surrounds Indian Creek onsite and its ecological function is dependent on Indian Creek, as is the Creek dependent on the floodplain. Conservation ensures protection of, as well as enhancement of, environmentally sensitive lands which comprise Aripeka Mitigation Bank's Mitigation Category W2 floodplain community. Conservation ensures protection of wildlife habitat, protection of threatened and endangered species, protection of keystone wildlife populations, preserves biodiversity and encourages preservation of natural vegetation. By establishment of the AMB, GLRST recognizes the importance of protecting and enhancing these interconnnected and diverse habitats. AMB's conservation landscape was designed with protection and enhancement, as well as preservation of the functional integrity of AMB's regionally significant wetlands and waters. The targeted community will remain protected by its preservation and intensive silvicultural practices such as clearcutting, bedding, and plantation planting will cease. All wetland canopy tree harvesting will cease. These measures will promote the functional integrity of forested wetlands which will be preserved and managed in their natural state, with as little human intervention as possible. With bank establishment and protection, the pre-bank condition is expected to remain intact with its relatively closed canopy. The trees are hummocked with cavities beneath surface roots. The dominant canopy species noted are: cabbage palm (Sabal palmetto), red maple (Acer rubrum), southern magnolia (Magnolia grandiflora), swamp bay (Persea palustris), pop ash (Fraxinus caroliniana) and loblolly bay (Gordonia lasianthus). Shrub layers are variably dense. Groundcover layers are predominately absent, but where groundcover is present, the dominant species are: swamp fern (Blechnum serrulatum), Virginia chainfern (Woodwardia virginica), cinnamon fern (Osmunda cinnamomea), sawgrass (Cladium jamaicense), and beakrush (Rhyncospora sp.). Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. With bank establishment and protection, the pre-bank vegetative condition is expected to contain desirable species, species



typical for these wetlands, such as those described in Table 6 and Plant List 6. Exotic species were not noted to date. Left unmanaged, exotic species have the potential to encroach and displace native communities. Pre-bank infestation levels will be documented during the Baseline monitoring event. It is anticipated that this community will be vegetatively enhanced by future treatment of applicable exotic species, if noted. These actions would maintain an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. In its existing, pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come, and the anticipated wildlife includes (*but not limited to*): river otter, mud turtle, wood stork, southern bald eagle, swallowtail kite, woodpeckers, Florida sandhill crane, great blue heron, osprey, red-shouldered hawk, barred owl, various songbirds and other wading birds, Florida black bear, American alligator, bobcat, white-tailed deer, water moccasin, and raccoon. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of preservation actions are provided in Sections 3.1-3.6 "Actions," success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Extensive pedestrian field investigations documented pre-bank

vegetative composition across this community. As shown in Table 6, by these actions, there is final success

criteria with a credit release associated with success.

Mitigation Category W3--Cypress Wetlands Enhancement – This habitat will be enhanced to become an enhanced cypress community. This community is cypress, predominately located along AMB's northern boundary. The acreage of cypress has disappeared by harvesting and replanting with slash pines. It is a community on the AMB which once formed a contiguous strand connecting with floodplain wetlands but which is largely separated from them by converted pine plantations. Roads were constructed between each of the cypress stands, an action which disrupts water levels and hydroperiods. These actions may have allowed shifts in vegetation and an infestation of exotic species within. Because of these conditions, enhancement actions to benefit and improve this community are proposed. This habitat will be hydrologically enhanced by several improvement efforts, and it is anticipated that these actions will result in a more naturalized sheetflow and reduce "flashy" inundation periods. Because the planted pine stands are adjacent to these wetlands, slash pines have volunteered and/or been planted in them. Slash pines will be selectively reduced to less than 20% average cover to the extent practicable in order to benefit the natural community composition, structure and function. Selective thinning will assist with the recovery of a natural landscape. With bank establishment, adjacent communities will be enhanced and these cypress communities will become functional connections to onsite floodplain wetlands. As described in Section 3.2, by completion of hydrologic improvements this mitigation category area should either show: 1) a longer duration of saturation, that stages and hydroperiod are appropriate; or 2) the presence of desirable shrub/groundcover species from data collected by vegetative monitoring event(s). Data should indicate species typical for these wetlands, such as those described in Table 6A and Plant List 6A. Exotic species such as Brazilian pepper and Lygodium were noted with an approximate $\geq 1\%$ cover. Left unmanaged, exotic species have the potential to displace native communities. Pre-bank infestation levels will be documented during the Baseline monitoring event. It is anticipated that the cypress community will be vegetatively enhanced by the treatment of noted species. These actions would continue to reduce and/or maintain an infestation level to <1% for exotics and <5% for nuisance species. In its pre-bank condition, the presence of native animal species noted has been rare. Though not a measure directly associated with credits, with bank establishment and enhancement, it is anticipated that species will come, and the anticipated wildlife may include (but not limited to): songbirds and other wading birds, Florida black bear, bobcat, white-tailed deer, water moccasin, wild turkey, armadillo, gray squirrel, Sherman's fox squirrel, southeastern Am. kestrel, eastern indigo snake, and raccoon. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions," success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Baseline hydrologic data collection will be initiated at least 4 months prior to permit issuance. Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. However, Baseline vegetative documentation, to be completed upon permit issuance, will document the pre-bank conditions using established transects for this targeted community. Subsequent water level data collection and annual short-term monitoring events will be used to provide measurable documentation for the successful enhancement of the mitigation category. As shown in Table 6A, by these actions, there is an interim credit release associated with an interim success criteria stage(s) to document how this area is trending towards success, and final success criteria with a final credit release associated with success.

Mitigation Category W4 -- Hydric Pine Plantation to Cypress Enhancement – This community will be enhanced from its altered and densely planted pine plantation condition to become cypress wetlands. As stated under existing conditions, impacts such as man-made features and conversion from cypress to pine plantation habitats have degraded and converted these natural wetlands. This community was densely planted with slash pine in 2001 and 2005. Since then pine coverage diminished, and this altered community contains patches of pine trees ranging from dense to sparse. These areas are partially bedded with shallow beds. Access roads have contributed to altering the historic drainage patterns and hydrology. Because of these conditions, enhancement and restoration actions to benefit this community are proposed. The pines will be substantially harvested. Recolonization by native plant species is expected. Since it is anticipated that native plant groundcover and shrub layers will re-colonize naturally no groundcover or shrub layers are proposed for planting. The area will also be replanted with cypress seedlings, as necessary to achieve 50-100 trees/acre average coverage to augment natural regeneration. If/as necessary, subsequent, selective pine thinning will occur to maintain a minimal pine density to $\leq 20\%$ coverage and promote healthy coverage by cypress. The goal is to reestablish a cypress community of native wetland species. Coupled with the forestry stewardship actions are hydrologic improvements. Low water crossings placed within roads bisecting these and connecting wetlands which should result in increased water elevations in AMB wetlands for a longer duration. Since the Aripeka soils have a seasonal high water table which is typically within a depth of 18-30 inches below ground surface for 2-6 months and to a depth of 30-60 inches for at least 6 months during the year, it is expected that these conditions should occur. By the leveling of the shallow beds within the pine plantation areas, it is anticipated that these actions will result in a more naturalized sheetflow and allow for the growth of desirable species within the enhanced cypress from plantation areas. As described in Section 3.2, by completion of hydrologic improvements this mitigation category area should either show: 1) a longer duration of saturation, that stages and hydroperiod are appropriate; or 2) the presence of desirable canopy/shrub/groundcover species and species coverage from data collected by vegetative monitoring event(s). Data should indicate species typical for these wetlands, such as those described in Table 6B and Plant List 6B. Exotic species such as Brazilian pepper, Chinese tallow, cogan grass, and Lygodium were noted, with an estimated $\geq 2\%$ cover. Left unmanaged, exotic species have the potential to cover native communities. It is anticipated that the this community will be enhanced by annually treating exotic species if/as noted, thus further reducing and/or maintaining an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Pre-bank infestation levels will be documented during the Baseline monitoring event. In its pre-bank condition, the presence of native animal species noted has been rare. Wildlife management is a tool used to enhance this natural community. Hog hunting/trapping efforts on the AMB would promote use by and reduce barriers for wildlife use. Though not a measure directly associated with credits, with bank establishment and enhancement, it is anticipated that species will come, and the anticipated wildlife may include (but not limited to): wood stork, southern bald eagle, Florida sandhill crane, great blue heron, osprey, red-shouldered hawk, various songbirds and other wading birds, Florida black bear, bobcat, white-tailed deer, water moccasin, wild turkey, armadillo, gray squirrel, Sherman's fox squirrel, southeastern Am. kestrel, eastern indigo snake, and raccoon. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions," and the FSP, success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Baseline hydrologic data collection will be initiated at least 4 months prior to permit issuance. Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. However, Baseline vegetative documentation, to be completed upon permit issuance, will document the pre-bank conditions using established transects for this targeted community. By these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.

Mitigation Category W5 -- Hydric Pine Plantation to Hydric Pine Flatwoods Enhancement – This community is similar to Mitigation Category W4 and lies between adjacent pine plantations, cypress and the floodplain areas. These areas are partially bedded with shallow beds. As stated under existing conditions, impacts such as man-made features and conversion from cypress to pine plantation habitats have degraded and converted these natural wetlands. This community was densely planted with slash pine in 2001. Since then pine coverage diminished, and this altered community contains patches of the pine trees ranging from dense to sparse. Access roads have also contributed to altering the historic drainage patterns and hydrology. Because of these conditions, enhancement and restoration actions to benefit this community are proposed. This community will be enhanced

from its altered and densely planted pine plantation condition to become hydric pine flatwoods. The pines will be substantially harvested. Re-colonization by native wetland groundcover plant species is expected. Since it is anticipated that native plant groundcover and shrub layers will re-colonize naturally no groundcover or shrub layers are proposed for planting. Bedding removal is anticipated by standard harvesting activities. It is anticipated that rows that are bedded will return to adjacent wetland grade during harvesting and pine plantation removal, without the need to perform more disruptive mechanical leveling later. The goal is to establish a hydric pine flatwoods community with cover by native wetland species as described in Table 6C and Plant List 6C. By completion of the initial forestry stewardship actions for vegetative improvements, this mitigation category should show that: 1) thinning the hydric pine plantations reduced the pines to a coverage to \leq 50-100 trees/acre; 2) the initial prescribed fire reduced nondesirable, invasive species; and 3) species composition is typical of the targeted mitigation category as shown in Table 6C. Coupled with the forestry stewardship actions are hydrologic improvements. By the installation of low water crossings within roads bisecting the wetlands and installation of ditch plug(s) in onsite ditch(s), it is anticipated that these actions will result in a more naturalized sheetflow, reduce road washouts, and reduce "flashy" inundation periods. As described in Section 3.2, by completion of hydrologic improvements this mitigation category area should show: 1) longer duration of saturation, appropriate stages and hydroperiods, water is equalized within 1" on either side of the road where low water crossings have been placed and/or wash outs in vicinity roads are absent; or 2) the presence of desirable canopy/shrub/groundcover species from data collected by vegetative monitoring event(s). Data should indicate species typical for these wetlands, such as those described in Table 6C and Plant List 6C. Exotic species such as Brazilian pepper, cogan grass, and Lygodium were noted, with an estimated $\geq 2\%$ cover. Left unmanaged, exotic species have the potential to cover native communities. It is anticipated that the this community will be enhanced by annually treating exotic species if/as noted, thus further reducing and/or maintaining an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Pre-bank infestation levels will be documented during the Baseline monitoring event. In its existing, pre-bank condition, the presence of native animal species noted during field investigations to date has been rare, and include: feral hog, white-tailed deer, wild turkey, gray squirrel. Wildlife management is a tool used to enhance this natural community. Hog hunting/trapping efforts on the AMB would promote use by and reduce barriers for wildlife use. With bank establishment and enhancement, it is anticipated that species will come, and the anticipated wildlife may include (but not limited to): Florida sandhill crane, great blue heron, various songbirds and other wading birds, Florida black bear, bobcat, white-tailed deer, water moccasin, wild turkey, southeastern Am. kestrel, eastern indigo snake, and raccoon. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions," and the FSP, success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Baseline hydrologic data collection will be initiated at least 4 months prior to permit issuance. Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. However, Baseline vegetative documentation, to be completed upon permit issuance, will document the pre-bank conditions using established transects for this targeted community. By these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.

Mitigation Category W6 -- **Mixed Forested Wetlands Enhancement** – This community is mixed forested wetlands. This habitat will be enhanced to become an enhanced mixed forested wetland community. It is a community on the AMB which once formed a buffer with floodplain and cypress wetlands but which is largely separated from them by converted pine plantations. The acreage of this community has also likely been diminished by harvesting and replanting with slash pines. Also, roads were constructed between these and the cypress stands, an action which disrupts water levels and hydroperiods. These actions may have allowed shifts in vegetation and an infestation of exotic species within. Because of these conditions, enhancement actions to benefit and improve this community are proposed. This habitat will be hydrologically enhanced by several improvement efforts, and it is anticipated that these actions will result in a more naturalized sheetflow and reduce "flashy" inundation periods. Because the planted pine stands are adjacent to these wetlands, slash pines have volunteered and/or been planted in them. Slash pines will be selectively reduced to less than 20% average cover to the extent practicable in order to benefit the natural community composition, structure and function. Selective thinning will assist with the recovery of a natural landscape. With bank establishment, adjacent altered communities will become natural and the mixed forested wetland communities will become a functional connection to the onsite floodplain wetlands by enhancement actions. As described in Section 3.2, by completion

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of hydrologic improvements this mitigation category area should show: 1) longer duration of saturation, appropriate stages and hydroperiods, water is equalized within 1"on either side of the road where low water crossings have been placed and/or wash outs in vicinity roads are absent; or 2) the presence of desirable shrub/groundcover species from data collected by vegetative monitoring event(s). Data should indicate species typical for these wetlands, such as those described in Table 6D and Plant List 6D. Exotic species were noted, with an approximate $\geq 1\%$ cover. Left unmanaged, exotic species have the potential to displace native communities. Pre-bank infestation levels will be documented during the Baseline monitoring event. It is anticipated that this enhanced community will be vegetatively enhanced by future treatment of noted species. These actions would continue to reduce and/or maintain an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Left unmanaged, feral hogs have the potential to eliminate the native plants and disrupt species utilization within. Wildlife management is a tool used to enhance this natural community. Hog hunting and/or trapping efforts each year on the AMB would not only ensure protection of the community structure of this mitigation category but also reduce access and utilization barriers for native wildlife, including those Listed. In its existing, pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come, and the anticipated wildlife includes (but not limited to): great blue heron, cardinal, robin, mockingbird, red-shouldered hawk, water moccasin, gray squirrel, opossum, various frogs, and raccoon. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of actions are provided in Sections 3.1-3.6 "Actions," success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Baseline hydrologic data collection will be initiated at least 4 months prior to permit issuance. Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. However, Baseline vegetative documentation, to be completed upon permit issuance, will document the pre-bank conditions using established transects for this targeted community. Subsequent water level data collection and annual short-term monitoring events will be used to provide measurable documentation for the successful enhancement of the mitigation category. As shown in Table 6D, by these actions, there is an interim credit release associated with an interim success criteria stage(s) to document how this area is trending towards success, and final success criteria with a final credit release associated with success.

Mitigation Category W7 -- Freshwater Marsh Preservation – This habitat will be preserved to become a protected freshwater marsh community. This community is freshwater marsh and there are several marshes on the AMB. These were forested cypress communities that were harvested. They subsequently regenerated with densely vegetated groundcover. They contain a densely vegetated groundcover and open water, as well as small, isolated hummocks containing live oaks. This interconnnected system directly connects to and is surrounded by forested floodplain wetlands. The targeted community will remain protected by its preservation and intensive silvicultural practices such as bedding and plantation planting will not occur. All adjacent wetland canopy tree harvesting will cease. These measures will promote the functional integrity of the herbaceous wetlands which will be managed in their natural state, with as little human intervention as possible. With bank establishment and protection, the pre-bank condition is expected to contain desirable species, species typical for these wetlands, such as those described in Table 6 and Plant List 6. Pre-bank vegetation includes: sawgrass, cattail (Typha sp.), water hyssop (Bacopa sp.), maidencane (Panicum hemitomon), Carolina aster (Aster caroliniana), pluchea (Pluchea odorata), coinwort (Centella asiatica), saltbush (Baccharis halimifolia), water hoarhound (Lycopus rubellus), duckweed (Lemna minor), and cinnamon fern. Exotic species have not yet been noted. However, left unmanaged, exotic species have the potential to displace native communities. Pre-bank infestation levels will be documented during the Baseline monitoring event. It is anticipated that this community will be vegetatively enhanced by future treatment of noted species. These actions would maintain an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. In its existing, pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come, and the anticipated wildlife may include (but not limited to): forage fish, American alligator, Florida sandhill crane, osprey, river otter, water moccasin, marsh rabbit, wild turkey, white-tailed deer, raccoon, mud turtle, and great blue heron. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of preservation actions are provided in Sections 3.1-3.6 "Actions," and the FSP, success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Baseline hydrologic data collection will be initiated at least 4 months prior to permit issuance. Extensive

pedestrian field investigations documented pre-bank vegetative composition across this community. As described in Table 6, by these actions, there is a final credit release associated with final success criteria achieved.

Mitigation Category W8 -- Estuarine Salt Marsh Preservation - This habitat will be preserved to become a protected estuarine saltmarsh community. This community is saltmarsh and it is a component of Indian Creek Bay estuarine ecosystem. Conservation ensures protection of, as well as enhancement of, environmentally sensitive lands which comprise Aripeka Mitigation Bank's Mitigation Category W8 salt marsh community, as well as the W2 floodplain community to which the W8 habitat is connected. Its preservation ensures protection of wildlife habitat, Listed species, and keystone wildlife populations, preserves biodiversity and encourages preservation of natural community structure. Preservation of the marsh ensures that some of the most biologically productive natural communities onsite are protected. These areas are largely herbaceous and located near the mouth of Indian Creek where it merges into the Indian Creek Bay ecosystem but within the AMB. These marshes contain a densely vegetated groundcover and open water, as well as hummocks containing cabbage palms. On the AMB, the salt marshes are regularly inundated with tidal waters. With bank establishment and protection, the pre-bank condition is expected to contain desirable species, species typical for these wetlands, such as those described in Table 6 and Plant List 6. Pre-bank vegetation includes, but is not limited to: leather fern, sawgrass, softrush, needlerush, cordgrass, and saltbush (Baccharis halimifolia). These marshes are fringed with leather fern, cabbage palm, sawgrass, wax myrtle (Myrica cerifera), blackberry and saltbush. Exotic species have not yet been noted. However, left unmanaged, exotic species have the potential to displace native communities. Pre-bank infestation levels will be documented during the Baseline monitoring event. It is anticipated that this community will be vegetatively enhanced by future treatment of noted species. These actions would maintain an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Numerous species are protected, and these may include: white-tailed deer, Gulf salt marsh mink, river otter, raccoon, eastern brown pelican, coots, a variety of herons, egrets, seagulls and terns, American alligator, diamondback terrapin, saltmarsh snake, West Indian manatee, Marian's marsh wren, roseate spoonbill, arctic peregrine facon, roseate tern, southern bald eagle, wood stork, mullet, spot, blue crabs, oysters, and shrimp. This habitat, in conjuction with the tidally influenced areas of Indian Creek, also are essential for providing a food source for recreationally important fish, such as tarpon, snook, red drum, and spotted seatrout. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of preservation actions are provided in Sections 3.1-3.6 "Actions," success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. As described in Table 6, by these actions, there is a final credit release associated with final success criteria achieved.

Uplands

Mitigation Category U1 -- Pine Plantation to Pine Flatwoods Enhancement - This community will be enhanced from its altered and densely planted pine plantation condition to become pine flatwoods. This community is an altered pine plantation community. The pine plantations are located throughout the AMB and located in areas that were typically historic slash pine and/or longleaf pine (Pinus palustris) flatwoods, scrub or scrubby flatwoods. This community lies between adjacent hydric pine plantations, cypress and the floodplain areas. In 2001 and 2005 it was densely planted with slash and/or longleaf pine. The natural communities were cleared, site prepped into rows and planted. These areas are partially bedded with shallow beds. Some of the pine plantations are mowed between the planted rows, leaving an open grassy area where mowed. The pine plantations are overgrown with a dense shrub except where mowed, and fire-suppressed. As stated under existing conditions, impacts such as man-made features and conversion from natural pine flatwoods to pine plantation habitats have degraded and converted these uplands. Pine flatwoods as a natural community are characterized by relatively poorly drained, acidic and sandy soils, and which are supported by prescribed burns. Pine flatwoods are characterized as open canopy forests of variably spaced pine trees. Pine flatwoods are longleaf pine canopies (with slash and sand pine), with a sparse or moderately open shrub layer and a denser groundcover of grasses, herbs, and low shrubs. However, the density of these layers varies dependent on its soils and its fire history. Because this community is planted, altered, overgrown with species not optimal for this community, and is firesuppressed, enhancement actions are proposed to benefit and improve this community. The planted pines will be thinned from their approximately 700-900 trees/acre densities to a targeted 100-400 trees/acre or 50-90 square feet/acre basal area. The shrub layers presently contain slash pine seedlings, red cedar saplings, saltbush,

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blackberry and grapevine. Where a stand has groundcover, the vegetation is dominated by: bracken fern, greenbriar, blackberry, cogan grass, and broomsedge. Thinning actions are expected to enhance the altered community to pine flatwoods conditions. Re-colonization by desirable native plant species is expected. Since it is anticipated that native plant groundcover and shrub layers will re-colonize naturally no groundcover or shrub layers are proposed for planting. It is anticipated that rows that are shallowly bedded will return to adjacent grades during harvesting and pine plantation removal, without the need to perform more disruptive mechanical leveling later. A prescribed burn program will commence, and may be completed after thinning and mechanical efforts have been completed to prevent catastrophic damage to the pine trees. By these actions, the native community structure will be enhanced. Regeneration of native species will provide optimal habitat for wetland dependent species, both listed and nonlisted. Future annual monitoring field investigations should provide evidence of plant species more indicative of pine flatwoods. The conversion from plantation to flatwoods will be aimed to achieve a vegetative composition that is supported by desirable target species as described in Table 6E and Plant List 6E. Exotic species such as Brazilian pepper, cogan grass, Chinese tallow, and Lygodium climbing fern were noted, with an estimated $\geq 2\%$ cover. Left unmanaged, exotic species have the potential to cover native communities. It is anticipated that this community will be enhanced by annually treating noted exotic species, thus further reducing and maintaining an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Prebank infestation levels will be documented during the Baseline monitoring event. In its existing, pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Evidence of use by wild turkey, white-tailed deer and feral hogs was noted. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come, and the anticipated wildlife may include (but not limited to): white-tailed deer, wild turkey, Sherman's fox squirrel, swallowtail kite, southeastern American kestrel, bobcat, Florida black bear, gray squirrel, armadillo, a variety of songbirds, barred owl, red-shouldered hawk, gopher tortoise and gopher tortoise commensals, pine snake, opossum, eastern diamondback rattlesnake, pigmy rattlesnake, black racer, box turtle, and raccoon. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions," and the FSP, success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. However, Baseline vegetative documentation, to be completed upon permit issuance, will document the pre-bank conditions using established transects for this targeted community. Baseline documentation will document the pre-bank conditions for comparison with those targeted for final success of the mitigation category. As described in Table 6E, by these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.

Mitigation Category U2 -- Pine Flatwoods Preservation – This pine flatwoods community will be preserved to become protected pine flatwoods dominated by longleaf pines. Though all of the uplands were once cleared years ago, access to this flatwoods community for AMB-based forestry stewardship actions such as prescribed burns is feasible but not practical. However, if the AMB is not established, access to these flatwoods nonetheless remains feasible through the wetlands by harvesting the floodplain wetlands, constructing additional agricultural/timber roads for access, reharvesting them, and subsequent conversion to plantations, as other areas have been converted. In the pre-bank condition, these pine flatwoods are merchantable, contain a relatively closed canopy, and are also fire-suppressed and overgrown. They were harvested historically. Pine flatwoods are supported by frequent fires, fires which have been absent on the AMB. In general, pine flatwoods are typically characterized by canopies of variably spaced pine trees, and are characterized by a low and flat topography, relatively poorly drained, acidic and sandy soils. Exotic species were not noted in this area. Left unmanaged, exotic species have the potential to encroach and cover native communities. It is anticipated that this flatwoods community will be enhanced by annually treating noted exotic species, thus maintaining an infestation level to $\leq 1\%$ for exotics and \leq 5% for nuisance species. Pre-bank infestation levels will be documented during the Baseline monitoring event. In its existing, pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. They include: white-tailed deer, wild turkey, gray squirrel, and feral hog. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come, and the anticipated wildlife may include (but not limited to): white-tailed deer, wild turkey, Sherman's fox squirrel, swallowtail kite, southeastern American kestrel, bobcat, Florida black bear, gray squirrel, armadillo, a variety of songbirds, barred owl, red-shouldered hawk, gopher tortoise and gopher tortoise commensals, pine snake,



opossum, eastern diamondback rattlesnake, pigmy rattlesnake, black racer, box turtle, and raccoon. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of preservation actions are provided in Sections 3.1-3.6 "Actions," success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. As described in Table 6, by these actions, there is a final credit release associated with final success criteria achieved.

Mitigation Category U3 -- Food Plots to Scrubby Flatwoods Enhancement- This community will be vegetatively enhanced to become enhanced scrubby flatwoods. These altered communities are areas cleared of historic upland vegetation, site-prepped for planting pine, and either later replanted with herbaceous species as food sources to attract game species for hunters or planted with pine. Where the food plots were planted with longleaf pine, the majority of the trees did not survive, leaving barren sand plots. The barren food plots are located generally on higher elevations on sandy soils. According to NRCS soil survey, this community is supported by Adamsville fine sand soils, soils that typically support pine flatwoods communities. Because this community is altered and is comprised of species not optimal for this community, enhancement actions are proposed to benefit and improve this community. By the introduction of an initial prescribed burn, it is anticipated that not only recruitment of desirable scrubby flatwoods species will result but also a structure that will become typical of scrubby flatwoods. Scrubby flatwoods are characterized as open canopied, fire-dependent, pine forests of widely spaced longleaf and/or sand pines, with a sparse or moderately open shrub layer and a denser groundcover of grasses, herbs, and low shrubs. However, the density of these layers varies dependent on its soils and its fire history. With AMB establishment, re-colonization by desirable native plant species is expected. This should produce optimal habitat for wetland dependent species, both listed and nonlisted. However, to augment and facilitate production of a scrubby flatwoods community, various species are proposed for planting. The species to be planted are outlined in Plant List 6F. By completing the initial forestry stewardship actions, this mitigation category should show that the initial prescribed fire reduced any nondesirable, invasive species and facilitated the recruitment of fire-dependent species with coverage by desirable species as shown in Plant List 6F. Future annual monitoring field investigations should provide evidence of plant species indicative of scrubby flatwoods. The targeted community structures associated with success criteria and affiliated credit releases are outlined in Table 6F. Exotic species were not noted in these areas. Left unmanaged, exotic species have the potential to cover native communities. It is anticipated that this community will be enhanced by annually treating future noted exotic species, thus maintaining an infestation level to $\leq 1\%$ for exotics and \leq 5% for nuisance species. Pre-bank infestation levels will be documented during the Baseline monitoring event. In its pre-bank condition, the presence of native fauna noted during field investigations to date has been rare. Evidence of use by wild turkey, white-tailed deer and feral hogs was noted. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come, and the anticipated wildlife may include (but not limited to): wild turkey, armadillo, a variety of songbirds, gopher tortoise and gopher tortoise commensals, pine snake, opossum, eastern diamondback rattlesnake, pigmy rattlesnake, and black racer. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions," and the FSP, success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. However, Baseline vegetative documentation, to be completed upon permit issuance, will document the pre-bank conditions using established transects for this targeted community. The Baseline documentation will document the pre-bank conditions for comparison with those targeted for final success of the mitigation category. As described in Table 6G by these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.

Mitigation Category U4 -- Pine Plantation to Scrubby Flatwoods Enhancement – This community will be vegetatively enhanced to become scrubby flatwoods. The AMB pine plantations are located in areas that were typically historic slash pine and/or longleaf pine (*Pinus palustris*) flatwoods, scrub or scrubby flatwoods. This is an altered community. This habitat was cleared, site prepped into rows and densely planted in 2005 with both slash and longleaf pine. As stated under existing conditions, impacts such as man-made features and conversion to pine plantation habitats have degraded and converted these uplands. In both pine plantation types, the shrub

layers are moderately to densely vegetated. Scrubby flatwoods are characterized as open canopied, firedependent, pine forests of widely spaced longleaf and/or sand pines, with a sparse or moderately open shrub layer and a denser groundcover of grasses, herbs, and low shrubs. However, the density of these layers varies dependent on its soils and its fire history. The pre-bank plantation condition is fire-suppressed. Because this community is planted, altered and atypical, enhancement actions are proposed to benefit and improve this community. The planted pines will be substantially thinned from their >500 trees/acre densities to a targeted 50-100 pine trees per acre. By substantially thinning the planted pines and shrub coverage, and introduction of scheduled prescribed burns, it is anticipated that not only recruitment of desirable species will result but also a structure that is typical of scrubby flatwoods. Regeneration of native species will provide optimal habitat for wetland dependent species, both listed and nonlisted. Future annual monitoring field investigations should provide evidence of plant species indicative of scrubby flatwoods, supported by desirable target species as described in Table 6G and Plant List 6G. By completion of the initial forestry stewardship actions for vegetative improvements, this mitigation category should show that: 1) thinning planted pines reduced the pines to a coverage not exceeding 50-100 trees/acre; 2) mechanical reduction of overgrown shrub layers reduced the shrub layer while also reducing the fuel load to prevent catastrophic wildfires; 3) the initial prescribed fire reduced nondesirable, invasive species and facilitated the recruitment of fire-dependent species as shown in Table 6G and Plant List 6G. Exotic species such as Brazilian pepper, cogan grass, Chinese tallow, and Lygodium climbing fern were noted, with an estimated $\geq 2\%$ cover. Left unmanaged, exotic species have the potential to cover native communities. It is anticipated that this community will be enhanced by annually treating future noted exotic species, thus maintaining an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Pre-bank infestation levels will be documented during the Baseline monitoring event. In its existing, pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Evidence of use by wild turkey, white-tailed deer and feral hogs was noted. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come, and the anticipated wildlife may include (but not limited to): white-tailed deer, wild turkey, southeastern American kestrel, bobcat, Florida black bear, gray squirrel, armadillo, a variety of songbirds, gopher tortoise and gopher tortoise commensals, pine snake, opossum, eastern diamondback rattlesnake, and pigmy rattlesnake. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions," and the FSP, success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. However, Baseline vegetative documentation, to be completed upon permit issuance, will document the pre-bank conditions using established transects for this targeted community. The Baseline documentation will document the pre-bank conditions for comparison with those targeted for final success of the mitigation category. As described in Table 6H, by these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.

Mitigation Category U5 -- Mesic Hammock Preservation - This community is mesic hammock. AMB hammocks are predominately found within the floodplain wetlands. They have been historically harvested, and were cleared by the 1940s. In the pre-bank condition, these hammocks are merchantable and harvestable for conversion to pine plantation. They form a relatively closed canopy, and they are also fire-suppressed and overgrown. This community will be preserved to become protected mesic hammocks. Though enhancement actions would benefit and improve this community, the community will be preserved but not enhanced since they are largely embedded in mitigation category W2 floodplain wetlands. Access to these hammocks for AMBbased forestry stewardship actions such as prescribed burns is not practical. Therefore, though enhancement actions would benefit and improve this community, the community will be preserved but not enhanced. However, if the AMB is not established, access through the floodplain wetlands remains feasible by harvesting the floodplain wetlands, constructing additonal agricultural/timber roads for access to these hammocks, reharvesting them, and subsequent conversion to plantations, as other areas have been converted. The mesic hammock will remain comprised of a variety of hammock-dominated species. As a natural community, hammocks are dominated by a variety of oak species but not dominated by live oak. Assemblages of pine, cedar and cabbage palm may or may not be present. Though minimal, exotic species were noted, and species such as Chinese tallow will be treated with appropriate, agency approved herbicides to maintain species presence to $\leq 1\%$ cover. Left unmanaged, exotic species have the potential to cover native communities. Existing infestation levels

will be documented during the Baseline monitoring event. Preservation actions should produce increased wildlife utilization, including utilization by Listed species indicated in Section 2.5. Since unauthorized hunting occurs, with ongoing adverse impacts to wildlife and habitats, the installation of additional fencing, gates and signage should reduce this effect. Though not directly tied to a credit release, it is anticipated that species will come, and the anticipated wildlife may include but are not limited to: white-tailed deer, bobcat, wild turkey, gray squirrel, gopher tortoise and its commensals, armadillo, a variety of songbirds, Florida black bear, eastern diamondback rattlesnake, and eastern indigo snake. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions," and the FSP, success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. As described in Table 6, by these actions, there is a final credit release associated with final success criteria achieved.

Mitigation Category U6 -- Sand Pine Scrub Preservation - This community will be preserved to become protected sand pine scrub uplands. This community has been historically harvested and altered and will remain characterized as a sand pine scrub. Scrub uplands are typically relatively open upland areas dominated by sand pine (Pinus clausa) and scrub oak. Scrub community composition includes a variety of scrub oaks with sand pine in the canopy and subcanopy, as well as a relatively dense shrub layer and relatively sparse groundcover. Scrub uplands are unique shrub communities that have become rare, and considered imperiled. These scrub communities typically occupy higher ridge elevations, have well-drained, infertile, sandy soils, are supported by high intensity and infrequent fires, and their species are adapted to fire and xeric conditions. On the AMB, this community is supported by Tavares fine sand (slope). In the targeted condition, the canopy would remain dominated by sand pine, scrub oak and longleaf pine. With no prescribed burns the shrub layer is relatively dense and overgrown. The groundcover layer is sparsely vegetated. Preservation actions could benefit and improve this community by protecting them from future harvesting and conversion from a natural community type to an altered community of planted pines. Exotic species presence is less than 1% in the pre-bank condition. However, left unmanaged, exotic species have the potential to cover native communities. It is anticipated that this scrub community will be enhanced by annually treating noted exotic species in conjunction with other forestry stewardship actions, thus maintaining an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Existing infestation levels will be documented during the Baseline monitoring event. In its existing, pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Noted species include: gopher tortoise. Though not directly tied to a credit release, by protecting this habitat, species composition should become more typical of the targeted mitigation category. These species may include, but are not limited to: white-tailed deer, wild turkey, armadillo, gopher tortoise, Florida mouse, gopher frog, eastern diamondback rattlesnake, bobcat, lizard species, Florida pine snake, gray squirrel, spotted skunk, a variety of birds including the swallow-tailed kite, southeastern American kestrel, bald eagle, and eastern indigo snake. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. Additional descriptions of AMB actions are provided in Sections 3.1-3.6 "Actions," success criteria from these actions are provided in Section 6.0, and the communities shown on Mitigation Plan Figures 5, 8a-8c, as well as on AMB engineering plans. Extensive pedestrian field investigations documented pre-bank vegetative composition across this community. As described in Table 6, by these actions, there is a final credit release associated with final success criteria achieved.

5.0 ECOLOGICAL VALUE

5.1 CURRENT VALUE

The ecological value of the Aripeka Mitigation Bank to the regional watershed is significant. The mitigation bank site is an important component of the natural wildlife corridor system that is being established in Hernando County through a Pasco County to Citrus County Corridor and Aripeka-Weeki Wachi-Chassahowitza region. The AMB contains Indian Creek and a springfed run which originate on and flow through the AMB property to the Gulf of Mexico. The staff of the Florida Fish and Wildlife Commission (FFWCC) has identified this property as a proposed Strategic Habitat Conservation Area for the bald eagle and the Florida sandhill crane, wetland-dependent species that have the potential to utilize the AMB's natural communities. Data provided in "Closing the Gaps in Florida's Wildlife Habitat Conservation System" indicates that the area serves as black bear habitat. The AMB includes wetlands with high habitat value. According to information provided in "Wildlife Habitat Conservation Needs in Florida; Updated Recommendations for Strategic Habitat Conservation Areas, 2009"27.5% of the total lands within Hernando County are now classified as Strategic Habitat Conservation Areas (SHCA) as opposed to 1994 in which 3.1% were classified for SHCA lands. These areas are identified as SHCA for the following species: Florida Burrowing owl, Cooper's hawk, short-tailed hawk, swallow-tailed kite, as well as Florida mouse, Florida scrub-jay and striped newt. Also, 21.9% of the total lands within this region was managed for conservation in 1994. Currently, these areas include the Crystal River Preserve, Chassahowitzka Wildlife Management Area, Weeki Wachee Preserve, Withlacoochee State Forest, Green Swamp and SWFWMD lands.

Ecological benefits currently provided by the AMB are moderate to high, due to its location, the springs and undeveloped wetlands present and its connectivity to other undeveloped, preserved wetlands. The wetland ecosystems on the AMB have been impacted by harvesting and hydrological impacts associated with forestry, but still provide significant value to wetland-dependent wildlife species. The upland ecosystems have been impacted by extensive forestry and hunting activities. Those upland ecosystems which provide the most food and habitat for wildlife (*e.g., hardwood and oak hammocks*) have been largely replaced with planted pine. The species and age diversity of trees are minimal, as is typical of pine plantations. According to published literature, the carrying capacity of pine plantations for game species is the lowest of any forest type.

The current ecological value to the region and regional watershed can still be significantly improved. The AMB is split into recently and historically altered communities. The extensive floodplain wetlands with creek and springfed run are forested, providing value to wetland-dependent wildlife, watershed functions and community structure. The location of the to-be preserved habitats is especially beneficial to Listed species since these habitats support a broad spectrum of plant communities. The tidally influenced Indian Creek and springfed run which merges into Indian Creek influences water storage capabilities of the wetlands on the AMB. They have the ability to carry significant volumes of water across AMB wetlands and affect water volumes in the estuarine ecosystem of Indian Creek Bay. AMB communities have also been altered by harvesting and onsite construction/alterations, degrading AMB wetlands. By harvesting the wetlands, cypress and hardwood communities are eliminated. Continued harvesting will further degrade them. In their current state the altered wetlands and uplands provide minimal value to wetland-dependent wildlife. The AMB site is strategically placed for wildlife use in Hernando County, but in its current condition wildlife presence is not optimal. The site's hydrology has been altered. Reduced or altered water volumes may influence not only hydrologic function of the AMB wetlands but also the function of its connective estuarine ecosystem. Years of harvesting in wetlands, conversion to planted pine and pine plantation site preparation, and fire suppression have produced altered communities. These conditions are expected to continue without establishment of the AMB.

5.2 PROPOSED VALUE

The AMB contains regionally significant habitat, imperiled springs and spring functions, and wildlife corridors. The AMB supports rich, biodiverse habitats. Thus, the AMB will provide an essential link in assuring the long-term enhancement and restoration, as well as protection of an environmentally sensitive, and significant regional habitat corridor. The AMB represents an opportunity to ensure the preservation, restoration, and enhancement of important water resources, cypress, estuarine and floodplain wetlands. Establishment of the AMB allows protection, enhancement and restoration of integrally connected rare upland habitats. Much of the value of this

bank lies in the fact that ecologically damaging activities to the existing floodplain wetlands and riverine systems which could be done will not be done. The potential for development is realistic and without the establishment of the bank, this strategically located landscape could be used for residential and commercial development in the future. In addition, most of the forested wetlands and balance of all uplands could be harvested. Therefore, with bank the remaining "food source" ecosystems (*oak hammocks, mixed hardwood wetlands, etc.*) would be protected instead of cleared to remove native trees, bedded and replanted into pine rows. Plant succession, which is the ecological process that shapes wildlife habitat, would not proceed to equilibrium. The importance of plant succession is that (1) natural diversity develops, and (2) as it proceeds, forest canopy trees increase in height, diameter, and volume, but decrease in density. There is a direct relationship between abundance and diversity of bird species and age of forests. Older forests often support large numbers of primary and secondary cavity-nesting species and canopy-based rookeries that contribute to high species diversity. Furthermore, in "Conservation Strategy for the Black Bear in Florida, Thomas Eason, FFWCC, July 2003," it was indicated that black bears are habitat generalists, using a variety of forest types, but that forested wetlands and bottomland hardwoods such as present on the AMB provide their optimal habitat.

The AMB would become an integral component of applying a watershed approach to water resource needs within the Upper Coastal Basin. The AMB is an essential link to regionally protected waters and conservation corridor lands. The AMB will not only have significant ecological and mitigation value on a local scale, but also on a regional level. This is because of its watershed protection and enhancement potential, and its linkage to conservation corridors along the Gulf coast from south of Pasco County north through Crysal River. It closes an unprotected and unpreserved void amidst SWFWMD public lands, the Weeki Wachee Preserve and the Chassahowitzka Wildlife Management Area. The AMB property lies within lands identified by Hernando County within the Chassahowitzka Florida black bear corridor, the Florida Greenway system, the Nature Coast Greenway and Wildlife Corridor, and lands desirable for inclusion into the Weeki Wachee Preserve. Thus, the AMB provides an essential link in assuring the long-term enhancement, as well as protection of a significant regional habitat corridor. The conservation easement that will be placed on the AMB will ensure that important linkage land is preserved in perpetuity.

AMB's hydrologic and vegetative improvements are designed for long-term feasibility and success. Performance standards are achievable for long-term suitability and viability as a successful mitigation bank. The conservation easement that will be placed upon the AMB will ensure that the expanse of the AMB land is preserved in perpetuity according to mitigation banking standards. There is no known material fact which would affect the contemplated use or long-term suitability of the property as a mitigation bank. With establishment of the Aripeka Mitigation Bank, there are provisions for protection, enhancement, restoration and planned hydrological restoration of significant Aripeka water resources and wetlands; provisions for protection, enhancement and restoration of integrally connected upland habitats; and provisions for protection of any archaeological sites and site materials.

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6.0 SUCCESS CRITERIA AND MONITORING

Overall, the Mitigation Plan focuses on the restoration, enhancement and preservation of the natural function of the communities within the AMB. By completing specific actions, preservation, vegetative, hydrologic and wildlife improvements should be achieved. Credits are proposed to be released through implementing and/or completing a combination of specific tasks or programs and meeting specific success criteria. All construction and mitigation activities will be conducted by GLSRT or its designated contractors. GLSRT understands that, unless implementation of the Mitigation Plan commences upon issuance of the permit, new background data and new calculations of credits would be required. If credits are to be sold during the first year that they are made available, the status of the mitigation program will be documented in interim reports to the regulatory agencies after placement of the Conservation Easement. The status of task implementation and success criteria will also be subsequently documented in monitoring reports.

6.1 OVERALL SUCCESS CRITERIA

For determining whether credit releases are warranted for the mitigation categories which receive preservation credits (*preservation without measurable enhancement*), Mitigation Categories W1-W2, W7-W8, U2, and U5-U6 must meet these general conditions, as applicable:

6.1.1 Overall Criteria

Table 6: Overall Criteria
The mitigation bank is in compliance with all Mitigation Bank Permit conditions
Applicable mitigation category activities have been completed and successful
Required report(s) are sent to SWFWMD
Native plant compositions remain in same or better condition compared to Pre-bank conditions
Enhancement areas trending toward final success
Evidence of recruitment of plant species appropriate to targeted community type
Exotic and nuisance vegetation % cover are maintained to $\leq 1\%$ and $\leq 5\%$, respectively

For determining whether credit releases are warranted for the mitigation categories that involve enhancement actions and receive enhancement credits, Mitigation Categories W3-W6, U1, U3 and U4 must meet the overall criteria outlined above as well as additional specific conditions. These specific conditions are described in Tables 6, 6A-6G and applicable Plant Lists 6A-6G shown in Section 6.3. The final credit release for a W3-W6, U1, U3 and U4 assessment area will not occur until the designated assessment area has achieved final success as defined herein.

6.1.2 Overall hydrological success criteria for Mitigation Categories W3-W6

Improvement to wetland hydrology shall be considered successful when it has been demonstrated that:

- Low water crossings and ditch plugs have been completed to designated as-built specifications;
- Wash outs, erosion or other indications of channelized water flow are not evident; and/or
- Data is based on an annual average from data collected from recording piezometers. Data should indicate either:
 - 1) an increase in water elevations when compared to conditions prior to installation of hydrologic improvements; or
 - 2) a reduction in the presence of upland groundcover/shrub species from baseline data collected by vegetative monitoring event(s). Data from post-enhancement vegetative monitoring transects should indicate species which are desirable.

6.1.3 Overall vegetative success criteria for Mitigation Categories U1, U3-U4

Improvement to targeted habitats shall be considered successful when it has been demonstrated that the actions and criteria described in Sections 3.0, 4.0 and 6.0 herein and the FSP have been successfully initiated, completed and/or attained as applicable. Natural recruitment should assure that native vegetation appropriate to the habitat types will dominate the AMB. Progressive enhancement or trending towards success provides environmental lift for which credits may be released incrementally prior to achieving final success criteria. Therefore, a set of

interim and final success criteria have been identified to document functional enhancement. In order to release credits by achieving interim success, communities shall meet or exceed the criteria for that level of success. Interim criteria indicate that:

- The enhancement areas are improving in function by increases in groundcover indicative of target composition described in Tables 6E-6G;
- There is evidence of recruitment by desirable shrub and canopy species;
- Exotic vegetation are reduced/maintained to ≤1% cover and/or nuisance vegetation are reduced/maintained to ≤5% cover.

Final success criteria indicate that:

- The enhancement areas improved in function indicative of target composition described in Tables 6E-6G;
- Exotic and nuisance vegetation are maintained to $\leq 1\%$ and $\leq 5\%$ cover, respectively;
- Evidence of recruitment of plant species appropriate to targeted community;
- Plant species are healthy, growing, and reproducing as appropriate and in assemblages and densities appropriate for the target community;
- Native plant community composition remains in same or better condition compared to baseline monitoring.

6.1.4 Overall wildlife management success criteria for Mitigation Categories W1-W8, U1-U5

- There is a reduction of invasive feral hogs by at least 1-5 hogs harvested in the AMB after permit issuance;
- The enhancement areas are improved in function by an increase in groundcover species indicative of target composition identified in Plant Lists 6A-6G;
- There is documentation of annual feral hog harvests, providing evidence of reduction of invasive species;
- There is documentation of security measures completed for the preventing illegal hunting and trespassing.

6.2 SPECIFIC PRE-BANK VS TARGETED DESCRIPTIONS & SUCCESS CRITERIA

Mitigation Category W1– Indian Creek/Spring Run (510) Preservation –Indian Creek and the springfed run, all non-sovereign, are significant and important waters of the AMB. From east to west, they hydrate the AMB and bring freshwater to the Indian Bay estuary at the northwestern corner of the property. This community represents the spring and creek waters which flow through and across the AMB and supports AMB's extensive floodplain wetlands. This interconnnected system directly connects to Indian Creek Bay and its ecological function is dependent on the floodplain, as is the floodplain dependent on these springfed runs, seepage springs and Creek. This habitat is open water. Numerous fallen logs and a bridge cross the Creek. Because of these conditions, preservation and protection actions to benefit and improve this community are proposed.

This habitat will be preserved to become preserved springfed run and creek waters. Justification for the conservation of interconnected and diverse habitats is well established. Conservation ensures protection of, as well as enhancement of, environmentally sensitive lands that comprise Aripeka Mitigation Bank's Mitigation Category W1 riverine community. Conservation ensures protection of wildlife habitat, protection of threatened and endangered species, protection of keystone wildlife populations, preserves biodiversity and encourages preservation of natural vegetation. Wildlife access is not restricted, water flow is not restricted, and is connected to other conservation lands. The targeted community will remain protected by its preservation and potential clearcutting, bedding, and plantation planting to the riverine embankments will be prevented. All adjacent wetland canopy tree harvesting will cease. Additional fencing with gates will be installed at access points to control trespassing and unauthorized hunting. "No Trespassing" and "Conservation Area" signage will be posted. These measures will promote the functional integrity of the integrally connective wetlands important to these waters. Exotic species were not noted to date. In its pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Because flooding frequency and soil salinity are two major factors that influence downstream salt marsh vegetation, protection and preservation of these riverine systems are critical to optimal functioning of the AMB salt marshes and the species that utilize and nest in them. Salt marshes are some of the most biologically productive natural communities known. Without AMB protection, the riverine, connective floodplain wetlands and downstream salt marshes could become degraded. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come. Anticipated wildlife includes (but not limited to): great blue heron, water moccasin, American alligator, raccoon, river otter, manatee, larg-mouth bass, Florida gar, forage fish, mosquitofish,

The actions identified to enhance this community are predominately preservation and protection-based improvements. Descriptions of these actions are provided in Sections 3.1-3.6 "Actions," and shown on Mitigation Plan Figure 5, as well as on AMB engineering plans. In summary, the improvements for this mitigation category are:

Preservation actions will protect and benefit this area by:

- 1) cessation of ongoing harvesting in wetlands;
- 2) cessation of unrestricted hunting and control of trespassing by fencing and installation of 6 gates;
- 3) removal of commercial development threat to riverine edge;
- 4) removal of intensive timber harvesting to riverine edge; and
- 5) removal of natural community threat for conversion to altered food plots or agriculture uses.

Vegetative improvements will enhance/protect this area by:

- 1) sustained reduction of exotic species by control treatments. Left unmanaged, exotic species have the potential to displace native communities; and
- 2) cessation of harvesting in wetlands adjacent to, encroachment into this mitigation category.

Wildlife Management improvements will enhance/protect this area by:

- 1) reduction of invasive feral hogs by hunting and/or trapping measures to improve habitat conditions for nonListed and Listed species utilization; and
- 2) installation of perimeter fencing to remove the unauthorized hunting access from adjacent public lands.

By implementation of the AMB preservation actions, this mitigation category should show that:

- 1) conservation Easement has been recorded and the criteria identified for the AMB is implemented
- 2) the mitigation bank is in compliance with Mitigation Bank Permit conditions;
- 3) applicable mitigation category activities have been completed and successful;
- 4) evidence of wildlife use, appropriate for the targeted community type; and
- 5) evidence of reduction in invasive feral hog populations by harvest data.

By completion of the initial forestry stewardship actions for vegetative improvements, this mitigation category should show that:

- 1) sustained reduction of exotic species by control treatments to a presence of $\leq 1\%$ coverage and it is anticipated that enhancemend actions should result in $\leq 5\%$ nuisance species; and
- 2) the species composition is typical of the targeted habitat as shown in Table 6 and Plant List 6.

By the implementation of the initial wildlife management actions within the AMB, this mitigation category should show:

- 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested after permit issuance, and thereafter annually (based on # of hogs, harvests may be adjusted); and
- 2) documentation of applicable activities associated with the AMB to control and monitor the prevention of illegal hunting and trespassing.

Protection, vegetative and wildlife actions should produce increased wildlife utilization, including utilization by Listed species indicated above. Hog hunting and/or trapping efforts each year would enhance not only the community structure of this mitigation category but also reduce barriers for access and utilization for native wildlife, including those Listed. Baseline documentation, to be completed upon permit issuance, will document the pre-bank conditions for comparison with those targeted for final success of the mitigation category. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. By these actions, there is a final credit release associated with final success criteria achieved.

Mitigation Category W2–Floodplain Wetlands (615) Preservation

This community represents the extensive floodplain wetlands surrounding and supporting AMB's riverine communities. This habitat is a relatively closed canopy community mosaic of hydric hammocks interspersed with deeper swamp components and drainageways. This interconnnected system directly connects to and surrounds Indian Creek onsite and its ecological function is dependent on Indian Creek, as is the Creek dependent on the floodplain. This community is supported by Okeelanta complex soils which are mucky, with a water table which is typically at or above the ground surface for most of the year. Field investigations during 2014-2015 show that the existing, pre-bank soil conditions were dry to saturated but nonflooded. On the AMB in the pre-bank condition, the canopy is relatively closed and dominated by hardwoods and a dense shrub layer. No exotic species were noted. Harvesting in wetlands associated with current silvicultural operations is ongoing. Feral hogs were noted. Since hogs directly compete with native species that may utilize the floodplain wetlands, feral hogs can become a significant limiting factor for populations of those species. Each female can give birth to two litters/year with at least 3-7 in each litter. Native species noted during field investigations were rare. Those noted include: They include: river otter, feral hog, mud turtle, great blue heron, cardinal, osprey, mockingbird, red-shouldered hawk, water moccasin, and raccoon. Because of these conditions, preservation to protect these environmentally sensitive lands will benefit and improve this community and are proposed.

This habitat will be preserved to become a protected floodplain wetland. Justification for the conservation of interconnected and diverse habitats is well established. Conservation ensures protection of, as well as enhancement of, environmentally sensitive lands that comprise Aripeka Mitigation Bank's Mitigation Category W2 floodplain community. Conservation ensures protection of wildlife habitat, protection of threatened and endangered species, protection of keystone wildlife populations, preserves biodiversity and encourages preservation of natural vegetation. By establishment of the AMB, GLRST recognizes the importance of protecting and enhancing these interconnnected and diverse habitats. AMB's conservation landscape was designed with protection and enhancement, as well as preservation of the functional integrity of AMB's regionally significant wetlands and waters. These floodplain wetlands maintain hydrologic connectivity, habitat similarity, wildlife utilization, natural fire regimes and they provide near optimal support to ecological function. Wildlife access is not restricted, vegetation is desirable and healthy, water flow is not restricted, and is connected to other conservation lands. With Bank, AMB's regional conservation vision is to forge a conservation corridor from AMB lands north, south, east and west into other conservation lands, into the public lands of the Weeki-Wachee Preserve, Crystal River Buffer Preserve and the Chassahowitzka Wildlife Management Area, connecting into the Chassahowitzka Florida black bear corridor, Aripeka Springs Group, the Florida Greenway system and the Nature Coast Greenway and Wildlife Corridor. Furthermore, because flooding frequency and soil salinity are two major factors that influence downstream salt marsh vegetation, protection and preservation of the floodplain wetlands in association with its riverine component are critical to optimal functioning of the AMB salt marshes and the species that utilize and nest in them. Salt marshes are some of the most biologically productive natural communities known. Without AMB protection, these floodplain wetlands, its riverine component, and downstream salt marshes could become degraded.

The actions identified to enhance this community are predominately preservation and protection–based improvements. Descriptions of these actions are provided in Section 3.1-3.6 "Actions," and shown on Mitigation Plan Figures 5, as well as on AMB engineering plans. In summary, the improvements for this mitigation category are:

Preservation actions will protect and benefit this area by:

- 1) cessation of ongoing harvesting in wetlands;
- 2) cessation of unrestricted hunting on the AMB;
- 3) control of trespassing by fencing and installation of 6 gates;
- 4) removal of commercial development threat to riverine edge;
- 5) removal of intensive timber harvesting to riverine edge; and
- 6) removal of natural community threat for conversion to altered food plots or agriculture uses

Vegetative improvements will enhance/protect this area by:

- 1) sustained reduction of exotic species by control treatments; and
- 2) cessation of harvesting in wetlands adjacent to, encroachment into this mitigation category.

Wildlife Management improvements will enhance/protect this area by:

1) reduction of invasive feral hogs by hunting and/or trapping measures for native species utilization; and

By implementation of the AMB preservation actions, this mitigation category should show that:

- 1) conservation Easement has been recorded and the criteria identified for the AMB is implemented
- 2) the mitigation bank is in compliance with Mitigation Bank Permit conditions;
- 3) applicable mitigation category activities have been completed and successful;
- 4) evidence of wildlife use, appropriate for the targeted community type; and
- 5) evidence of reduction in invasive feral hog populations by harvest data.

By completion of the initial forestry stewardship actions, this mitigation category should show that:

- 1) sustained reduction of species by treatment to $\leq 1\%$ exotic and $\leq 5\%$ nuisance species coverage; and
- 2) species composition is typical of the targeted habitat as shown in Table 6 & Plant List 6.
- By the implementation of the initial wildlife management actions, this mitigation category should show:
 - 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested within the AMB after permit issuance, and thereafter annually (based on # of hogs, harvests may be adjusted); and
 - 2) documentation of applicable activities to control illegal hunting and trespassing.

Mitigation Category W3- Cypress (621) Enhancement

This community is cypress, predominately located along AMB's northern boundary. It is a community on the AMB which once formed a contiguous strand with the floodplain wetlands but which is largely separated from them by converted pine plantations. The acreage of cypress has been diminished by harvesting and replanting with slash pines. Aripeka soils typically have a seasonal high water table within a depth of 18-30 inches below ground surface for 2-6 months. Field investigations during 2014-2015 show that the pre-bank soil conditions have been dry to saturated. In the pre-bank condition, the canopy is relatively open and dominated by cypress. Exotic species such as Brazilian pepper and Lygodium were noted with an approximate $\geq 1\%$ cover. There is slash pine encroachment into the cypress community. Roads were constructed between the cypress, an action which disrupts water levels and hydroperiods. These actions may have allowed shifts in vegetation and an infestation of exotic species within. Because of these conditions, enhancement actions to benefit and improve this community are proposed.

This habitat will be enhanced to become an enhanced cypress community. This habitat will be hydrologically enhanced by several improvement efforts. By the installation of low water crossings within roads bisecting the wetlands and installation of ditch plug(s) in onsite ditch(s), it is anticipated that these actions will result in a more naturalized sheetflow, reduce road washouts, and reduce "flashy" inundation periods. There may also be a shift toward more faculative-wet and/or obligate vegetation. Because the planted pine stands are adjacent to these wetlands, slash pines have volunteered and/or been planted in them. Slash pines will be selectively reduced to less than 20% average cover to the extent practicable in order to benefit the natural community composition, structure and function. Selective thinning will assist with the recovery of a natural landscape. With bank establishment, adjacent communities will be enhanced and these cypress communities will become functional connections to onsite floodplain wetlands. Though not a measure directly associated with credits, with bank establishment and enhancement, it is anticipated that species will come, and the anticipated wildlife may include (but not limited to): wood stork, southern bald eagle, Florida sandhill crane, great blue heron, osprey, red-shouldered hawk, various songbirds and other wading birds, Florida black bear, bobcat, white-tailed deer, water moccasin, wild turkey, armadillo, gray squirrel, Sherman's fox squirrel, southeastern Am. kestrel, eastern indigo snake, and raccoon.

The actions identified to enhance this community are predominately hydrologic improvements, but also will include vegetative and wildlife management prescriptions. Descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions" and shown on Mitigation Plan Figures 5, 8a-8b, as well as on AMB engineering plans. In summary, the improvements for this mitigation category are:

Hydrologic improvements are and will enhance this area by:

- 1) installation of 5 low water crossings in road areas constructed between wetland systems to allow the natural sheet flow of water between severed or altered wetlands, removing obstructed water passage and restoring hydrologic balance to these wetlands; and
- 2) installation of 1 ditch plug within an onsite ditch to remove its drainage effects.

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Vegetative improvements are and will enhance this area by:

- selective thinning of slash pine to ≤20% average to not only optimize the species composition for the enhanced mitigation category but to also reduce the presence of atypical species coverage, thus opening the canopy to allow herbaceous growth; and
- 2) initial reduction and sustained reduction of exotic species by control treatments. Left unmanaged, exotic species have the potential to displace native communities.

Wildlife Management improvements are and will enhance this area by:

- 1) reduction of invasive feral hogs by hunting and/or trapping measures for native species utilization;
- 2) installation of additional perimeter fencing to control trespassing effects and barriers detrimental for native species populations and utilization; and
- 3) completion of the combination of improvements to provide optimal species utilization.
- By completion of hydrologic improvements this mitigation category area should show either:
 - 1) As described in Section 3.2, by completion of hydrologic improvements this mitigation category area should show: 1) a longer duration of saturation, appropriate stages and hydroperiods, water is equalized within 1"on either side of the road where low water crossings have been placed via hydrologic data and/or wash outs in vicinity roads are absent; or
 - 2) presence of desirable groundcover/shrub species from data collected by vegetative monitoring event(s). Data should indicate desirable species as described in Table 6A and Plant List 6A; and
 - 3) In addition, hydrologic improvements shall be considered successful when it has been demonstrated that there is minimal to no evidence of road wash outs, erosion or other indications of unnatural channelized water flow in roads.

By completion of the initial forestry stewardship actions for vegetative improvements, this mitigation category should show that:

- 1) sustained reduction of species by treatment to $\leq 1\%$ exotic and $\leq 5\%$ nuisance species coverage; and
- 2) species composition is typical of the targeted habitat as shown in Table 6A & Plant List 6A.

By the implementation of the initial wildlife management actions within the AMB overall, the AMB should show:

- 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested after permit issuance, and thereafter annually (based on # of hogs, harvests may be adjusted); and
- 2) documentation of applicable activities to control illegal hunting and trespassing.

Hydrologic, vegetative and wildlife actions should produce increased wildlife utilization, including utilization by Listed species indicated above. Hog hunting and/or trapping efforts each year would enhance not only the community structure of this mitigation category but also reduce barriers for access and utilization for native wildlife, including those Listed. Hog hunting/trapping efforts would also promote the availability of food sources for native wildlife. Though not directly tied to a credit release, by the above actions, species composition should become more typical of this mitigation category. Baseline documentation, to be completed upon permit issuance, will document the pre-bank conditions for comparison with those targeted for final success of the mitigation category. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. By these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.

Mitigation Category W4 -- Hydric Pine Plantation (441w) to Cypress (621) Enhancement – This community is an altered community. In 2001 and 2005 was cleared and densely planted in rows with slash pine. These areas are partially bedded with shallow beds. Since this planting effort, the pine coverage has diminished, and this altered community contains patches of pine trees ranging from dense to sparse. Roads were constructed between the cypress and planted pine areas, an action which disrupts water levels and hydroperiods. Exotic species such as Brazilian pepper, cogan grass, and Lygodium were noted, with an estimated $\geq 2\%$ cover. Impacts such as manmade features and conversion from cypress to pine plantation habitats have degraded and converted these natural wetlands. Because of these conditions, enhancement and restoration actions to benefit this community are proposed.

This community will be enhanced from its altered and densely planted pine plantation condition to become

cypress wetlands. The pines will be substantially harvested and the mitigation category replanted with cypress seedlings. Re-colonization by native wetland plant species is expected. Coupled with the forestry stewardship actions are hydrologic improvements. By the installation of low water crossings within roads bisecting the wetlands and installation of ditch plug(s) in onsite ditch(s), it is anticipated that these actions will result in a more naturalized sheetflow, reduce road washouts, and reduce "flashy" inundation periods. Left unmanaged, exotic species have the potential to cover native communities. It is anticipated that this community will be enhanced by annually treating exotic species if/as noted, thus further reducing and/or maintaining an infestation level to $\leq 1\%$ for exotics and ≤5% for nuisance species. Pre-bank infestation levels will be documented during the Baseline monitoring event. In its pre-bank condition, the presence of native animal species noted has been rare. Wildlife management is a tool used to enhance this natural community. Hog hunting/trapping efforts on the AMB would promote use by and reduce barriers for wildlife use. Though not a measure directly associated with credits, with bank establishment and enhancement, it is anticipated that species will come, and the anticipated wildlife may include (but not limited to): wood stork, southern bald eagle, Florida sandhill crane, great blue heron, osprey, redshouldered hawk, various songbirds and other wading birds, Florida black bear, bobcat, white-tailed deer, water moccasin, wild turkey, armadillo, gray squirrel, Sherman's fox squirrel, southeastern Am. kestrel, eastern indigo snake, and raccoon.

The actions identified to enhance this community are predominately hydrologic and vegetative improvements, but also will include wildlife management prescriptions. Descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions" and shown on Mitigation Plan Figures 5, 8a-8b, as well as on AMB engineering plans. In summary, the improvements for this mitigation category are:

Hydrologic improvements are and will enhance this area by:

- 1) installation of 5 low water crossings in road areas constructed between wetland systems to allow the natural sheet flow of water between severed or altered wetlands, removing obstructed water passage and restoring hydrologic balance to these wetlands; and
- 2) installation of 1 ditch plug within an onsite ditch to remove its drainage effects.

Vegetative improvements are and will enhance this area by:

- 1) substantial thinning of slash pine to $\leq 40\%$ pine trees/acre average to not only optimize species composition but also reduce atypical species coverage, thus opening the canopy for herbaceous growth.
- 2) Cypress seedling plantings, as necessary to achieve 50-100 trees/acre coverage to augment natural regeneration.
- 3) If/as necessary, subsequent, selective pine thinning will occur to maintain a minimal pine density to $\leq 20\%$ pine trees over area and promote healthy coverage by cypress.
- 4) prescribed burns are proposed to reduce atypical vegetation associated with pine plantation alterations;
- 5) reducing bedded rows and artificial hydrologic effects, where applicable, during pine thinning operations; and
- 6) initial reduction and sustained reduction of exotic species by control treatments.

Wildlife Management improvements are and will enhance this area by:

- 1) reduction of invasive feral hogs by hunting and/or trapping measures for native species utilization;
- 2) installation of additional perimeter fencing to control illegal hunting and trespassing effects and barriers detrimental for native species populations and utilization; and
- 3) completion of the combination of improvements for optimal species utilization.

By completion of hydrologic improvements this mitigation category area should either show:

- 1) As described in Section 3.2, by completion of hydrologic improvements this mitigation category area should show: 1) a longer duration of saturation, appropriate stages and hydroperiods, water is equalized within 1"on either side of the road where low water crossings have been placed via hydrologic data and/or wash outs in vicinity roads are absent; or
- 2) presence of desirable groundcover/shrub species from data collected by vegetative monitoring event(s). Data should indicate a beneficial shift in vegetation to species more typical for these wetlands, such as those described in Table 6B and Plant List 6B; and
- 3) In addition, hydrologic improvements shall be considered successful when it has been demonstrated that there is minimal to no evidence of road wash outs, erosion or other indications of unnatural channelized water flow in roads.



Attachment: Settlement Agreement FINAL (3092 : May 2017-Settlement Agreement AVining)

By completion of the initial forestry stewardship actions for vegetative improvements, this mitigation category should show that:

- 1) slash pine coverage is reduced to $\leq 20\%$ cover average;
- 2) planted cypress seedlings show 5-100 trees/acre average coverage and ≥80% planted survivorship;
- 3) desirable native wetland species as shown in Table 6B and Plant List 6B; and
- 4) sustained reduction of species by treatment to $\leq 1\%$ exotic and $\leq 5\%$ nuisance species coverage.

By the implementation of the wildlife management actions within the AMB overall, the AMB should show:

- 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested after permit issuance, and thereafter annually (based on # of hogs, harvests may be adjusted); and
- 2) documentation of applicable activities associated to control illegal hunting and trespassing.

Hydrologic, vegetative and wildlife actions should produce increased wildlife utilization, including utilization by Listed species indicated above. Hog hunting and/or trapping efforts each year would enhance not only the community structure of this mitigation category but also reduce barriers for access and utilization for native wildlife, including those Listed. Hog hunting/trapping efforts would also promote the availability of food sources for native wildlife. Though not directly tied to a credit release, by the above actions, species composition should become more typical of this mitigation category. Baseline documentation, to be completed upon permit issuance, will document the pre-bank conditions for comparison with those targeted for final success of the mitigation category. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. By these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.

Mitigation Category W5 -- Hydric Pine Plantation to Hydric Pine Flatwoods Enhancement – This community is an altered community and in 2001 and 2005 was densely planted in rows with slash pine. These areas are partially bedded with shallow beds. Since this planting effort, the pine coverage has diminished, and this altered community contains patches of pine trees ranging from dense to sparse. Roads were constructed between the cypress and planted pine areas, an action which disrupts water levels and hydroperiods. Exotic species such as Brazilian pepper, cogan grass, and Lygodium were noted, with an estimated $\geq 2\%$ cover. Impacts such as manmade features and conversion from cypress to pine plantation habitats have degraded and converted these natural wetlands. Because of these conditions, enhancement and restoration actions to benefit this community are proposed.

This community will be enhanced from its altered and densely planted pine plantation condition to become hydric pine flatwoods. The pines will be substantially harvested. Re-colonization by native wetland groundcover plant species is expected. Coupled with the forestry stewardship actions are hydrologic improvements. By the installation of low water crossings within roads bisecting the wetlands and installation of ditch plug(s) in onsite ditch(s), it is anticipated that these actions will result in a more naturalized sheetflow, reduce road washouts, and reduce "flashy" inundation periods. Left unmanaged, exotic species have the potential to cover native communities. It is anticipated that this community will be enhanced by annually treating exotic species if/as noted, thus further reducing and/or maintaining an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Pre-bank infestation levels will be documented during the Baseline monitoring event. In its pre-bank condition, the presence of native animal species noted has been rare. Wildlife management is a tool used to enhance this natural community. Hog hunting/trapping efforts on the AMB would promote use by and reduce barriers for wildlife use. Though not a measure directly associated with credits, with bank establishment and enhancement, it is anticipated that species will come, and the anticipated wildlife may include (but not limited to): Florida sandhill crane, great blue heron, various songbirds and other wading birds, Florida black bear, bobcat, white-tailed deer, water moccasin, wild turkey, southeastern Am. kestrel, eastern indigo snake, and raccoon.

The actions identified to enhance this community are predominately hydrologic and vegetative improvements, but also will include wildlife management prescriptions. Descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions" and shown on Mitigation Plan Figures 5, 8a-8b, as well as on AMB engineering plans. In summary, the improvements for this mitigation category are:

Hydrologic improvements are and will enhance this area by:

- 1) installation of 5 low water crossings in road areas constructed between wetland systems to allow the natural sheet flow of water between severed or altered wetlands, removing obstructed water passage and restoring hydrologic balance to these wetlands; and
- 2) installation of 1 ditch plug within an onsite ditch to remove its drainage effects.

Vegetative improvements are and will enhance this area by:

- 1) substantial harvesting removal of slash pine to \leq 50-100 trees/acre average to not only optimize the species composition but to also reduce the presence of atypical species coverage, thus creating herbaceous growth.
- 2) prescribed burns are proposed to reduce atypical vegetation associated with pine plantation alterations;
- 3) reduction of bedded rows and artificial hydrologic effects, where applicable, during pine reduction operations: and
- 4) initial reduction and sustained reduction of exotic species by control treatments.

Wildlife Management improvements are and will enhance this area by:

- 1) reduction of invasive feral hogs by hunting and/or trapping measures for native species utilization:
- 2) installation of additional perimeter fencing to control illegal hunting and trespassing effects and barriers detrimental for native species populations and utilization; and
- 3) completion of the combination of vegetative and hydrologic improvements to provide for optimal species utilization.

By completion of hydrologic improvements this mitigation category area should either show:

- 1) As described in Section 3.2, by completion of hydrologic improvements this mitigation category area should show: 1) a longer duration of saturation, appropriate stages and hydroperiods, water is equalized within 1"on either side of the road where low water crossings have been placed via hydrologic data and/or wash outs in vicinity roads are absent; or
- 2) presence of desirable groundcover/shrub species from data collected by vegetative monitoring event(s). Data should indicate a beneficial shift in vegetation to species more typical for these wetlands, such as those described in Table 6C and Plant List 6C; and
- 3) In addition, hydrologic improvements shall be considered successful when it has been demonstrated that there is minimal to no evidence of road wash outs, erosion or other indications of unnatural channelized water flow in roads.

By completion of the initial forestry stewardship actions for vegetative improvements, this mitigation category should show that:

- 1) slash pine coverage shows \leq 50-100 trees/acre coverage;
- 2) enhanced hydric pine flatwoods community has been established with \geq 75% cover by desirable native wetland species as shown in Table 6C and Plant List 6C; and
- 3) sustained reduction of species by treatment to $\leq 1\%$ exotic and $\leq 5\%$ nuisance species coverage.
- By the implementation of the wildlife management actions within the AMB overall, the AMB should show:
 - 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested after permit issuance, and thereafter annually (based on # of hogs, harvests may be adjusted); and
 - 2) documentation of applicable activities to control illegal hunting and trespassing.

Hydrologic, vegetative and wildlife actions should produce increased wildlife utilization, including utilization by Listed species indicated above. Hog hunting and/or trapping efforts each year would enhance not only the community structure of this mitigation category but also reduce barriers for access and utilization for native wildlife, including those Listed. Hog hunting/trapping efforts would also promote the availability of food sources for native wildlife. Though not directly tied to a credit release, by the above actions, species composition should become more typical of this mitigation category. Baseline documentation, to be completed upon permit issuance, will document the pre-bank conditions for comparison with those targeted for final success of the mitigation category. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. By these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.



Mitigation Category W6 -- Mixed Forested Wetlands (630) Enhancement – These mixed forested wetlands are in the northern portion of the AMB, bisected by onsite roads. Roads were constructed, an action which disrupts water levels and hydroperiods. It is a community on the AMB which once connected with the floodplain wetlands and cypress, but which is partially separated from them by converted pine plantations. The acreage of this community has also likely been diminished by harvesting and replanting with slash pines. They have also been encroached into by silvicultural operations because the planted pine stands are adjacent to these wetlands, and slash pines have volunteered and/or been planted in them. This community is supported by Aripeka complex soils. Field investigations during 2014-2015 show that the pre-bank soil conditions have been dry to saturated. The canopies are relatively closed and dominated by a mix of hardwoods and conifers. Shrub and groundcover layer densities vary. These actions may have allowed shifts in vegetation and an infestation of exotic species within. Exotic species such as Brazilian pepper and Lygodium were noted with $\geq 1\%$ cover. Because of these conditions, enhancement actions to benefit and improve this community are proposed.

This habitat will be enhanced to become an enhanced mixed forested wetland community. This habitat will be hydrologically enhanced by several improvement efforts. By the installation of low water crossings within roads bisecting the wetlands and installation of ditch plug(s) in onsite ditch(s), it is anticipated that these actions will result in a more naturalized sheetflow, reduce road washouts, and reduce "flashy" inundation periods. There may also be a shift toward more faculative-wet and/or obligate vegetation. Because the planted pine stands are adjacent to these wetlands, slash pines have volunteered and/or been planted in them. Slash pines will be selectively reduced to the extent practicable in order to benefit the natural community composition, structure and function. Selective thinning will assist with the recovery of a natural landscape. With bank establishment, adjacent communities will be enhanced and these mixed forested communities will become functional connections to onsite floodplain wetlands. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come, and the anticipated wildlife includes (*but not limited to*): great blue heron, cardinal, robin, mockingbird, red-shouldered hawk, water moccasin, gray squirrel, opossum, various frogs, and raccoon.

The actions identified to enhance this community are predominately hydrologic improvements, but also will include vegetative and wildlife management prescriptions. Descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions" and shown on Mitigation Plan Figures 5, 8a-8b, as well as on AMB engineering plans. In summary, the improvements for this mitigation category are:

Hydrologic improvements are and will enhance this area by:

- 1) installation of 5 low water crossings in road areas constructed between wetland systems to allow the natural sheet flow of water between severed or altered wetlands, removing obstructed water passage and restoring hydrologic balance to these wetlands; and
- 2) installation of 1 ditch plug within an onsite ditch to remove its drainage effects.

Vegetative improvements are and will enhance this area by:

- selective thinning of pine to ≤20% trees/acre average to not only optimize the species composition but to also reduce the presence of atypical species coverage; and
- 2) initial reduction and sustained reduction of exotic species by control treatments.

Wildlife Management improvements are and will enhance this area by:

- 1) reduction of invasive feral hogs by hunting and/or trapping measures for native species utilization;
- 2) installation of additional perimeter fencing to control illegal hunting and trespassing effects and barriers detrimental for native species populations and utilization; and
- 3) completion of the combination of vegetative and hydrologic improvements to provide for optimal species utilization.

By completion of hydrologic improvements this mitigation category area should either show:

1) an increase in water elevations based on an annual average from data collected from recording piezometers. Collected water level piezometer and/or other hydrologic data during a 2 year period should indicate equalized water elevations on each side of the road where the low water crossings have been placed, and/or a longer duration of saturation, that stages and hydroperiod are appropriate; or
- 2) presence of desirable groundcover/shrub species from data collected by vegetative monitoring event(s). Data should indicate desirable species presence such as those described in Table 6D and Plant List 6D; and
- 3) In addition, hydrologic improvements shall be considered successful when it has been demonstrated that there is minimal to no evidence of road wash outs, erosion or other indications of unnatural channelized water flow in roads.

By completion of the initial forestry stewardship actions for vegetative improvements, this mitigation category should show that:

- 1) slash pine presence $\leq 20\%$ average;
- 2) sustained reduction of species by treatment to $\leq 1\%$ exotic and $\leq 5\%$ nuisance species coverage; and
- 3) species composition is typical of the targeted habitat as shown in Table 6D & Plant List 6D.

By the implementation of the wildlife management actions within the AMB overall, the AMB should show:

- 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested within the AMB after permit issuance, and thereafter annually (based on # of hogs, harvests may be adjusted); and
- 2) documentation of applicable activities associated with the AMB to control and monitor the prevention of illegal hunting and trespassing.

Hydrologic, vegetative and wildlife actions should produce increased wildlife utilization, including utilization by Listed species indicated above. Hog hunting and/or trapping efforts each year would enhance not only the community structure of this mitigation category but also reduce barriers for access and utilization for native wildlife, including those Listed. Hog hunting/trapping efforts would also promote the availability of food sources for native wildlife. Though not directly tied to a credit release, by the above actions, species composition should become more typical of this mitigation category. Baseline documentation, to be completed upon permit issuance, will document the pre-bank conditions for comparison with those targeted for final success of the mitigation category. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. By these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.

Mitigation Category W7 -- Freshwater Marsh (641) Preservation – There are freshwater marshes on the AMB. These were forested cypress communities that were harvested. They have subsequently regenerated it densely vegetated groundcover. This community is supported by Okeelanta and Aripeka complex soils. This interconnnected system directly connects to and is surrounded by forested floodplain wetlands. The marshes are topographically flat, have high water tables, have been noted to be inundated, and the soils are typically organic and nutrient-laden. Marshes are characterized by a diversified, herbaceous vegetative composition, with essentially no canopy or shrub layers. Typically one or more species such as sawgrass, maidencane or rushes may dominate. Preservation of AMB's freshwater marshes allows protection of a diversified habitat and provides areas suitable for nesting, such as for the Florida sandhill crane. These areas are susceptible to additional conversion to agricultural or silvicultural uses. Because of these conditions, preservation and protection actions to benefit and improve this community are proposed.

This habitat will be preserved to become a protected freshwater marsh community. Conservation ensures protection of wildlife habitat, protection of threatened and endangered species, protection of keystone wildlife populations, preserves biodiversity and encourages preservation of natural vegetation. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come, and the anticipated wildlife includes (but not limited to): forage fish, American alligator, Florida sandhill crane, osprey, river otter, water moccasin, marsh rabbit, wild turkey, white-tailed deer, raccoon, mud turtle, and great blue heron.

The actions identified to preserve this community are predominately protection-based, but onsite improvements described herein benefit this community as well. Descriptions of preservation actions are provided in Sections 3.1-3.6 "Actions" and shown on Mitigation Plan Figures 5, 8a-8b, as well as on AMB engineering plans. In summary, the improvements for this mitigation category are:

Preservation actions will protect and benefit this area by:

1) cessation of ongoing harvesting in wetlands;

- 2) cessation of unrestricted hunting and control of trespassing by fencing and installation of 6 gates;
- 3) removal of intensive timber harvesting to marsh edge; and
- 4) removal of natural community threat for conversion to altered food plots or agriculture uses.

Vegetative improvements will protect and benefit this area by:

- 1) sustained reduction of exotic species by control treatments; and
- 2) cessation of harvesting in wetlands adjacent to, encroachment into this mitigation category.
- Wildlife Management improvements will protect and benefit this area by:
 - 1) reduction of invasive feral hogs by hunting and/or trapping measures for native species utilization; and
 - 2) installation of additional perimeter fencing to remove the unauthorized access from adjacent lands.
- By implementation of the AMB preservation actions, this mitigation category should show that:
 - 1) conservation Easement has been recorded and the AMB criteria is implemented;
 - 2) mitigation bank is in compliance with Mitigation Bank Permit conditions;
 - 3) applicable mitigation category activities have been completed and successful; and
 - 4) evidence of wildlife use, appropriate for the targeted community type.

By completion of the initial forestry stewardship actions, this mitigation category should show that:

- 1) sustained reduction of species by treatment to $\leq 1\%$ exotic and $\leq 5\%$ nuisance species coverage; and
 - 2) species composition is typical of the targeted habitat as shown in Table 6 & Plant List 6.

Mitigation Category W8 -- Estuarine Salt Marsh (642) Preservation – There is an estuarine salt marsh on the AMB. This community is saltmarsh and it is a component of Indian Creek Bay estuarine ecosystem. Salt marshes are one of the most biologically productive natural communities on the AMB. These areas are largely herbaceous and located near the mouth of Indian Creek where it merges into the Indian Creek Bay ecosystem but within the AMB. Exotic species were not noted to date. These marshes contain a densely vegetated groundcover and open water, as well as hummocks containing cabbage palms. In the salt marsh, cordgrass grows where flooding occurs almost daily and needlerush grows where flooding occurs less frequently. On the AMB, the salt marshes are regularly inundated with tidal waters. The AMB salt marshes may provide habitat, food and nesting capabilities to a variety of Listed and nonListed species. Because of these conditions, preservation and protection actions to benefit and improve this community are proposed.

This habitat will be preserved to become a preserved and protected salt marsh community. Conservation ensures protection of, as well as enhancement of, environmentally sensitive lands which comprise Aripeka Mitigation Bank's Mitigation Category W8 salt marsh community, as well as the W2 floodplain community to which the W8 habitat is connected. Its preservation ensures protection of wildlife habitat, Listed species, and keystone wildlife populations, preserves biodiversity and encourages preservation of natural community structure. Preservation of the marsh ensures that some of the most biologically productive natural communities onsite are protected. Numerous species are also protected, and these may include: white-tailed deer, Gulf salt marsh mink, river otter, raccoon, eastern brown pelican, coots, a variety of herons, egrets, seagulls and terns, American alligator, diamondback terrapin, saltmarsh snake, West Indian manatee, Marian's marsh wren, roseate spoonbill, arctic peregrine facon, roseate tern, southern bald eagle, wood stork, mullet, spot, blue crabs, oysters, and shrimp. This habitat, in conjuction with the tidally influenced areas of Indian Creek, also are essential for providing a food source for recreationally important fish, such as tarpon, snook, red drum, and spotted seatrout.

The actions identified to preserve this community are predominately protection-based, but onsite improvements described herein benefit this community as well. Descriptions of preservation actions are provided in Sections 3.1-3.6 "Actions" and shown on Mitigation Plan Figures 5, 8a-8b, as well as on AMB engineering plans. In summary, the improvements for this mitigation category are:

Preservation actions will protect and benefit this area by:

- 1) cessation of ongoing harvesting in wetlands;
- 2) cessation of unrestricted hunting and control of trespassing by fencing and installation of 6 gates;
- 3) removal of intensive timber harvesting to riverine and marsh edges; and
- 4) removal of natural community threat for conversion to altered food plots or agriculture uses.

Vegetative improvements will protect and benefit this area by:

1) sustained reduction of exotic species by control treatments; and

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Wildlife Management improvements will protect this area by:

1) installation of signage that the AMB is a conservation area and trespassing is prohibited.

By implementation of preservation actions, this mitigation category should show that:

- 1) conservation easement has been recorded and the AMB criteria is implemented; and
- 2) mitigation bank is in compliance with Mitigation Bank Permit conditions.
- By completion of the initial forestry stewardship actions, this mitigation category should show that:
 - 3) sustained reduction of species by treatment to $\leq 1\%$ exotic and $\leq 5\%$ nuisance species coverage; and
 - 4) species composition is typical of the targeted habitat as shown in Table 6 & Plant List 6.

Mitigation Category U1 -- Pine Plantation (441) to Pine Flatwoods (411) Enhancement – This community is an altered pine plantation community. The pine plantations are located throughout the AMB and located in areas that were typically historic slash pine and/or longleaf pine (*Pinus palustris*) flatwoods, scrub or scrubby flatwoods. This community lies between adjacent hydric pine plantations, cypress and the floodplain areas. In 2001 and 2005 it was densely planted with slash and/or longleaf pine. The natural communities were cleared, site prepped into rows and planted. These areas are partially bedded with shallow beds. The pine plantations are overgrown and fire-suppressed. Pine flatwoods are characterized with variably spaced longleaf pine canopies (with slash and sand pine), with a sparse or moderately open shrub layer and a denser groundcover of grasses, herbs, and low shrubs. Because this community is planted, altered, overgrown with atypical species, and is fire-suppressed, enhancement actions are proposed to benefit and improve this community.

This community will be enhanced from its planted pine plantation condition to become pine flatwoods. The pines will be substantially thinned from approximately 700-900 trees/acre densities. Thinning actions are expected to enhance the altered community to pine flatwoods conditions. Re-colonization by native plant species is expected. A prescribed burn program will commence, and may be completed after thinning and mechanical efforts have been completed to prevent catastrophic damage to the pine trees. By these actions, the native community structure will be enhanced. Future annual monitoring field investigations should provide evidence of plant species more indicative of pine flatwoods. The conversion from plantation to flatwoods will be aimed to achieve a vegetative composition that is supported by desirable target species as described in Table 6E and Plant List 6E. Exotic species such as Brazilian pepper, cogan grass, Chinese tallow, and Lygodium climbing fern were noted, with an estimated $\geq 2\%$ cover. It is anticipated that this community will be enhanced by annually treating noted exotic species, thus further reducing and maintaining an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Pre-bank infestation levels will be documented during the Baseline monitoring event. In its existing, pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Though not a measure directly associated with credits, with bank establishment and protection, anticipated wildlife may include (but not limited to): white-tailed deer, wild turkey, Sherman's fox squirrel, swallowtail kite, southeastern American kestrel, bobcat, Florida black bear, gray squirrel, armadillo, a variety of songbirds, barred owl, red-shouldered hawk, gopher tortoise and gopher tortoise commensals, pine snake, opossum, eastern diamondback rattlesnake, pigmy rattlesnake, black racer, box turtle, and raccoon.

The actions identified to enhance this community are predominately vegetative improvements, but also will include wildlife management prescriptions. Descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions" and shown on Mitigation Plan Figures 5, 8a-8b, as well as on AMB engineering plans. In summary, the improvements for this mitigation category are:

Vegetative improvements are and will enhance this area by:

- substantial thinning of slash pine from 700-900 to 100-400 trees/acre or 50-90 sq.ft. basal area/acre to not only optimize the species composition but to also reduce the presence of atypical species coverage, thus opening the canopy to allow herbaceous growth;
- 2) prescribed burns are proposed to reduce atypical vegetation associated with pine plantation alterations;
- 3) reduction of bedded rows, if/as applicable, during pine thinning operations; and
- 4) initial reduction and sustained reduction of exotic species by control treatments.

Wildlife Management improvements are and will enhance this area by:

1) reduction of invasive feral hogs by hunting and/or trapping measures for native species utilization;

- 2) installation of additional perimeter fencing to control illegal hunting effects and barriers; and
- 3) completion of a combination of improvements to provide the opportunity for optimal species utilization.

By completion of the initial forestry stewardship actions, this mitigation category should show that:

- 1) pine trees show 100-400 trees/acre or 50-90 sq.ft. basal area/acre overall;
- 2) flatwoods established with desirable species as shown in Table 6E and Plant List 6E; and
- 3) reduction and sustained reduction by treatments to $\leq 1\%$ exotic and $\leq 5\%$ nuisance species coverage.

By the implementation of wildlife management actions within the AMB overall, the AMB should show:

- 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested after permit issuance, and thereafter annually (*based on # of hogs, harvests may be adjusted*); and
- 2) documentation of applicable activities to control illegal hunting and trespassing.

Vegetative and wildlife management actions should produce increased wildlife utilization, including utilization by Listed species indicated above. Hog hunting and/or trapping efforts each year would enhance not only the community structure of this mitigation category but also reduce barriers for access and utilization for native wildlife, including those Listed. Hog hunting/trapping efforts would also promote the availability of food sources for native wildlife. Though not directly tied to a credit release, by the above actions, species composition should become more typical of this mitigation category. Baseline documentation, to be completed upon permit issuance, will document the pre-bank conditions for comparison with those targeted for final success of the mitigation category. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. By these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.

Mitigation Category U2 -- Pine Flatwoods (411) Preservation – These are pine flatwoods, dominated by longleaf pines but which may include slash and sand pines and a variety of oak species integrated with the pine. These pine flatwoods are under a relatively closed canopy, canopied by older pine trees, and the trees are merchantable. In the pre-bank condition, the shrub and groundcover layers are dominated by a combination of species, subject to harvesting activities. The longleaf pine (*with slash and sand pine*) canopies are variably spaced, with a denser shrub layer and less groundcover. Longleaf pine flatwoods typically have a variably open shrub layer and denser groundcover of grasses, herbs, and low shrubs. Pine flatwoods are supported by frequent fires, fires which have been absent on the AMB. Exotic species were not noted in this area. In its existing, pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Thus, because of these conditions, preservation actions are proposed to benefit and improve this community.

This community will be preserved to become protected pine flatwoods. Though enhancement actions would benefit this community, the community will be preserved. However, if the AMB is not established, access through the floodplain wetlands would be feasible by harvesting them and re-establishing access to the flatwoods for conversion to plantation. It is anticipated that this flatwoods community will be annually treated for invasive species, if/when noted, thus maintaining an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Pre-bank infestation levels will be documented during the Baseline monitoring event. Though not a measure directly associated with credits, with bank establishment and protection, it is anticipated that species will come. Anticipated wildlife may include (*but not limited to*): white-tailed deer, wild turkey, Sherman's fox squirrel, swallowtail kite, southeastern American kestrel, bobcat, Florida black bear, gray squirrel, armadillo, a variety of songbirds, barred owl, red-shouldered hawk, gopher tortoise and gopher tortoise commensals, pine snake, opossum, eastern diamondback rattlesnake, pigmy rattlesnake, black racer, box turtle, and raccoon.

The actions identified to preserve this community are predominately protection-based, but onsite improvements described herein benefit this community as well. Descriptions of preservation actions are provided in Sections 3.1-3.6 "Actions" and shown on Mitigation Plan Figures 5, 8a-8b and AMB engineering plans. In summary, the improvements for this mitigation category are:

Preservation actions will protect and benefit this area by:

- 1) cessation of ongoing harvesting in pine flatwoods and adjacent wetlands;
- 2) control of trespassing and unauthorized hunting by fencing and installation of gates; and
- 3) removal of natural community threat for conversion to altered food plots or agriculture uses.

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Vegetative improvements will protect and benefit this area by:

- 1) sustained reduction of exotic species by control treatments; and
- 2) cessation of harvesting in wetlands adjacent to, encroachment into this mitigation category.

Wildlife Management improvements will protect and benefit this area by:

1) installation of signage that the AMB is a conservation area and trespassing is prohibited.

- By implementation of the AMB preservation actions, this mitigation category should show that:
 - 1) conservation easement has been recorded and the AMB criteria is implemented; and
 - 2) mitigation bank is in compliance with Mitigation Bank Permit conditions.

By completion of the initial forestry stewardship actions, this mitigation category should show that:

- 1) sustained exotic species presence by treatments of $\leq 1\%$ coverage and $\leq 5\%$ nuisance species; and
- 2) species composition is typical of the targeted habitat as shown in Table 6 & Plant List 6.
- By the implementation of the initial wildlife management actions, the AMB should show:
 - 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested after permit issuance, and thereafter annually (based on # of hogs, harvests may be adjusted); and
 - 2) documentation of applicable activities to control illegal hunting and trespassing.

Mitigation Category U3 -- Food Plots (215) to Scrubby Flatwoods (419) Enhancement – These altered communities are areas cleared of historic upland vegetation, site-prepped for planting pine, and either later replanted with herbaceous species as food sources to attract game species for hunters or planted with pine. Where the food plots were planted with longleaf pine, the majority of the trees did not survive, leaving barren sand plots. The barren food plots are located generally on higher elevations on sandy soils. The plots are located within pine plantation areas on the AMB. According to NRCS soil survey, this community is supported by Adamsville fine sand soils, soils that typically support pine flatwoods communities. Desirable plant species are absent. Evidence of native fauna was either absent or rare. Because this community is altered with atypical species, enhancement actions are proposed to benefit and improve this community.

This community will be vegetatively enhanced to become scrubby flatwoods. With AMB establishment, recolonization by desirable native plant species is expected. This should produce optimal habitat for wetland dependent species, both listed and nonlisted. However, to augment and facilitate production of a scrubby flatwoods community, various species are proposed for planting. By the introduction of an initial prescribed burn, it is anticipated that not only recruitment of desirable scrubby flatwoods species will result but also a structure that will become typical of scrubby flatwoods. The targeted community structures associated with success criteria and affiliated credit releases are outlined in Table 6F. Future annual monitoring field investigations should provide evidence of plant species indicative of scrubby flatwoods. Exotic species were not noted in these areas. It is anticipated that this community will be enhanced in the future by annually treating any noted exotic species, thus maintaining an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Pre-bank infestation levels will be documented during the Baseline monitoring event. Though not a measure directly associated with credits, with enhancement, it is anticipated that species will come. Anticipated wildlife may include (*but not limited to*): wild turkey, songbirds, armadillo, gopher tortoise, gopher tortoise commensals, pine snake, opossum, eastern diamondback rattlesnake, pigmy rattlesnake, and black racer.

The actions identified to enhance this community are predominately vegetative improvements, but also will include wildlife management prescriptions. Descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions" and shown on Mitigation Plan Figures 5, 8a-8b, as well as on AMB engineering plans. In summary, the improvements for this mitigation category are:

Vegetative improvements are and will enhance this area by:

- 1) planting desirable native tree, shrub and/or groundcover species to achieve species coverage as identified in Table 6F and Plant List 6F;
- 2) prescribed burns are proposed to reduce atypical vegetation; and
- 3) sustained reduction of exotic species by control treatments.

Wildlife Management improvements are and will enhance this area by:

- 1) reduction of invasive feral hogs by hunting and/or trapping measures for native species utilization;
- 2) installation of additional perimeter fencing to control illegal hunting effects and barriers; and

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3) completion of a combination of improvements to provide for optimal species utilization. **By completion of** the initial forestry stewardship actions for vegetative improvements, this mitigation category should show that:

- 1) a cover range by native upland species typical for this natural community as shown in Table 6F;
- 2) an initial prescribed burn reduced nondesirable vegetation;
- 3) enhanced community established with $\geq 80\%$ planted species survivorship; and
- 4) sustained reduction by treatment to $\leq 1\%$ exotic and $\leq 5\%$ nuisance species coverage.

By the implementation of the initial wildlife management actions, the AMB should show:

- 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested within the AMB after permit issuance, and thereafter annually; and
- 2) documentation of applicable activities to control illegal hunting and trespassing.

Vegetative and wildlife management actions should produce increased wildlife utilization, including utilization by Listed species indicated above. Hog hunting and/or trapping efforts each year would enhance not only the community structure of this mitigation category but also reduce barriers for access and utilization for native wildlife, including those Listed. Hog hunting/trapping efforts would also promote the availability of food sources for native wildlife. Though not directly tied to a credit release, by the above actions, species composition should become more typical of this mitigation category. Baseline documentation, to be completed upon permit issuance, will document the pre-bank conditions for comparison with those targeted for final success of the mitigation category. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. By these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.

Mitigation Category U4 -- Pine Plantation (441) to Scrubby Flatwoods (419) Enhancement – This community is an altered pine plantation community. In 2005 it was densely planted with slash and/or longleaf pine. The natural communities were cleared, site prepped into rows and planted. These AMB pine plantations are located in areas that were historically likely scrubby flatwoods and/or longleaf pine (*Pinus palustris*) flatwoods. These are planted pine areas higher in elevation, and supported by Eau Gallie sand soils. These pine plantations are overgrown and fire-suppressed. Scrubby flatwoods are characterized as open canopied, fire-dependent, pine forests of widely spaced longleaf and/or sand pines, with a sparse or moderately open shrub layer and a denser groundcover of grasses, herbs, and low shrubs. However, the density of these layers varies dependent on its soils and its fire history. Because this community is altered, planted with pine, overgrown with atypical species and is fire-suppressed, enhancement actions are proposed to benefit and improve this community.

This community will be enhanced from its planted pine plantation condition to become scrubby flatwoods. The planted pines will be thinned from >500 trees/acre densities to a targeted 50-100 pine trees/acre. Thinning actions are expected to enhance the altered community to scrubby flatwoods conditions. Re-colonization by native plant species is expected. A prescribed burn program will commence, and may be completed after thinning and mechanical efforts have been completed to prevent catastrophic damage to the pine trees. By these actions, a native community structure will be restored. Future annual monitoring field investigations should provide evidence of plant species indicative of scrubby flatwoods, supported by desirable target species as described in Table 6G and Plant List 6G. Exotic species such as Brazilian pepper and cogan grass were noted, with an estimated $\geq 2\%$ cover. It is anticipated that this community will be enhanced by annually treating noted exotic species. Pre-bank infestation levels will be documented during the Baseline monitoring event. Though not a measure directly associated with credits, with bank establishment and protection, anticipated wildlife may include (*but not limited to*): white-tailed deer, wild turkey, southeastern American kestrel, bobcat, Florida black bear, gray squirrel, armadillo, a variety of songbirds, gopher tortoise and gopher tortoise commensals, pine snake, opossum, eastern diamondback rattlesnake, and pigmy rattlesnake.

The actions identified to enhance this community are predominately vegetative improvements, but also will include wildlife management prescriptions. Descriptions of enhancement actions are provided in Sections 3.1-3.6 "Actions" and shown on Mitigation Plan Figures 5, 8a-8b, as well as on AMB engineering plans. In summary, the improvements for this mitigation category are:

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Vegetative improvements are and will enhance this area by:

- substantial thinning of planted pines to 50-100 pine trees/acre to not only optimize species composition but to also reduce the presence of atypical species coverage and reduction of shrub layers from ≥60% coverage to 10-40% coverage;
- 2) prescribed burns to reduce atypical vegetation associated with pine plantation alterations; and
- 3) initial reduction and sustained reduction of exotic species by control treatments.

Wildlife Management improvements are and will enhance this area by:

- 1) reduction of invasive feral hogs by hunting and/or trapping measures for native species utilization;
- 2) installation of additional perimeter fencing to control trespassing effects and barriers; and
- 3) completion of improvements to provide the opportunity for optimal species utilization.

By completion of the initial forestry stewardship actions, this mitigation category should show that:

- 1) thinning planted pines reduced planted pines to a coverage 50-100 trees/acre;
- 2) mechanical and/or thinning actions reduced shrub layers to 10-40% coverage;
- 3) initial prescribed fire reduced nondesirable species and facilitated the recruitment of fire-dependent species as shown in Table 6G and Plant List 6G; and
- 4) reduction of species by treatments to $\leq 1\%$ exotic and $\leq 5\%$ nuisance species coverage.
- By the implementation of the wildlife management actions, the AMB should show:
 - 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested after permit issuance, and thereafter annually (based on # of hogs, harvests may be adjusted); and
 - 2) documentation of applicable activities to control trespassing.

Vegetative and wildlife management actions should produce increased wildlife utilization, including utilization by Listed species indicated above. Hog hunting and/or trapping efforts each year would enhance not only the community structure of this mitigation category but also reduce barriers for access and utilization for native wildlife, including those Listed. Hog hunting/trapping efforts would also promote the availability of food sources for native wildlife. Though not directly tied to a credit release, by the above actions, species composition should become more typical of this mitigation category. Baseline documentation, to be completed upon permit issuance, will document the pre-bank conditions for comparison with those targeted for final success of the mitigation category. Additional descriptions of targeted conditions are provided in UMAM Parts I & II. By these actions, there is an interim credit release associated with an interim success criteria stage to document how this area is trending towards success. There is a final credit release associated with final success criteria achieved.

Mitigation Category U5 -- Mesic Hammock (434) Preservation – This community is mesic hammock. AMB hammocks are predominately found within the floodplain wetlands. They have been historically harvested, and were cleared by the 1940s. They form a relatively closed canopy, and they are also fire-suppressed and overgrown. In the pre-bank condition, the hammock canopies are variably spaced with hardwood species, with a dense shrub layer and less groundcover. In the pre-bank condition, the hammocks are merchantable and harvestable for conversion to pine plantation. As a natural community, hammocks are dominated by a variety of oak species but not dominated by live oak. Exotic species were not noted in this area. In its existing, pre-bank condition, the presence of native animal species noted during field investigations to date has been rare. Thus, because of these conditions, preservation actions are proposed to benefit and improve this community.

These communities will be preserved to become protected mesic hammocks. Access to these hammocks for forestry stewardship actions such as prescribed burns is not as practical. Therefore, though enhancement actions would benefit and improve this community, the community will be preserved but not enhanced. However, if the AMB is not established, access through the floodplain wetlands remains feasible by harvesting the floodplain wetlands, constructing additonal agricultural/timber roads for access to these hammocks, reharvesting them, and subsequent conversion to plantations, as other areas have been converted. With preservation, the mesic hammock will remain comprised of a variety of hammock-dominated species. Though minimal, exotic species were noted, and species such as Chinese tallow will be treated with appropriate, agency approved herbicides to maintain species presence to $\leq 1\%$ cover. Pre-bank infestation levels will be documented during the Baseline monitoring event. Though not a measure directly associated with credits, with bank protection, it is anticipated that species will come, and the anticipated wildlife may include (*but not limited to*): white-tailed deer, bobcat, wild turkey, gray squirrel, gopher tortoise and its commensals, armadillo, a variety of songbirds, Florida black bear,

eastern diamondback rattlesnake, and eastern indigo snake.

The actions identified to preserve this community are predominately protection-based, but onsite improvements described herein benefit this community as well. Descriptions of preservation actions are provided in Sections 3.1-3.6 "Actions," and shown on Mitigation Plan Figures 5, 8a-8b and AMB engineering plans. In summary, the improvements for this mitigation category are:

Preservation actions will protect and benefit this area by:

- 1) cessation of ongoing harvesting in hammocks and adjacent wetlands;
- 2) control of trespassing and uncontrolled hunting by fencing and installation of 6 gates; and
- 3) removal of threat for development and/or conversion to agricultural or silvicultural uses.

Vegetative improvements will protect and benefit this area by:

- 1) sustained reduction of exotic species by control treatments;
- 2) cessation of harvesting in wetlands adjacent to, encroachment into this mitigation category.

Wildlife Management improvements will protect and benefit this area by:

1) installation of signage that the AMB is a conservation area and trespassing is prohibited.

- By implementation of the AMB preservation actions, this mitigation category should show that:
 - 1) conservation easement has been recorded and the AMB criteria is implemented;
 - 2) mitigation bank is in compliance with Mitigation Bank Permit conditions; and
 - 3) applicable mitigation category activities have been completed and successful.

By completion of the initial forestry stewardship actions, this mitigation category should show that:

- 1) sustained exotic species presence by treatments of $\leq 1\%$ coverage and $\leq 5\%$ nuisance species; and
- 2) species composition is typical of the targeted habitat as shown in Table 6 & Plant List 6.
- By the implementation of wildlife management actions within the AMB, the AMB should show:
 - 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested after permit issuance, and thereafter annually (based on # of hogs, harvests may be adjusted); and
 - 2) documentation of applicable activities to control illegal hunting and trespassing.

Mitigation Category U6 -- **Sand Pine Scrub (413) Preservation** – This community has been historically harvested and altered and will remain characterized as a sand pine scrub. The canopy is dominated by sand pine and scrub oak with longleaf pine. With no prescribed burns the shrub layer is relatively dense and overgrown. The groundcover layer is sparsely vegetated. Scrub uplands are typically relatively open upland areas dominated by sand pine (Pinus clausa) and scrub oak. Scrub community composition includes a variety of scrub oaks with sand pine in the canopy and subcanopy, as well as a relatively dense shrub layer and relatively sparse groundcover. This scrub upland community is a unique community that has become rare, and considered imperiled. It occupies an area of higher ridge elevations, has well-drained, infertile, sandy soils. Scrub uplands in general are supported by high intensity and infrequent fires, and their species are adapted to fire and xeric conditions. On the AMB this community is supported by Tavares fine sand (slope). Preservation actions could benefit and improve this community by protecting them from future harvesting and conversion from a natural community type to an altered community of planted pines or development. Because of these conditions, this community will be preserved.

This community will be preserved to become protected sand pine scrub uplands. Exotic species presence is less than 1% in the pre-bank condition. However, left unmanaged, exotic species have the potential to cover native communities. It is anticipated that this scrub community will be enhanced by annually treating noted exotic species in conjunction with other forestry stewardship actions, thus maintaining an infestation level to $\leq 1\%$ for exotics and $\leq 5\%$ for nuisance species. Existing infestation levels will be documented during the Baseline monitoring event. Though not directly tied to a credit release, by protecting this habitat, species composition should become more typical of the targeted mitigation category. These species may include, but are not limited to: white-tailed deer, wild turkey, armadillo, gopher tortoise, Florida mouse, gopher frog, eastern diamondback rattlesnake, bobcat, lizard species, Florida pine snake, gray squirrel, spotted skunk, a variety of birds including the swallow-tailed kite, SE American kestrel, bald eagle, and eastern indigo snake.

The actions identified to preserve this community are predominately protection-based, but onsite improvements described herein benefit this community as well. Descriptions of preservation actions are provided in Sections

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3.1-3.6 "Actions" and shown on Mitigation Plan Figures 5, 8a-8b and AMB engineering plans. In summary, the improvements for this mitigation category are:

Preservation actions will protect and benefit this area by:

- 1) cessation of ongoing harvesting in hammocks and adjacent wetlands;
- 2) cessation of unrestricted hunting and control of trespassing by fencing and installation of 6 gates; and
- 3) removal of natural community threat for conversion to planted pines.

Vegetative improvements will protect and benefit this area by:

- 1) sustained reduction of exotic species by control treatments; and
- 2) cessation of harvesting in wetlands adjacent to, encroachment into this mitigation category.

Wildlife Management improvements will protect and benefit this area by:

1) installation of signage that the AMB is a conservation area and trespassing is prohibited.

- By implementation of the AMB preservation actions, this mitigation category should show that:
 - 1) conservation easement has been recorded and the criteria identified for the AMB is implemented;
 - 2) mitigation bank is in compliance with Mitigation Bank Permit conditions; and
 - 3) applicable mitigation category activities have been completed and successful.
- By completion of the initial forestry stewardship actions, this mitigation category should show that:
 - 1) sustained exotic species presence by treatment to $\leq 1\%$ coverage and $\leq 5\%$ nuisance species; and
 - 2) species composition is typical of the targeted habitat as shown in Table 6 & Plant List 6.
- By the implementation of the wildlife management actions within the AMB, the AMB should show:
 - 1) by annual harvest reports, a reduction of invasive feral hogs by at least 1-5 hogs harvested after permit issuance, and thereafter annually (based on # of hogs, harvests may be adjusted); and
 - 2) documentation of applicable activities to control illegal hunting and trespassing.

6.3 SPECIFIC MITIGATION CATEGORY SUCCESS CRITERIA: TABLES & PLANT LISTS

For determining whether credit releases are warranted for the mitigation categories which receive preservation credits (*no measurable enhancement*), Mitigation Categories W1-W2, W7-W8, U2, and U6 must meet applicable general conditions described in Table 6 outlined below. For determining whether credit releases are warranted for the mitigation categories which involve enhancement actions and receive enhancement credits, Mitigation Categories W3-W6, U1, and U3-U4 must meet the overall criteria outlined in Table 6, as well as additional specific conditions described for that mitigation category in Tables 6A-6G and Plant Lists 6A-6G below.

 Table 6
 Overall Success Criteria

Applicable conservation easement, financial assurance mechanism(s), security measures, and cessation of harvesting in wetlands have been implemented/executed.

The mitigation bank is in compliance with all Mitigation Bank Permit conditions

Applicable mitigation category activities have been completed and successful

Required report(s) are sent to SWFWMD

Native plant compositions remain in same or better condition compared to Pre-bank conditions

Enhancement areas trending toward final success

Evidence of recruitment of plant species appropriate to targeted community type

Exotic and nuisance vegetation % *cover are maintained to* \leq *1*% *and* \leq *5*%, *respectively*

Table 6A – Success Criteria for Cypress Wetlands Enhancement Mitigation Category W3				
Criterion	Final Success	Notes:		
Documentation increase water elevation OR documentation presence desirable wetland species by completion of hydrologic improvements		For hydrologic documentation: Shows longer duration inundation, fewer short duration spikes water increase, average duration 6-12 months/yr (consistent		
Documentation naturalized water passage between wetlands-ie minimal/no road wash outs	See Notes	with climatic conditions). Shown in monitoring report hydrographs & water level and rainfall data over 2 year period; OR For vegetative documentation: Shows either evidence of: 1) shrub/groundcover increase desirable or 2) decrease nondesirable species.*		
Canopy maximum % cover slash pine by completion selective pine thinning actions	≤20%	Average over assessment area(s)		
Canopy % composition desirable species	≥90%	Average over assessment area(s)		
Shrub % composition desirable species*	≥90%	Average over assessment area(s)		
Shrub % cover desirable species	10-40%	Average over assessment area(s)		
Groundcover minimum # desirable species	≥10	Overall within entire assessment area; not required each acre		
Groundcover minimum % cover desirable species	≥75%	Measured % area not covered by trees or shrubs		
% cover exotic species by enhancement actions	≤1%			

*Success derived from reduction ditch drainage effects and elevated roads obstructing water, as well as encroachment planted pine into natural system. Hydrologic improvements and selective pine reductions should produce final success without interim periods. Success includes a reduction in the amount of nondesirable species identified in the pre-bank condition; FAC species such as saltbush (Baccharis halimifolia), wax myrtle (Myrica cerifera), blackberry (Rubus sp).

Plant List 6A -- For Cypress Wetlands

Desirable species may include, but are not limited to: cypress, sweetbay magnolia, blackgum, pop ash, water oak, swamp laurel oak, red maple, American elm, red cedar and/or swamp bay, and swamp, royal, cinnamon and/or chain ferns, dahoon holly, buttonbush, soft rush, bog button, St. Johns wort, carolina willow, yellow-eyed grass, maidencane, spikerush, sawgrass, and sedges.

Table 6B – Success Criteria for Hydric Pine Plantation to Cypress Enhancement Mitigation Category W4			
Criterion	Interim Success	Final Success	Notes:
Documentation increase water elevation OR documentation increase desirable or decrease nondesirable shrub/groundcover species by completion of hydrologic improvements Documentation naturalized water passage	. See Notes	See Notes	For hydrologic documentation: Shows longer duration inundation, fewer short duration spikes water increase, average duration 6-12 months/yr (consistent with climatic conditions). Shown in monitoring report hydrographs & water level and rainfall data over 2 year period; OR
between wetlands – ie minimal/no road wash outs			evidence of: 1) shrub/groundcover increase desirable or 2) decrease nondesirable species.*
Canopy maximum % cover slash pine by completion pine thinning actions	≤40%	≤20%	Average over assessment area(s)
Cypress plantings minimum trees/acre	50-100	NA	Average over assessment area(s)
Canopy trees/ac composition desirable species	NA	100-300	Average over assessment area(s)
Shrub % composition desirable species	≥50%	≥90%	
Shrub % cover desirable species	≥10%	10-40%	Average over assessment area(s)
Groundcover minimum # of desirable species	≥5	≥10	Overall within entire area; not required each acre
Groundcover minimum % cover desirable species	≥30%	≥75%	Measured as % of areas not covered by trees or shrubs
% cover exotic species by enhancement actions	≤1%	≤1%	

*Success derived from reduction ditch drainage effects and elevated roads obstructing water, as well as restoration planted pine to natural cypress community. Since pine plantation canopy is to be largely removed and replanted with cypress species, expectation of interim success prior to final success. Success includes a reduction in the amount of nondesirable species identified in the pre-bank condition; exotic and FAC species such as Brazilian pepper, saltbush (Baccharis halimifolia), wax myrtle (Myrica cerifera), blackberry (Rubus sp).

Plant List 6B -- For Cypress Wetlands from Hydric Pine Plantation

Desirable species may include, but are not limited to: cypress, sweetbay magnolia, blackgum, pop ash, water oak, slash pine, swamp laurel oak, red maple, American elm, and/or swamp bay, and swamp, royal, cinnamon and/or chain ferns, dahoon holly, buttonbush, soft rush, bog button, St. Johns wort, carolina willow, yellow-eyed grass, maidencane, spikerush, sawgrass, and sedges.

Planting details are described in detail in the Planting Plan.



Table 6C – Success Criteria for Hydric Pine Plantation to Hydric Pine Flatwoods Enhancement Mitigation Category W5			
Criterion	Interim Success	Final Success	Notes:
Documentation increase water elevation OR documentation presence of desirable groundcover species by completion of hydrologic improvements	See Notes	See Notes	For hydrologic documentation: Shows longer duration inundation, fewer short duration spikes water increase, average duration 6-12 months/yr (consistent with climatic conditions). Shown in monitoring report hydrographs & water level and rainfall data
Documentation naturalized water passage between wetlands – ie minimal/no road wash outs			over 2 year period; OR For vegetative documentation: Shows either evidence of: 1) shrub/groundcover increase desirable or 2) decrease nondesirable species.*
Reduction # pine trees/acre to trees/acre coverage after thinning actions	≤400	50-100	Measured by trees per acreaverage over area(s)
Minimum % cover desirable native species (combined canopy/shrub/groundcover)	≥25%	≥75%	Measured as % of areas not covered by trees or shrubs
Groundcover minimum number of desirable species	≥5	≥10	Overall within area; not each acre
% cover exotic species by enhancement actions	≤1%	≤1%	
Minimum of 1 successful prescribed burn, if/as applicable	*Per draft burn plan		*In accordance with FSP

*Success derived from reduction ditch drainage effects and elevated roads obstructing water, as well as restoration planted pine to natural hydric pine flatwoods community. Since pine plantation canopy to be thinned and burned, allowing increased sunlight with regeneration of desirable ground and shrub cover, expectation of interim success prior to final success. Success includes a reduction in the amount of nondesirable species identified in the pre-bank condition; exotic and FAC species such as Brazilian pepper, saltbush (Baccharis halimifolia), wax myrtle (Myrica cerifera), blackberry (Rubus sp).

Plant List 6C – For Hydric pine flatwoods from Hydric Pine Plantation

Desirable species may include, but are not limited to: slash pine, pond pine, cypress, red maple, dahoon holly, shiny lyonia, broomsedge, royal, cinnamon and/or chain ferns, blue maidencane, maidencane, St. Johns wort, yellow-eyed grass, beaksedges, soft rush, buttonbush, bog button, carolina willow, spikerush, and sawgrass.

Table 6D – Success Criteria for Mixed Forested Wetlands Enhancement Mitigation Category W6			
Criterion	Final Success	Notes:	
Documentation increase water elevation OR documentation presence of desirable groundcover species by completion of hydrologic improvements Documentation naturalized water passage between wetlands – ie minimal/no road wash outs	See Notes	For hydrologic documentation: Shows longer duration inundation, fewer short duration spikes water increase, average duration 6-12 months/yr (consistent with climatic conditions). Shown in monitoring report hydrographs & water level and rainfall data over 2 year period; OR For vegetative documentation: Shows either evidence of: 1) shrub/groundcover increase desirable or 2) decrease nondesirable species.*	
Canopy maximum # cover pine trees/acre	≤20%	Average over assessment area(s)	
Shrub % composition desirable species	≥90%	Average over area(s)	
Shrub % cover desirable species	10-30%	Average over area(s)	
Groundcover minimum number of desirable species	≥8	Overall within entire area; not required each acre	
Groundcover minimum % cover desirable species	≥75%	Measured as % of areas not covered by trees or shrubs	
% cover exotic species by enhancement actions	≤1%		

*Success derived from reduction ditch drainage effects and elevated roads obstructing water, as well as encroachment planted pine into natural system. Hydrologic improvements and selective pine reductions should produce final success without interim periods. Success includes a reduction in the amount of nondesirable species identified in the pre-bank condition; FAC species such as saltbush (Baccharis halimifolia), wax myrtle (Myrica cerifera), blackberry (Rubus sp).

Plant List 6D -- For Mixed Forested Wetlands

Desirable species may include, but are not limited to: red maple, American elm, cypress, cabbage palm, red cedar, swamp bay, sweetbay magnolia, pop ash, water oak, and/or swamp laurel oak, and royal, cinnamon and/or chain ferns, dahoon holly, buttonbush, soft rush, bog button, St. Johns wort, carolina willow, yellow-eyed grass, maidencane, spikerush, sawgrass, and sedges.

Table 6E – Success Criteria for Pine Plantation to Pine Flatwoods Enhancement Mitigation Category U1			
Criterion	Interim Success	Final Success	Notes:
Average # longleaf and/or slash pine trees/acre	≤400	≤100	**Average over assessment area(s)
Shrub/subcanopy % composition desirable species	≥50%	≥90%	
Shrub/subcanopy % cover desirable species	≤50%	20-40%	Average over assessment area(s) not covered by trees
Groundcover minimum number of desirable species	>5	10-40	Overall within entire area; not required within each acre
Groundcover minimum % cover desirable species	≥25%	≥75%	Measured as % of areas not covered by trees or shrubs
At least 1 successful prescribed burn	*Per draft burn plan		*In accordance with FSP

**Success derived from conversion altered planted pine to natural pine flatwoods community. Since pine plantation canopy to be thinned and burned, allowing increased sunlight with regeneration of desirable ground and shrub cover, expectation of interim success prior to final success.

Plant List 6E—For Pine Flatwoods from Pine Plantation

Desirable species may include, but are not limited to: longleaf pine, sand pine and/or slash pine, saw palmetto, gallberry, shiny lyonia, flatwoods lyonia, shiny blueberry, broomsedge, St. Johns wort, bracken fern, sensitive vine, and/or chalky bluestem.



Table 6F – Success Criteria for Food Plots to Scrubby Flatwoods Enhancement Mitigation Category U3			
Criterion	Interim Success	Final Success	Notes:
Canopy composition from planted trees (<i>including native recruitment</i>)	≥50/acre	50-100/acre	**Overall-not required each acre
Canopy composition cover from planted trees (<i>including native recruitment</i>)	<25%	≥25%	Overall within entire area; not required each acre
Shrub % cover desirable species (including planted / recruited)	≥5%	10-40%	Measured as % of areas not covered by trees or groundcover
Groundcover % cover desirable species (including planted / recruited)	≥10%	≥40%	Measured as % of areas not covered by trees or shrubs
Minimum % survivorship planted species	≥60%	≥80%	Average % in assessment area(s)
Minimum # of 1 successful prescribed burn, if/as applicable	*Per draft burn plan		*In accordance with FSP

**Success derived from conversion altered food plots (previously planted pine) to natural scrubby flatwoods community. Since food plots are to be burned, removing undesirable vegetation and allowing regeneration of desirable ground and shrub cover, as well as planted with desirable species, expectation of interim success prior to final success.

Plant List 6F -- Scrubby Flatwoods from Food Plots

Desirable species may include but are not limited to: longleaf pine, sand pine, sand live oak, saw palmetto, wiregrass, gallberry, runner oak, gopher apple, shiny lyonia, shiny blueberry, broomsedge, St. Johns wort, bracken fern, chalky bluestem, sandspur, pawpaw, lupine, rusty lyonia, prickly pear cactus, Elliott's milkpea, and/or witchgrass.

Planting details are described in in the Planting Plan.

Table 6G – Success Criteria for Pine Plantation to Scrubby Flatwoods Enhancement Mitigation Category U4			
Criterion	Interim Success	Final Success	Notes:
Canopy longleaf/slash pine composition from pine thinning	≥50/acre	50-100/acre	**Overall-not required each acre
Shrub % cover desirable species	10-40%	10-40%	Measured as % of areas not covered by trees or groundcover
Groundcover % cover desirable species (including planted / recruited)	≥10%	20-40%	Measured as % of areas not covered by trees or shrubs
Groundcover minimum # desirable species	>5	>5	Overall-not required within each acre
At least 1 successful prescribed burn	*Per draft burn plan		*In accordance with FSP

**Success derived from conversion altered planted pine to natural scrubby flatwoods community. Since pine plantation canopy to be thinned and burned, allowing increased sunlight with regeneration of desirable ground and shrub cover, expectation of interim success prior to final success.

Plant List 6G -- Scrubby Flatwoods from Pine Plantation

Desirable species may include but are not limited to: longleaf, slash, and/or sand pine, scrub/sand live oak, saw palmetto, wiregrass, gallberry, runner oak, gopher apple, shiny lyonia, shiny blueberry, broomsedge, St. Johns wort, bracken fern, chalky bluestem, pawpaw, lupine, rusty lyonia, prickly pear cactus, Elliott's milkpea, and/or witchgrass.

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Plant List 6 -- Desirable Species Lists for Preserved Mitigation Categories:

Plant List for For Floodplain Wetlands (W2)

Desirable species include but are not limited to: water oak, swamp laurel oak, red maple, cypress, sweetbay magnolia, pop ash, American hornbeam, American elm, cabbage palm, red cedar, swamp bay, royal, cinnamon and/or chain ferns, swamp dogwood, dahoon holly, wax myrtle, buttonbush, soft rush, lizard's tail, blueflag iris, bog button, St. Johns wort, carolina willow, yellow-eyed grass, maidencane, spikerush, sawgrass, and/or sedges.

Plant List for Freshwater Marshes (W7)

Desirable species include but are not limited to: gallberry, shiny lyonia, blue maidencane, maidencane, St. Johns wort, yellow-eyed grass, sawgrass, sedges, rush, pitcherplants, and/or bog buttons.

Plant List for Salt Marshes (W8)

Desirable species include but are not limited to: cordgrass, needle rush, Carolina sea lavender, perennial saltmarsh aster, wand loosestrife, marsh fimbry, seapurslane, sawgrass, leather fern, saltbush, marshelder, and/or christmasberry.

Plant List F for Pine Flatwoods (U2)

Desirable species include but are not limited to: longleaf-slash-sand pine, saw palmetto, wiregrass, gallberry, runner oak, gopher apple, shiny lyonia, flatwoods lyonia, shiny blueberry, rosemary, broomsedge, St. Johns wort, bracken fern, chalky bluestem and/or witchgrass.

Plant List For Mesic Hammocks (U5)

Desirable species include but are not limited to: live, water and/or laurel oak, red cedar, pignut hickory, southern magnolia, saw palmetto, shiny lyonia, beautyberry, possum haw, hog plum, yaupon holly, wiregrass, gopher apple, runner oak, bracken fern, yellow jessamine, and/or witchgrass.

Plant List Sand Pine Scrub Uplands (U7)

Desirable species include but are not limited to: scrub, myrtle, sand live and/or chapman's oak, sand pine, rusty lyonia, saw palmetto, tarflower, wiregrass, shiny blueberry, skyblue lupine, prickly pear cactus, rosemary, pinweed, gopher apple, runner oak, bracken fern, Elliott's milkpea, yellow jessamine, witchgrass, pawpaw, and/or reindeer moss.

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6.4 MONITORING

Monitoring will be implemented to document changes in the ecological condition of the AMB ecosystems, wetland and upland. There is quantitative and qualitative monitoring of the enhanced AMB habitats to document successful achievement of targeted goals and objectives. The monitoring program for the AMB is divided into two phases: short-term monitoring and long-term monitoring. These are described herein, as well as in the attached Monitoring Plan (*Appendix II*).

6.4.1 Short-term Monitoring Program

To assure that the desired results are achieved, wetland and upland areas will be monitored. The short-term monitoring program is anticipated for the first five years after permit issuance. However, short term monitoring is based on attainment of interim and final success criteria. If interim and final success attainment is reached prior to completion of the first five years of monitoring, short term monitoring will cease and long term monitoring would commence. Short term monitoring will include vegetative and hydrologic monitoring efforts, as well as routine inspections associated with short and long term management plan. Annual monitoring reports will address the overall condition of the AMB, and will list the specific management activities that have been implemented during the monitoring period. Each activity will be addressed listing its objectives, implementation techniques and achievements. Details of the short-term monitoring program are described below and also attached in the monitoring plan.

6.4.1.1 Annual Vegetative Monitoring

The quantitative vegetative monitoring components include species composition and percent cover by wetland/upland species and presence of exotic/nuisance species. The quantitative vegetative monitoring will commence with a baseline monitoring report. All subsequent annual reports will use the same format. A baseline monitoring event will be conducted on the AMB to document existing vegetative conditions. After the baseline event, annual monitoring will be conducted in the fall quarter after the initial forestry stewardship and hydrologic enhancement activities are conducted. These annual report(s) documenting hydrologic balance will be submitted with the annual vegetative reports for the first two years. Annual reports will be submitted by the end of February of each year. If vegetative performance standards are not meeting success criteria within the first five years, additional short term monitoring may be extended an additional two years. Success criteria for each habitat type is fully described in Section 6.0. Multiple vegetative monitoring transects will be established with at least one representative 100' to 300' variable length transect established for each mitigation category type. The transects are to provide adequate coverage for targeted mitigation areas. Each will also be permanently marked in the field with stakes. The proposed vegetative transect locations are provided in Figure 10.

The following elements will be documented in each of the above reports, as applicable:

- Report content
- Photographic evidence of earth work & existing vegetative conditions at photo points
- Location & size of any culverts, ditch plugs, and low-water crossings, as applicable
- Hydrologic conditions via water level readings & rainfall data
- Figures depicting locations of hydrologic and forestry stewardship activities
- Log of forestry stewardship, hydrologic enhancement and maintenance activities
- Recent aerial photos (as available by FDOT, County and/or SWFWMD) in year 1, year 2, and year 5
- Observed wildlife and narrative discussions of wildlife use
- Vegetative transect monitoring data

Vegetative monitoring shall document the following criteria: 1) Percent aerial coverage; 2) Species lists (diversity qualification); 3) Exotic species presence; and 4) Target species success reporting.

Vegetative success, in all of the vegetatively enhanced areas, will be determined using several methods. Tree canopy species and coverage will be recorded. Existing shrub and groundcover vegetation in the wetlands and uplands will be sampled, identified, and percent coverages will be determined. Three quadrats, each ten meter square, will be used to collect shrub and tree data at the two endpoints and midpoint of each transect. One meter quadrats will be established every 50 feet along the transect line to identify ground layers. Herbaceous monitoring data from transects will be analyzed to help determine the success of the mitigation project. The

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percent composition and aerial coverage of target canopy, shrub and groundcover species, species identification and number of target species within the quadrats will be monitored. The presence of desirable species according to the criteria outlined in Tables 6A-6G will determine vegetative success. The species composition should be representative of and typical for the targeted upland community type (mitigation category). In addition, within the wetland transects, each plant species will be assigned a wetland indicator status (Obligate, FacWet, Upland, etc.) according to the methods pursuant to F.S. Chapter 62-340 standards. The aerial coverages will then be averaged for each transect and numbers will be assigned to the various wetland indicator status rankings (Obligate=1, FacWet=2, etc.). The relative percent cover of each species in a transect will be multiplied by the wetland indicator status number and then summed to determine the Prevalence Index Value (PIV) for the transect. Mitigation progress can then be expressed as both absolute coverage and as a numeric value that reveals the relative "wetness" or "dryness" of the system. Using these methods, it will be possible to track both the colonization of new plant species and species composition.

Vegetative conditions within polygon types will be documented with photographs. The photos will be taken at representative locations, and these photopoints will correspond to the monitoring endpoints and midpoint one meter quadrat locations. In addition, any areas of earthwork and hydrologic improvements will be photographed. Any special points of interest will likewise be photographed. All photopoints will be shown on a notated aerial photograph submitted with the report.

The Mitigation Plan's actions are also meant to increase and diversify the habitat for wildlife populations that presently use the AMB or the surrounding area. Wildlife observation, as a component of annual vegetative monitoring, is an indirect measure of the success of the mitigation activities. Wildlife observations will be based on incidental observation and species lists will be made of observed wildlife throughout the monitoring program. Wildlife data, inclusive of invasive feral hog data, will be presented annually with each monitoring report.

6.4.1.2 Annual Hydrologic Monitoring

The goal of the hydrologic monitoring program will be to evaluate the success in reestablishing historic hydrologic balance. One data logger (piezometer) will be placed at a strategic hydrologic enhancement area location to document water levels. Three staff gauge sets will be installed to measure surface water on each side of the selected areas, as depicted on Figure 10. Monitoring at staff gauges will be conducted for at least 1 year after low water crossings and ditch plug installations, where surface water data will be noted from marked gauges every 2 weeks during periods of rainfall events to document surface water. Daily recorded hydrologic monitoring will begin at least 4 months prior to the installation of hydrologic enhancement activities to provide baseline information. Daily recorded data from the automatically recording piezometer will be collected every 2-4 months for a minimum of two years after the completion of the hydrologic improvements to measure hydrology and to evaluate success. Collected water level piezometer and/or other hydrologic data should indicate an overall longer duration of saturation. This data will be supported, in part, by relative water levels shown on staff gauges. Equalization in the relative water levels will reveal if hydrologic improvements have occurred as expected—by showing that water levels are within 1-2" on each side of the road and/or no wash outs are occurring within roadbeds. As a result, it is expected that a baseline, first and second annual report will be submitted to document water elevation data. Thereafter, water level data should not be required. Rainfall data will be obtained and recorded from the nearest available source to correlate with the water levels and vegetation data, to help determine overall results. The baseline and first annual hydrologic monitoring reports will be submitted concurrently with vegetative monitoring reports. The following elements will be documented in each report, as applicable:

- Photographic evidence of earth work & existing vegetative conditions at photo points
- Location & size of any culverts, ditch plugs, and low-water crossings, as applicable
- Hydrologic conditions via hydrologic data recordings & rainfall data
- Hydrologic data tables

6.4.1.3. Wildlife Evaluations

The Mitigation Plan is also meant to increase and diversify the habitat for wildlife populations that presently use the AMB or the surrounding area. Wildlife monitoring as a component of the annual vegetative monitoring is an indirect measure of the success of the mitigation activities. Wildlife monitoring will be based on incidental observation and species lists will be made of observed wildlife throughout the monitoring program. Wildlife monitoring data will be presented annually with each fall quarter monitoring report.

6.4.2 Long-term Monitoring Program

Once the short-term monitoring period has been completed, long-term qualitative narrative reports will be submitted annually. This report will include a general narrative discussion with an emphasis on describing conditions that relate to how the AMB is continuing to meet (or not meet) the success criteria as described in Section 6.0 herein. It will include observations throughout enhanced wetlands and uplands to note general health of enhanced wetlands and uplands, hydrologic conditions and presence of exotics. Also included will be a description of maintenance activities and proposed AMB activities to be conducted during the upcoming year, if/as known. The report shall summarize an assessment of the overall success of the AMB. If additional credits remain to be released, more detailed information will be included to show the progress of the AMB toward the credit release milestone. The qualitative, long term monitoring events will be conducted during the fall within the months of September-November. The long term report will be submitted by February after the monitoring event. The following elements will be documented in each report:

- Report content
- Recent aerial photographs (as available by FDOT, County and/or SWFWMD)
- Figures depicting locations of hydrologic and forestry stewardship activities
- Log of any maintenance activities on the AMB
- Permanent land-based photographs with randomly selected land-based photographs depicting general AMB conditions

7.0 MAINTENANCE AND LONG-TERM MANAGEMENT

7.1 MAINTENANCE

GLSRT or their successors will be permitted to maintain property fences and timber/access roads within the AMB. Any new culverts and/or low-water crossings, as well as existing ditch plugs, will be maintained on an asneeded basis. Fire breaks will be installed, replaced and/or maintained within the bank, as needed during prescribed burns. Though preliminary locations have been identified (*Figure 12*), their finalized locations will be determined by a certified burn specialist at the time of the prescribed burn. Because of the minimum amount of construction to be done on the AMB, maintenance is expected to be minimal. A three-strand wire fence and properly posted "no trespassing" signs will be used to mark and secure the perimeter of the bank site, where appropriate along public roads and known access point(s). As indicated previously, locked gates will be erected and/or maintained to control access onto the bank site. No Trespassing signs will be posted at the gates. Additional security measures will be added, if necessary. AMB shall perform all work necessary to achieve and maintain success criteria in perpetuity.

7.2 SHORT & LONG-TERM MANAGEMENT

The AMB is privately owned and managed by the GLSRT. There are short term and long term management activities associated with maintaining the AMB to ensure that the AMB is and remains a viable mitigation bank. All land management will be the responsibility of GLSRT or their successors according to the approved Mitigation Plan. Upon permit issuance of the AMB, GLSRT will initiate the construction activities needed to enhance the AMB and achieve success criteria outlined within the mitigation banking plan. GLSRT is dedicated to establishing the AMB as a viable mitigation bank. The AMB will be managed to minimize human impacts, and to verify that the Mitigation, Management, Forestry Stewardship, Hunt and Prescribed Burn Plans are in compliance. To ensure that long-term maintenance and management funding is available in perpetuity, an appropriate financial assurance mechanism will be established for the AMB. Upon placement of an AMB's conservation easement, funds will be placed in the financial assurance mechanism account. Upon permit issuance of the AMB, GLSRT will initiate the activities needed to enhance the AMB and achieve success criteria outlined within this mitigation banking plan. The short and long term management actions and schedule are depicted on Table 7 located in Section 10.0 of this plan and fully described in the Short and Long Term Management Planning document (*Appendix II*).

Attachment: Settlement Agreement FINAL (3092 : May 2017-Settlement Agreement AVining)



Attachment: Settlement Agreement FINAL (3092 : May 2017-Settlement Agreement AVining)

8.0 MITIGATION SERVICE AREA

The footprint of the AMB lies in the Upper Coastal Basin. The service area includes the Upper Coastal Basin, which corresponds to the footprint location of the AMB. The location of the bank and the geographic area it will serve are shown in Figure 7.

9.0 ANTICIPATED USE

It is anticipated that most of the mitigation credits will be used to offset impacts associated with private and public projects within the geographic service area. Use of the AMB will not affect the application of normal ACOE/SWFWMD permitting criteria dealing with wetland impact avoidance and minimization.

10.0 ANTICIPATED SCHEDULE

Implementation of the proposed management activities will commence upon issuance of the appropriate permits. Completion of hydrologic and vegetative improvements and treatment of exotic vegetation would be completed within a reasonable timeframe after permit issuance. The sequence of activities given below is a relative estimate to be used as a guideline. Variations in this schedule may be authorized with concurrence of the appropriate permitting agencies upon written request. Upon receipt of all necessary permits and authorizations, a conservation easement will be placed over the AMB to protect and preserve, as well as provide the opportunity to restore and enhance, the integrity of its ecological functions. Credit releases will be dependent on completion of activities. The anticipated schedule is shown in Table 7 below.

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Activity	Schedule Implementation
Installation Hydrologic Recording Features / Initiate-Con	duct Initiate ≥ 4 months prior to permit issuance & prior to installation
Baseline Hydrologic Monitoring Event	of hydrologic improvements & forestry stewardship actions
Cessation of Silvicultural Operations/Harvesting in Wetl	ands Upon Permit Issuance
Implementation Mitigation & Forestry Stewardship Pla	n (FSP) Upon Permit Issuance
Implementation wildlife management actions	Upon Permit Issuance
Complete Baseline Vegetative Monitoring Event/Reporting	ng Within 30 days after permit issuance
Record Conservation Easement & Install Security Featur	es Within 30 days after permit issuance
Execution of Financial Assurance Mechanism(s)	Within 30 days after permit issuance
Installation of Hydrologic Improvements	Within 30 days after permit issuance
Complete Initial thins / harvesting actions (U1, U3-U4, W	3-W6) Within 90 days after permit issuance
Complete Initial prescribed burns (U1, U3-U4, W4-W5)	Within 180 days after permit issuance (after thin/harvests)
Complete Initial exotic species treatments per FSP	Within 180 days after permit issuance (after thin/harvest, burns)
Complete Initial planting new Planting Plan (W/A & U3)	Within 180 year after permit issuance (after harvest,burn, exotic
Complete Initial planting per I lanting I lan (W4 & 05)	species treatment(s)
Hydrologic Monitoring	Year 1 after permit issuance
Vegetative Monitoring: Interim Reports	Year 1 after permit issuance
Hydrologic Monitoring	Year 2 after permit issuance
Demonstrate Hydrologic Success	Within 2 years after installation of hydrologic improvements
Vegetative Monitoring: Interim Reports	Year 2 after permit issuance
Vegetative Monitoring: Interim Reports	Year 3 after permit issuance
Vegetative Monitoring: Interim Reports	Year 4 after permit issuance
Vegetative Monitoring: Interim Reports	Year 5 after permit issuance
Demonstrate Vegetative (Forestry Stewardship) Success	Within 2-5 years after permit issuance
Final Success Report	Within 5-7 years after permit issuance
Exotic Species Inspections & Treatments	Annually, with annual treatments as applicable
Maintenance/Management/Compliance Inspections	Annually
Conduct Long Term Annual Qualitative Monitoring	Annually after 1st 5-7years monitoring completed

Table 7. Anticipated Schedule for Mitigation Bank Activities



11.0 FINANCIAL ASSURANCE AND PROPERTY INTEREST

The AMB is privately owned and managed by the GLSRT and will be managed according to the approved AMB Plans. As described above, GLSRT will be the responsible entity for long-term management. It will provide financial assurances for appropriate management and maintenance on the AMB. It will also provide financial assurance for appropriate construction on the AMB if works are not completed prior to the request for credit release. However, GLSRT retains the ability to transfer or sell its interest in the AMB. Any transfer or sale will be done in accordance with the statutes and rules that govern mitigation banks.

GLSRT will provide sufficient financial assurances to manage the bank in perpetuity in accordance with state and federal guidelines. As stated above, concurrent with the recordation of the AMB conservation easement, sufficient funds will be placed in the agency-approved financial assurance mechanism designated for the area covered by the conservation easement. Financial assurance document(s) are provided in Appendix III.

To attain initial and preservation-based credit releases, the AMB will execute the conservation easement, appropriate financial assurance mechanism(s) and security measures. To attain additional credit releases, the AMB will implement and complete the hydrologic and vegetative manipulations as described herein. Only earned credits will be released to the AMB and the agencies will have the needed assurance that the mitigation is in place and functioning as planned.

There is no known material fact(s) that would affect the contemplated use(s) of the property. There are no known unrecorded obligations. At the time of permit application submittal (if feasible) or immediately prior to an anticipated permit issuance by SWFWMD, a copy of the Title Report will be provided. This Title Report shall document that the GLSRT has sufficient legal interest over the AMB and that there are and will be no restrictions/easements, or any other legal encumbrances that could potentially compromise the project's ability to function as a mitigation bank.

GLSRT, as bank sponsor, or its successors will be the responsible entity to install, excavate or construct permitted protection and enhancement measures to be described in the permitted documents. GLSRT shall perform all work necessary to achieve and maintain success criteria in perpetuity. The AMB will be managed to minimize human impacts, and to verify that the mitigation plan is correctly implemented. As stated, the AMB will be monitored to assure success of the project.

12.0 UMAM CALCULATION DATA SHEETS

Extensive field investigations were completed to identify AMB conditions. UMAM was used to evaluate the existing or without bank vs targeted communities, justified and the data justified on supporting documentation and in Parts I & II of the Uniform Mitigation Assessment Method (UMAM). Sections 2.0, 4.3, 6.2 & 6.3 of this Mitigation Plan describe, in combination with UMAM data sheets Parts I & II, the criteria for the calculated credits. Table 8 (Appendix IV) provides a summarized table for the UMAM calculations. Parts I & II are provided in Appendix IV.



13.0 REFERENCES

- U.S.Geological Survey.,2001.Hydrology of the Coastal Springs Ground-Water Basin and Adjacent Parts of Pasco, Hernando, and Citrus Counties, Florida. Lari A. Knochenmus,Dann K. Yobbi., Tallahassee, Florida
- Florida Natural Areas Inventory (FNAI). 2011. Rare plant survey of Chassahowitzka Wildlife Management Area, Hernando County, Florida. (*K. Gulledge, Ann F.Johnson, and G. Schultz, contributors*). Report to the FFWCC. Florida Natural Areas Inventory, Tallahassee, FL.
- Hernando & Pasco County Government Data: Environmentally Sensitive Lands publications
- SWFWMD.,Dec. 1997. Weekiwachee Preserve.,A Plan for Use&Management of Weekiwachee Preserve.
- SWFWMD., March 2011., The Hydrology and Water Quality of Select Springs in SWFWMD.
- Florida Fish and Wildlife Conservation Commission-Range Update & Genetic Analysis of the American Black Bear in the Chassahowitzka Subpopulation., March 2012., (*W.McCown., B.Scheick*)., Final Report.
- Assessment of Measures to Protect Wildlife Habitat in Pasco County., March 2002., GlattingJackson etal.
- USDA–Soil Conservation Service. 1991. Hydric Soils of the United States. In Cooperation with the National Technical Committee for Hydric Soils. USDA-SCS, Washington, DC. Soil Survey of Hernando County, Florida. Soil Data Mart.
- USDA-Natural Resources Conservation Service. Major Land Resource Areas in Florida. www.mo15.nrcs.usda.gov/technical/mlra_fl.html
- R.L. Myers&J.J. Ewel (ed.) Ecosystems of Florida. University of Central FL Press, Orlando, Fl.
- USDA -Soil Conservation Service. 1980. 26., Ecological Communities of FL., USDA-SCS, Wash., DC.
- Florida Natural Areas Inventory (FNAI). 2010. Guide to the natural communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, FL.
- FFWCC. 2011. Florida's Wildlife Legacy Initiative. Florida's State Wildlife Action Plan. Tallahassee, FL
- Endries, M., B. Stys, G. Mohr, G. Kratimenos, S. Langley, K. Root, R. Kautz.2009.Wildlife Habitat Conservation Needs in FL.Fish&Wildlife Research Institute Tech. ReportTR15.x+178p.
- Godfrey, R. and J. Wooten. 1979. Aquatic and Wetland Plants of Southeastern United States: Monocotyledons and Dicotyledons. Univ. Ga. Press, Athens.
- Kautz, R. S., Gilbert, D. T. and G. M. Mauldin. 1993. Vegetative Cover in Florida Based on 1985-1989 Landsat Thematic Mapper Imagery., Florida Scientist 56: 135-154.
- Abrahamson, W.G., and D.C. Hartnett. 1990. Pine flatwoods and Dry Prairies. p. 103–149. In R.L Myers and J.J. Ewel (ed.) Ecosystems of Florida. Univ. Central Florida Press, Orlando, FL.
- FFWCC Integrated Wildlife Habitat Database and FFWCC published materials.
- FFWCC. 1994. Cox, J., R. Kautz, M. MacLaughlin, and T. Gilbert. Closing the Gaps in Florida's Wildlife Habitat Conservation System. Tallahassee, Fl.
- FFWCC. 2006. Florida's Endangered Species, Threatened Species and Species of Special Concern
- U.S. Fish and Wildlife Service (USFWS). Threatened and Endangered Species, Official List.
- Noss, R. F. 1987. Protecting Natural AreasinFragmented Landscapes.Natural Areas Jrnl 7:2-13.
- Noss, R. F. 1992. The Wildlands Project: Land Conservation Strategy. Wild-EarthSpecialIs: 10-25.
- Cox, J., and R. Kautz. 2000. Habitat Conservation Needs of Rare and Imperiled Wildlife in Florida. FFWCC, Office of Environmental Services, Tallahassee, Fl.
- Florida's Comprehensive Wildlife Conservation Strategy. Tallahassee, Florida, USA.
- FL DEP and Florida Greenways Coordinating Council. 2004. 2004 Update and Prioritization of Florida's Trail Network.FDEP, Office Greenways and Trails.Tallahassee, FL.
- Noss, R. F., and C. A. Cooperrider. 1994. Saving nature's legacy: protecting and restoring biodiversity. Defenders of Wildlife and Island Press, Washington, D.C.
- FNAI, FL Ecological Greenways Network and Critical Lands and Waters Identification Project, and Nature Conservancy databases.
- USFWS, Migratory Birds of the Southeast. www.fws.gov/southeast/birds
- Knight, A. L., and J. B. Oetting. 2006. Florida Forever Conservation Needs Assessment Technical Report. Version 2.1. Florida Natural Areas Inventory. Tallahassee, Florida.
- Bennett, A. F. 1999. Linkages in the Landscape: The Role of Corridors and Connectivity in Wildlife Conservation. IUCN pp. 254
- Maps: National Wetland Inventory Database, Lidar, US Geological Survey Quadrangle topographic maps, 1941, 1944, 1952, 1957, 1995, 1999, 2006, 2008-2013 SWFWMD & FDOT Orthoquad Aerial Photographs.



SHORT AND LONG TERM MONITORING

1.0 Monitoring Overview

Monitoring will be implemented to document changes in the ecological condition of the AMB ecosystems, wetland and upland. There is quantitative and qualitative monitoring of the enhanced AMB habitats to document successful achievement of targeted goals and objectives. The monitoring program for the AMB is divided into two phases: short-term monitoring and long-term monitoring. These are described herein.

2.0 Short-term Monitoring Program

To assure that the desired results are achieved, wetland and upland areas will be monitored. The short-term monitoring program is anticipated for the first five years after permit issuance. However, short term monitoring is based on attainment of interim and final success criteria. If interim and final success attainment is reached prior to completion of the first five years of monitoring, short term monitoring will cease and long term monitoring would commence. Short term monitoring will include vegetative and hydrologic monitoring efforts, as well as routine inspections associated with short and long term management plan. Annual monitoring reports will address the overall condition of the AMB, and will list the specific management activities that have been implemented during the monitoring period. Each activity will be addressed listing its objectives, implementation techniques and achievements. Details of the short-term monitoring program are described below.

2.1 Vegetative Monitoring

The quantitative vegetative monitoring components include species composition and percent cover by wetland/upland species and presence of exotic/nuisance species. The quantitative vegetative monitoring will commence with a baseline monitoring report. All subsequent annual reports will use the same format. The proposed vegetative transect locations are provided in Figure 10 of the Mitigation Plan.

Baseline: A baseline monitoring event will be conducted on the AMB prior to initiating mitigation enhancement activities to document existing vegetative conditions. Multiple vegetative monitoring transects will be established. At least one representative 100' to 300' variable length transect will be established for each mitigation category type, including those areas which will be planted (U3 and W4). The transects are to provide adequate coverage for targeted mitigation enhancement areas. Each will also be permanently marked in the field with stakes. Tree canopy species and coverage will be recorded. Existing shrub and groundcover vegetation in the wetlands and uplands will be sampled, identified, and percent coverages will be determined. Ten meter square quadrats will be used to collect shrub and tree data at the two endpoints of each transect and a midpoint for transects longer than 100 feet. One meter quadrats will be established every 50 feet along the transect line to identify ground layers. Herbaceous monitoring data from transects will be analyzed to help determine the success of the mitigation project. The percent composition and aerial coverage of target canopy, shrub and groundcover species, species identification and number of target species within the quadrats will be monitored. Any listed species noted will be recorded. Vegetative monitoring shall document the following criteria: 1) Percent aerial coverage; 2) Species lists (diversity qualification); 3) Exotic species presence; and 4) Target species success reporting. Vegetative conditions within polygon types will be documented with photographs. The photos will be taken at representative locations, and these photopoints will correspond to the monitoring endpoints and midpoint one meter quadrat locations. Any special points of interest will likewise be photographed. All photopoints will be shown on a notated aerial photograph submitted with the report. The Baseline Monitoring event will be completed within 30 days after AMB establishment.

Short Term: After the Baseline event and after the initial forestry stewardship and hydrologic enhancement activities are conducted annual monitoring will be completed in the fall quarter. Applying the same methods used in the Baseline monitoring event, tree canopy species and coverage

will be recorded. Existing shrub and groundcover vegetation in the wetlands and uplands will be sampled, identified, and percent coverages will be determined. Ten meter square quadrats will be used to collect shrub and tree data at the two endpoints and a midpoint of each transect. One meter quadrats will be established every 50 feet along the transect line to identify ground layers. Herbaceous monitoring data from transects will be analyzed to help determine the success of the mitigation project. The percent composition and aerial coverage of target canopy, shrub and groundcover species, species identification and number of target species within the quadrats will be monitored. If vegetative performance standards are not meeting success criteria within the first five years, additional short term monitoring may be extended an additional two years. Vegetative monitoring shall document the following criteria: 1) Percent aerial coverage; 2) Species lists (diversity qualification); 3) Exotic species presence; and 4) Target species success reporting. Vegetative conditions within polygon types will be documented with photographs. The photos will be taken at representative locations, and these photopoints will correspond to the monitoring endpoints and midpoint one meter quadrat locations. In addition, any areas of earthwork and hydrologic improvements will be photographed. Any special points of interest will likewise be photographed. All photopoints will be shown on a notated aerial photograph submitted with the report. Annual reports will be submitted by end of February of each year.

In Mitigation Categories U3 and W4, various plant species will be planted to restore these areas from altered to natural habitats. The details of the plantings are described in the Planting Plan. Pre-Bank baseline and subsequent annual monitoring of these areas are a component of the overall vegetative monitoring events and reports. In addition to the criteria described herein, the overall percent survivorship of planted species will be documented during monitoring.

The following elements will be documented in each of the above reports, including the Baseline Monitoring Report, as applicable:

- Report content
- Photographic evidence of existing vegetative conditions at photo points
- Location & size of any culverts, ditch plugs, and low-water crossings, as applicable
- Hydrologic conditions via water level readings & rainfall data
- Figures depicting locations of hydrologic and forestry stewardship activities
- Log of forestry stewardship, hydrologic enhancement and maintenance activities
- Recent aerial photos (as available by FDOT, County and / or SWFWMD)
- Observed wildlife and narrative discussions of wildlife use
- Vegetative transect monitoring data
- Figure 10, depicting vegetative transect locations and hydrologic data collection stations.

Vegetative success, in all of the vegetatively enhanced areas, will be determined using several methods. The presence of desirable species according to the criteria outlined in Tables 6A-6G of the Mitigation Plan will determine vegetative success. The species composition should be representative of and typical for the targeted upland community type *(mitigation category)*. In addition, within the wetland transects, each plant species will be assigned a wetland indicator status (Obligate, FacWet, Upland, etc.) according to the methods pursuant to F.S. Chapter 62-340 standards. The aerial coverages will then be averaged for each transect and numbers will be assigned to the various wetland indicator status rankings (Obligate=1, FacWet=2, etc.). The relative percent cover of each species in a transect will be multiplied by the wetland indicator status number and then summed to determine the Prevalence Index Value (PIV) for the transect. Mitigation progress can then be expressed as both absolute coverage and as a numeric value that reveals the relative "wetness" or "dryness" of the system. Using these methods, it will be possible to track both the colonization of new plant species and species composition.

2.2 Hydrologic Monitoring

The goal of the hydrologic monitoring program will be to evaluate the success in reestablishing historic hydrologic balance. The quantitative hydrologic monitoring components include ground and surface water data collection. The hydrologic monitoring will commence with baseline data collection, commenced prior to permit issuance. Collected data will be presented with the Baseline vegetative report. All subsequent collected data, as applicable, will be presented with the vegetative monitoring report using the same format as the baseline data report.

Baseline monitoring will be conducted on the AMB to document pre-enhancement hydrologic conditions. One data logger (*piezometer*) will be placed at a strategic hydrologic enhancement area location to document water levels, as depicted on Figure 10. Three staff gauge sets will be installed to measure surface water on each side of the selected areas, as depicted on Figure 10. Monitoring at staff gauges will be conducted for at least 1 year after low water crossings and ditch plug installations, where surface water data will be noted from marked gauges every 2 weeks during periods of rainfall events to document surface water. Daily recorded hydrologic monitoring will begin at least 4 months prior to the installation of hydrologic enhancement activities to provide baseline information. Daily recorded data from the automatically recording piezometer (data logger) will be collected every 2-4 months for a minimum of two years after the completion of the hydrologic improvements to measure hydrology and to evaluate success.

Collected water level piezometer and/or other hydrologic data should indicate an overall longer duration of saturation. This data will be supported, in part, by relative water levels shown on staff gauges. Equalization of relative water levels will reveal if hydrologic improvements have occurred as expected—by showing that water levels are within 1-2" on each side of the road and/or no wash outs are occurring within roadbeds after the hydrologic improvements have been completed. As a result, it is expected that a baseline, first and second annual report will be submitted to document water elevation data. Thereafter, water level data will not be required. Rainfall data will be obtained and recorded from the nearest available source to correlate with the water levels and vegetation data, to help determine overall results. The baseline and first annual hydrologic monitoring reports will be submitted concurrently with vegetative monitoring reports.

The following elements will be documented in each report, as applicable:

- Photographic evidence of earth work & existing vegetative conditions at photo points
- Photographic documentation of water presence/absence at proposed LWCs and ditch plug
- Photographic documentation of installed low water crossings and ditch plug conditions
- Figures 8a&8b of the Mitigation Plan, as well as Figure 10
- As-built figure of constructed low water crossings/ditch plug after completion
- Hydrologic conditions via hydrologic data recordings & rainfall data
- Hydrologic data tables

2.3. Wildlife Evaluations

The Mitigation Plan is also meant to increase and diversify the habitat for wildlife populations that presently use the AMB or the surrounding area. Wildlife monitoring as a component of the annual vegetative monitoring is an indirect measure of the success of the mitigation activities. Wildlife monitoring will be based on incidental observation and species lists will be made of observed wildlife throughout the monitoring program. However, harvested species on the AMB will be recorded after each harvest and will include data identified in the hunting narrative such that for deer, turkey and hog harvests appropriate data is recorded during the hunting season. Harvest data will be submitted annually in conjunction with other AMB reports. Wildlife monitoring data will be presented annually with each fall quarter monitoring report.

2.4 As-Built Report

An as-built report will be submitted within 30 days following completion of the initial forestry stewardship and hydrologic improvement activities. The as-built report will describe the work performed and photographic documentation of as-built conditions.

3.0 Long-term Monitoring Program

Once the short-term monitoring period has been completed, long-term qualitative narrative reports will be submitted annually. This report will include a general narrative discussion with an emphasis on describing conditions that relate to how the AMB is continuing to meet (or not meet) the success criteria as described in Section 6.0 of the Mitigation Plan.

Annual qualitative monitoring reports will address the overall condition of the AMB, and will list the specific management activities that have been implemented during the monitoring period. It will include observations throughout AMB wetlands and uplands to note general health of the Bank's wetlands and uplands, hydrologic conditions and presence of exotics. Also included will be a description of maintenance activities and proposed AMB activities to be conducted during the upcoming year, if/as known. Each activity will be addressed listing its objectives, implementation techniques and achievements. The report shall summarize an assessment of the overall success of the AMB. If additional credits remain to be released, more detailed information will be included to show the progress of the AMB toward the credit release milestone. These qualitative, long term monitoring events will be conducted during the fall within the months of September-November. The long term report will be annually submitted by February after the monitoring event. The following elements will be documented in each report:

- Report content referenced above
- Recent aerial photographs (as available by FDOT, County and/or SWFWMD)
- Figures depicting locations/exent of hydrologic and forestry stewardship activities
- Log of any maintenance/management/monitoring activities on the AMB
- Photographs depicting general AMB conditions



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Aripeka Mitigation Bank -- Jan 2016 Proposed Hydrologic Features Map Figure 8b

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Aripeka Mitigation Bank -- Jan 2016 Monitoring Map Figure 10

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Appendix II



Attachment: Settlement Agreement FINAL (3092 : May 2017-Settlement Agreement AVining)

FORESTRY STEWARDSHIP PLAN

FOR

ARIPEKA MITIGATION BANK

Date: April 2016

Submitted for:

George L Southworth Revocable Trust

Tampa, FL 33612

Submitted by:

TerraBlue Environmental, LLC P.O. Box 135 Homosassa Springs, Florida 34447

Prepared by:

Sharon Collins Owner/Principal Ecologist



1.0 BACKGROUND

Pine flatwoods and hardwood forests once dominated a considerable portion of the State of Florida. Today, however, much of these forests have been significantly altered by human activity, including intensive silviculture. Conversion of the historic forested canopy within the GLSRT property began years ago with land clearing activities to make way for agricultural and silvicultural uses. The logging of cypress, hardwoods, oaks and pines from within forested wetlands and uplands has had a dramatic impact on the AMB landscape. Native tree species such as live oak, myrtle oak, longleaf pine, sand pine, various hardwoods, and cypress were harvested. In the early 1900's the existing pine trees were also used as a source of turpentine. Based on review of historic aerial photographs and Hernando County Soil Survey data, the Aripeka Mitigation Bank (AMB) once supported diversified communities. Historic aerials indicate that the wetlands onsite consisted of riverine creeks and spring runs, floodplain forested swamps, cypress and tidally influenced salt marshes. Historic aerials indicate that the uplands were likely scrub, pine flatwoods and oak hammocks before clearing them and conversion to pasture, pine plantations or orange grove.

Harvesting has continued from the 1940's to the present. Wetlands have been and are harvested for timber and replanted into pine plantations. Uplands have been and are harvested for timber and replanted into pine plantations or cleared and converted into food plots to attract game species to hunters. By ongoing clearing of the property, additional historic natural communities have been and are converted to altered communities. Cypress and floodplain forested wetlands are affected. Mesic hammocks, flatwoods and scrub habitats are affected. Only a few large longleaf pines and live oaks remain on the AMB. In addition, roads have been and may be constructed through wetlands and uplands for access and for silvicultural operations, crossing through the floodplain and across Indian Creek in several locations.

This Forestry Stewardship Plan (FSP) has been developed to promote and use various forestry improvement activities to enhance the AMB, restoring it to a more natural character. The result will be a mosaic landscape of self-sustaining, diverse forested and herbaceous ecosystems that will provide high quality habitat for a wide variety of wildlife. These actions, combined with AMB's hunting restrictions, are expected to increase game and non-game species utilization potential. Multiple Forestry Stewardship Plan targeted community types are identified. While most are to receive beneficial enhancement actions, several are identified for preservation.

To assist with preparing a habitat enhancement/management plan and define the proposed forested habitat types, the probable historic plant communities were identified by a review of existing soil characteristics, field inspections for existing plant growth, research into plants which grow within the region, and analysis of historic aerial photographs. According to the US Department of Agriculture-Natural Resource Conservation Service (USDA-NRCS) Hernando County Soil Survey, there are vegetative communities that are typically found associated with specific soils. As referenced above, a review of available information indicates that the property likely once supported diversified communities prior to harvesting.

The FSP describes the types of overall stewardship activities which will be applied to the AMB if the AMB is established. The FSP further describes the specific stewardship activities to be undertaken within each mitigation category.

2.0 EXISTING VEGETATIVE CONDITIONS

The overall existing vegetative conditions are described within the Mitigation Plan. In general, the current condition supports pine plantations covering most of the uplands, displacing historic native communities, and floodplain wetlands and creek waters which cover most of the AMB's wetlands.



The AMB is comprised of approximately 296 acres of wetlands and 71 acres of uplands. The most prevalent wetlands are the floodplain wetlands associated with Indian Creek and the Springfed run. The logging of cypress and pine from within the floodplain, forested wetlands occurs. The most prevalent upland community types are pine plantations. Uplands and wetlands were harvested, converting native communities to altered communities. Uplands were cleared for agriculture and replanted with slash and longleaf pine. Areas not fully cleared, harvested, and replanted have been left with a long period of fire suppression. Fire suppression for more than 70 years has obstructed desirable plant growth within the fire-dependent communities. Roads constructed through the uplands and wetlands, and drainage ditches excavated across wetlands, affect normal sheetflow and onsite hydrology. Because of these alterations, an infestation of exotic species may have begun. Several species of exotic plant species are present. Trespassers utilize the property. These actions have also influenced and contributed to the AMB's existing and degraded conditions. Feral hogs are present onsite. They will degrade AMB habitats, since they consume, knock down, rub, and trample native vegetation, as well as root through the soils causing damage since rooting destabilizes soil surfaces and weakens native vegetation. The floodplain ecosystem is subject to current and future harvesting.

Pine plantations within the AMB total approximately 62 acres. The ages of the individual stands are from 10 to 14 years old. The timber stands are not only located in historic pine flatwoods but also found on areas historically cypress, scrub, and/or mesic hammock. On the AMB, forestry techniques used by current and previous landowners appear to have followed typical cutting rotations in a range of 15-30 years, and where a stand of timber was cut, the land was predominately seeded or planted with slash and/or longleaf pine. When the pines became merchantable they have been harvested. Planted pine rows may be partially bedded with shallow beds and swales. Slash and longleaf pines are planted in both upland and wetland habitats.

The silvicultural operations continue to date, and are scheduled to continue unless the property switches from its silvicultural operations to mitigation banking or development. These conditions are expected to continue without establishment of the AMB.

The mitigation categories shown in Figure 5 denote the locations of areas converted to pine plantations. Upland mitigation categories U1, U3-U4 and wetland mitigation categories W3-W6 are the focus of the FSP. The mitigation categories are:

Mitigation Category W1--Creek/Spring Run Preservation
Mitigation Category W2--Floodplain Wetlands Preservation
Mitigation Category W3--Cypress Wetlands Enhancement
Mitigation Category W4--Hydric Pine Plantation to Cypress Enhancement
Mitigation Category W5--Hydric Pine Plantation to Hydric Pine Flatwoods Enhancement
Mitigation Category W6--Mixed Forested Wetlands Enhancement
Mitigation Category W7--Freshwater Marsh Preservation
Mitigation Category W8--Estuarine Marsh Preservation
Mitigation Category U1--Pine Plantation to Pine Flatwoods Enhancement
Mitigation Category U2--Pine Flatwoods Preservation
Mitigation Category U3--Food Plots to Scrubby Flatwoods Enhancement
Mitigation Category U4--Pine Plantation to Scrubby Flatwoods Enhancement
Mitigation Category U5--Mesic Hammock Preservation
Mitigation Category U5--Mesic Hammock Preservation



3.0 FORESTRY STEWARDSHIP DESCRIPTION OF ACTIVITIES

3.1 OVERVIEW

As part of this FSP, forestry management practices will be implemented to maximize the diversity of habitats and native flora and fauna. Thinning, reforestation, and other practices aimed at improving the age, species and diversity of vegetation within the restored forest types are addressed. By thinning and harvesting to replace the pine plantations with flatwoods and cypress communities, these areas will be allowed to regenerate into more natural landscapes. By thinning to reduce shrub and canopy tree layers, encroached, overgrown and fire-suppressed areas will be allowed to regenerate into more natural landscapes. Cypress harvesting and harvesting in wetlands in the AMB will cease upon permit issuance and will be prohibited thereafter. Wetlands will be enhanced following overall hydrologic and forestry stewardship activities. Implementation of vegetative improvements, such as prescribed burns, vegetative thinning and mechanical reduction measures, and control of exotic vegetation by herbicidal treatments, will restore, improve and furthur protect onsite vegetative communities. These forestry management practices and appropriate game management will maximize the diversity of habitats and populations of native flora and fauna.

The summarized goals/objectives of the Forestry Stewardship Plan are:

- Maintain health and diversity in the forested communities;
- Preserve existing natural communities through forestry stewardship;
- Enhance altered wetlands and uplands through forestry stewardship;
- Promote age and species diversity through forestry stewardship;
- Promote a diverse mosaic of habitat for a variety of plants and animals;
- Enhance and preserve upland buffers to protect wetlands;
- Increase the availability, quality and supply of wildlife habitat and food sources;
- Utilize management techniques to achieve sustainable forests and natural resource goals;
- Control feral hogs for the benefit of habitat and wildlife;
- Control exotic species invasive infestation by treatment applications;
- Identify and protect archaeological resources, if and as noted; and
- Create self-sustaining native communities through forestry stewardship

Vegetative improvement actions will be used to produce optimal diversity of habitats. These are:

- Cease harvesting trees and clearing within wetlands;
- Cease site-prep/tree clearing of natural communities;
- During thinning, remove bedding effects, as practical, from bedded pine rows;
- Remove and/or thin planted pine from historic scrubby flatwoods and cypress habitats;
- Thin pine trees from pine plantations and maintain basal areas for pine flatwoods;
- Complete and maintain prescribed burns as appropriate for the targeted habitat type to restore native community structure and functions;
- Plant native species in targeted areas to augment native species regeneration;
- Hunt and/or trap feral hogs for the benefit of habitat and wildlife; and
- Treat exotic species for control by herbicidal applications

3.2 FORESTRY STEWARDSHIP PRACTICES

An essential component of the AMB forestry stewardship plan is restoration of historic vegetative communities and habitat enhancement on this property. The forestry stewardship program will address practices aimed at improving the age, species and diversity of the AMB's communities and protecting wildlife habitat, such as cavity trees. Below is a description of the beneficial improvements



that will occur if the AMB is established, as well as the specific forestry stewardship practices to be performed in each mitigation category.

3.2.1 Cessation of Silvicultural Timber Production Practices (Mitigation Categories U1-U6, W1-W8)

One of the most essential components of the forestry stewardship program is the elimination of traditional silviculture on this property. Because of its commitment to creating the AMB, GLSRT will stop intensive silvicultural operations subject to permit issuance for the AMB. If the AMB is permitted, intensive silvicultural practices such as clearcutting, bedding, plantation planting, herbiciding, clearing, mowing or other (non-incidental) removal of competing native vegetation will be permanently replaced by forestry management practices described in this FSP. However, if the AMB is not established, GLSRT will likely resume its intensive and aggressive timber production operations, expand the size of the existing pine plantations, and explore development opportunities.

3.2.2 Elimination of Harvesting in Wetlands (Mitigation Categories W1-W8)

As part of the timber production program on the AMB, wetlands have been harvested of trees. Cypress and hardwoods have been logged. Cypress wetlands and mixed forested wetlands have been clearcut and re-planted into pine plantations. If the permit application is approved and the Forestry Stewardship Plan is implemented, harvesting trees from wetlands will be prohibited and no further cutting will occur in forested wetlands except to remove encroaching pines per FSP specifications described in this FSP. All wetland canopy tree harvesting will cease. These measures will promote the functional integrity of forested wetlands which will be preserved and managed in their natural state, with as little human intervention as possible. These measures will also allow recovery and restoration of areas already harvested or impacted by adjacent silvicultural activities to more historically natural conditions. Several hundred wetland acres could be affected if harvesting in wetlands continued per normal silvicultural operations. Mitigation Categories W4 and W5 are examples of harvesting in wetlands with subsequent conversions from a natural community to an altered community.

3.2.3 Elimination of Pine Plantations (Mitigation Categories U1, U4, W4-W5)

The uplands, and a portion of the wetlands, on the AMB are covered in planted pines, established over time, and have been harvested and replanted so that now there are essentially two age groups of planted pines, 10 and 15 year old pine stands. The slash and longleaf pines were densely planted at 700-900 trees/acre. With pine tree growth, light is prohibited from penetrating through the canopy to reach shrub and groundcover layers. If the planted trees remain, their close spacing would likely prohibit the functional regeneration and recruitment of optimal shrub or groundcover layers. Therefore, pine plantations established in areas that were historically pine flatwoods will be thinned significantly to recreate the canopy conditions of flatwoods and to promote the establishment of understory, shrub and groundcover layers. Therefore, pine plantations of hydric pine flatwoods and cypress, and to promote the re-establishment of native understory, shrub and groundcover layers. Therefore, pine plantations of hydric pine flatwoods and cypress, and to promote the re-establishment of native understory, shrub and groundcover layers. Therefore flatwoods will also create canopy openings to allow regeneration of pine, thus creating more natural, uneven-aged stands. The targeted community structure for these areas are outlined in the Mitigation Plan, Section 6.3: Tables.

3.2.4 Thinning Actions

3.2.4.1 Pine Plantation to Pine Flatwoods, Scrubby Pine Flatwoods, and Hydric Pine Flatwoods (Mitigation Categories U1, U4 and W5)

Pine trees may be thinned before they are merchantable. The intent is to commence thinning within 180 days of permit issuance. This, however, creates a uniform age class within the mitigation bank area. Plantation areas of pre-merchantable timber (*between 10 and 15 years old*) will be thinned mechanically (*this may be done using traditional logging*). To the extent possible, thinned pines will be



removed from these areas to reduce the risk of insect infestations and fire. Stands will be thinned to achieve a targeted number of trees/acre and/or within a range of 50-90 sq.ft. of basal area as specified in the Mitigation Plan, Section 6.3: Tables. Thinning should produce an associated shrub and groundcover layer typical of the targeted flatwoods (*Plant Lists*). Thinning will be a combination of systematic row removal for access, as well as removal by predetermined spacing to achieve initial desired basal area/trees per acre. After the 1st thin, tree removal will target specific diameter classes to remove the "pine row" effect and promote natural selection. Creating small, irregular canopy openings benefits diversified habitat composition. To reduce overgrown shrub layers, chopping and/or agency-approved mechanical and/or chemical treatments for optimal, desirable vegetative recruitment and species growth may be used to ensure the health of enhanced communities. The exception to this management program will be in the event of uncontrolled high temperature forest fires, where burned trees will be harvested before insects or disease sets in. The use of Best Management Practices (*BMPs*) shall be encouraged when conducting thinning actions. Subsequent thinning should occur every 5-10 years if/as needed, to maintain the targeted basal area.

3.2.4.2 Hydric Pine Plantation to Cypress Enhancement (Mitigation Category W4)

Pine trees will be thinned before they are merchantable. The intent is to commence thinning within 180 days of permit issuance. Pine trees will be substantially reduced to restore the habitat to approximate its historic cypress composition and achieve the targeted trees/acre as specified in the Mitigation Plan, Section 6.3: Table 6B. The goal is to reestablish a cypress community with at least an 80% cover by native wetland species. Once the reduction has been completed, re-colonization by native plant species is expected. However, cypress seedlings (tublings) will be planted to augment reestablishment. Since it is anticipated that native plant groundcover and shrub layers will recolonize naturally no groundcover or shrub layers are proposed for planting. If/as necessary, subsequent, selective pine thinning will occur to maintain a minimal pine density of pine to ≤ 20 slash pine trees/acre and promote healthy coverage by cypress. Subsequent thinning should occur every 5-10 years, or if/as needed, to maintain the targeted basal area. The use of Best Management Practices (BMPs) shall be encouraged when conducting thinning actions. Planting details are described in the Planting Plan (*attached*).

3.2.4.3 Thinning Pines from Cypress and Mixed Forested Wetlands (Mitigation Categories W3 & W6)

AMB forested wetlands in proximity to the pine plantations still have a forested canopy dominated by cypress in the cypress systems and a mix of hardwoods and conifers in the mixed forested wetlands. Because the timber stands are adjacent to these wetlands, slash pines have volunteered and/or been planted in them. Pine trees growing within these wetlands are associated with mitigation categories W3 & W6. Because they do not naturally occur in these areas, slash pine within these forested wetlands will be selectively reduced to the extent practicable in order to benefit the natural community composition, structure and function. Selective thinning will assist with the recovery of a natural landscape.

3.2.4.4 Selective Thinning from Mesic Flatwoods/Hammocks (Mitigation Categories U2 & U5)

Though these mitigation categories are currently classified as preservation, and do not receive enhancement credits, some enhancement may occur. Several U2 and U5 acres are found adjacent to other pine plantation/flatwoods communities which will be directly enhanced via forestry stewardship actions, or lie in areas which may be less accessible. Therefore, though not currently designated to receive enhancement credits, where/if feasibly possible and practical, these areas may receive beneficial, selective vegetative enhancement thinning and prescribed burn actions described herein. Selective thinning or removal of vegetation through the use of chopping, grinding, or a Brown tree cutter, can reduce the number of stems of smaller diameter trees in areas of overstocking or reduce areas of dense understory vegetation such as palmetto. The pine flatwoods and mesic hammocks should benefit from a reduction of overgrown shrub layers, as appropriate.



3.2.5 Elimination of Food Plots: Food Plots to Scrubby Flatwoods Restoration (Mitigation Category U3) A portion of the uplands have been stripped of canopy trees, shrub and groundcover. For the purpose of attracting game species for AMB hunters these plots may be planted with legumes, but are often left barren. The food plots are established in areas that were historically higher elevation scrub or scrubby flatwoods on sandy soils. With AMB establishment, re-colonization by desirable native plant species is expected. To augment and facilitate production of a scrubby flatwoods community, various groundcover and/or shrub species are proposed for planting. The goal is to reestablish a scrubby flatwoods community with cover by native upland species typical for this community. Planting details are described in the Planting Plan (*attached*). The target is to produce a relatively open canopy dominated by low growing oaks with longleaf and/or slash pine, and a shrub and groundcover layer target to include growth of species such as listed in Plant List 6F. The targeted community structures associated with success criteria and affiliated credit releases are outlined in Table 6F.

3.2.6 Elimination of Bedding in Pine Plantations (Mitigation Categories W4-W5, U1, U4)

A few of the pine plantation areas have been subjected to some level of mechanical bedding to ensure the survival and growth of the planted pines. Bedding, consisting of alternating shallow beds and swales, had been constructed to allow pines to grow at higher elevations than natural grade. Where present, these bedded rows have the potential to disrupt the natural hydrology of the wetlands by creating hundreds of shallow swales that may channel water away from the planted pines. Bedding removal is anticipated by standard harvesting activities. The intention described in the Mitigation Plan is that the bedding effect will be reduced by thinning and/or harvesting activities by the machinery that is used to thin or harvest the planted pines. In those areas where bedding has occurred in the wetlands thinning activities should be adequate for leveling of the beds to allow the historic passage of water across them. It is anticipated that rows that are bedded will return to adjacent wetland grade during harvesting and pine plantation removal, without the need to perform more disruptive mechanical leveling later. No further bedding will occur. In those areas where bedding has occurred in the uplands, the beds may be left to dissipate over time without leveling to avoid unneccessary disturbance to native vegetation and soils, except that leveling as a by-product of pine thinning operations would continue to be authorized.

3.2.7 Prescribed Burns (Mitigation Categories W4-W5, U1, U3-U4)

Flatwoods and scrub communities include many fire dependent species, such as longleaf pine, sand pine and wiregrass. The goal of the prescribed burn program is understory reduction, which has a number of widely recognized benefits ranging from increasing the density and diversity of groundcover species which serve as food sources for wildlife, to reducing the likelihood of catastrophic wildfires. Because prescribed burns of appropriate habitats will promote the goals of the Forestry Stewardship Plan, this Plan as well as the draft Burn Plan also describe the proposed use of prescribed fire on the AMB. The draft Burn Plan (BP) is subject to finalization and agency approval(s) prior to conducting any burns (*attached herein*). Therefore, in order to promote understory reduction to assure the regeneration and health of native communities, fire will be introduced to appropriate habitats through prescribed burning. Burning timber will enhance wildlife habitat and reduce the current understory fuel loads. Because it is not always possible to burn as often as desired based on regulatory restrictions and climatic conditions, mechanical control of pine regeneration and understory vegetation may be used as well to ensure the health of restored communities. These efforts will help to create a diversity of habitat types, mimicking natural systems that historically dominated the site.

Prescribed burns may occur prior to, concurrent with or within 30-90 days after 1st thinning efforts have been completed—if climatic conditions are favorable for the prescribed burns. Otherwise, the goal is to complete the initial burn within 180 days after the AMB is permitted if/when weather conditions are suitable and burn permits can be obtained. Future prescribed burns will also be



conducted if/when weather conditions are suitable and burn permits can be obtained. Prescribed burning will be used in the initial enhancement and restoration activities, depending upon existing fuel loads and other considerations. The goal is to accomplish a prescribed burn rotational cycle of every 3-5 years for the pine flatwoods and scrubby flatwoods. The goal, as feasible, will be to burn on a rotational basis, using a system of two growing season burns followed by one dormant season burn. Initial burns will be done in the winter if either of the following two conditions are present:

- (1) Desirable pine seedlings and saplings are present, or
- (2) Fuel loads are high enough that growing season burns may damage desirable pines.

Each burn shall be conducted in accordance with local, state and federal law. All prescribed burns will be done in accordance with a burn plan to be prepared by a certified prescribed burn manager, conducted in accordance with this FSP and attached draft Burn Plan. The draft burn plan will be adjusted in accordance with onsite conditions at the time of proposed burning, finalized and provided for agency approval prior to the commencement of the initial burn. After each prescribed burn is conducted on the AMB, a certified burn specialist will provide signed documentation showing that the area that was burned and describing the results of the burn. The post-burn documentation will be submitted with monitoring reports. *Note: All burn rotations will be granted a 3-year operational extension due to weather.*

3.2.8 Exotic Species Control & Treatments—All Mitigation Categories

Invasive or exotic vegetation are generally aggressive and fast-growing species. If not controlled or contained, exotics will completely alter a natural ecosystem. In 2014, observation of exotics such as Brazilian pepper and Chinese tallow during field investigations in areas selected to receive enhancement was considerably less than observations during late 2015. The identification and treatment of nuisance and exotic species on the AMB is a necessary and vital activity to maintain ecosystem health and function. Identification, inspection, and control of nuisance and exotic vegetation will be actively pursued, including areas designated for preservation only. The infestation level on the AMB will require an exotic species control program. Nuisance and exotic species vegetation are listed Category I & II "Invasive Species" as determined by the Florida Exotic Pest Plant Council (FLEPPC). Nuisance and exotic species which have been noted and subject to being treated on all applicable mitgation categories the AMB include: Cogon grass (Imperata cylindrica), Japanese climbing fern (Lygodium japonicum), Old World climbing fern (Lygodium microphyllum), Brazilian pepper (Schinus terebinthifolius), and Chinese tallow (Sapium sebiferum), each FLEPPC Category I. Category I species are those which have the ability to "alter native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. Appropriate treatments, using methods approved and recommended by regulatory agencies, will be used. Treatment regimes outlined by the various invasive plant management plans maintained by FLEPPC would be used. Annual inspections shall be conducted and invasive plants mapped. New exotic species occurrences will be manually or chemically treated within 90 days after these inspections. A permanent reference data base, including mapping of the location, plant identification, treatment dates, and effectiveness of the control measures will be maintained for monitoring purposes. Control of invasive vegetation is done with the use of agency approved herbicides. The presence of exotic species shall be maintained not to exceed a 1% cover, and the presence of nuisance species shall be maintained not to exceed a 5% cover.

3.2.9 Protection of Existing Native Plant Species

Throughout most of the natural communities, desirable species are thriving amidst the growth of species which are not as optimally suitable. Within the pine plantation stands, evidence of historic native plants is present. The variety of natural communities not converted to plantations provides potential conditions for several Listed or rare plant species. As described in the Mitigation Plan, several Listed plant species have been noted or the potential to occur on the AMB. Native vegetation will be encouraged to thrive. Any Listed plant species noted during forestry activities will be protected to the greatest extent feasible.


3.3 CATASTROPHIC NATURAL EVENTS

Mitigation Categories W4-W5 and U1, U3-U4 are altered habitats which are to be converted from altered to natural systems by removing planted pines and food plot conditions, as well as enhanced by completing hydrologic improvements. Catastrophic events, shall be recognized as natural events that occur on enhanced systems, which are being enhanced from man-altered to natural conditions by forestry stewardship and hydrologic improvement actions. Protection from catastrophic wildfire is important. Several firebreaks will be created and these will be maintained as part of GLSRT's wildfire protection efforts. GLSRT will create and retain the ability to restore and maintain additional firebreaks, as appropriate.

3.4 FLEXIBILITY

The FSP is designed to protect, preserve, restore, enhance and maintain the AMB as a mosaic of natural communities. In recognition of the dynamic nature of these natural communities, the FSP requires flexibility based on unforeseen circumstances. Forestry stewardship practices designed to further the restoration and enhancement of the AMB will be authorized, even though not specifically contemplated by this FSP. Additionally, in order to protect the AMB, operations necessary to maintain firebreaks and timber/access roads, and control insects and disease may also be conducted.

4.0 FORESTRY STEWARDSHIP MITIGATION CATEGORIES

The enhancement efforts on the AMB are divided into upland and wetland categories, not all of which receive forestry stewardship actions (*except for exotic species controls*). Below is a brief description of forestry stewardship actions for each applicable mitigation category:

Preservation Categories (W1-W2, W7-W8, U2, U5-U6)

Future harvesting in wetlands, including mixed forested wetlands, floodplain wetlands, and cypress will be prohibited. Forestry Stewardship Actions for this mitigation category are described above under Sections 3.2.1, 3.2.2, 3.2.8 and 3.2.9. These habitats will be preserved. Identification, inspection, and control of nuisance and exotic vegetation will be actively pursued. Exotic species were noted on the AMB and an exotic species control program will be initiated and ongoing thereafter. Appropriate treatments, using methods approved and recommended by regulatory agencies, will be used. These communities will be protected and preserved by reestablishment of native communities in adjacent uplands, as well as receiving vicinity hydrologic enhancement benefits. The canopy, understory and groundcover may typically include species conditions as identified in the Table 6 and Plant List 6 series.

W3--Cypress Wetlands Enhancement--Forestry Stewardship actions for this mitigation category are described above under Sections 3.2.1, 3.2.2, 3.2.4.3, 3.2.8 & 3.2.9. Encroaching pines may be selectively thinned. The canopy, understory and groundcover may typically include a composition by species such as identified in Plant List 6A. The canopy, understory and groundcover should include species conditions as identified in Table 6A.

W4--Hydric Pine Plantation to Cypress Enhancement--Forestry Stewardship actions for this mitigation category are described above under Sections 3.2.1--3.2.3, 3.2.4.2, 3.2.8 and 3.2.9. The canopy, understory and groundcover may typically include a composition by species such as identified in Plant List 6B. The canopy, understory and groundcover should include species conditions as identified in Table 6B.

W5--Hydric Pine Plantation to Hydric Pine Flatwoods Enhancement--Forestry Stewardship actions for this mitigation category are described above under Sections 3.2.1--3.2.3, 3.2.4.1, 3.2.6, 3.2.8 and 3.2.9. Thinning should produce an associated shrub and ground cover layer typical of hydric pine flatwoods. The canopy, understory and groundcover may typically include a



composition by species such as identified in Plant List 6C. The canopy, understory and groundcover should include species conditions as identified in Table 6C.

W6--Mixed Forested Wetlands Enhancement--Forestry Stewardship actions for this mitigation category are described above under Sections 3.2.1, 3.2.2, 3.2.4.3, 3.2.8 & 3.2.9. Encroaching pines may be selectively thinned. The canopy, understory and groundcover may typically include a composition by species such as identified in Plant List 6D. The community structure should include species conditions as identified in Table 6D.

U1--Pine Plantation to Pine Flatwoods Enhancement--Forestry Stewardship actions for this mitigation category are described above under Sections 3.2.1, 3.2.3, 3.2.4.1, 3.2.6--3.2.9. The canopy, understory and groundcover may typically include a composition by species such as identified in Plant List 6E. The canopy, understory and groundcover should include species conditions as identified in Table 6E.

U3-Food Plots to Scrubby Flatwoods Enhancement--Forestry Stewardship actions for this mitigation category are described above under Sections 3.2.1, 3.2.5, 3.2.7--3.2.9. The canopy, understory and groundcover may typically include a composition by species such as identified in Plant List 6F. The canopy, understory and groundcover should include species conditions as identified in Table 6F.

U4--Pine Plantation to Scrubby Flatwoods Enhancement--Forestry Stewardship actions for this mitigation category are described above under Sections 3.2.1, 3.2.3, 3.2.4.1, 3.2.7--3.2.9. The targeted community is to maintain a flatwoods canopy density designed for native scrubby flatwoods. The canopy, understory and groundcover may typically include a composition by species such as identified in Plant List 6G. The canopy, understory and groundcover should include species conditions as identified in Table 6G.

5.0 MONITORING AND SUCCESS CRITERIA

Monitoring and success criteria and details are described in the Monitoring and Mitigation Plans.



SHORT AND LONG TERM MANAGEMENT PLAN

1.0 Overview

Management activities will be implemented to ensure the continual success of the AMB after permit issuance. Upon permit issuance of the AMB, GLSRT will initiate the construction activities needed to enhance the AMB and achieve success criteria outlined within the mitigation banking plan. There are short term and long term management activities associated with maintaining the AMB in its enhanced and protected condition to ensure that the AMB is and remains a viable mitigation bank.

All land management will be the responsibility of GLSRT or its successors according to the approved Mitigation Plan. GLSRT is dedicated to establishing the AMB as a viable mitigation bank. The AMB will be managed to minimize human impacts, and to verify that this Plan, as well as the Mitigation, Forestry Stewardship, Monitoring, Hunt and Burn Plans are in compliance. There are long-term property management and maintenance activities, and to ensure that funding is available in perpetuity, an appropriate financial assurance mechanism will be executed. Upon placement of AMB's conservation easement, funds will be placed in a financial assurance mechanism. The cost estimate associated with the financial assurance mechanism(s) is shown with that mechanism.

The short and long term management actions are described below. These actions are: 1) Hydrologic; 2) Vegetative (*Forestry Stewardship*); 3) Wildlife; and 4) Security/Protection. Management includes, at a minimum, management/maintenance of hydrologic improvements, maintenance of vegetative conditions and planting success, treatment for exotic species, maintenance of manmade features such as gates, fences, roads and signage, hunting protocols, and prescribed burns. The schedule of short term and long term management actions is depicted on Table 7a located herein and in Section 10.0 of the Mitigation Plan.

2.0 Hydrologic Improvements & Management Actions

There are hydrologic improvements which will be constructed. Their installations will ensure that there is perpetual hydrological enhancement to existing wetland landscapes. GLSRT or its designated land management entity(s) will construct, install and/or excavate the hydrological improvements. GLSRT will be the responsible entity for their completion, short term and long-term management. The locations of hydrologic improvements are depicted on construction plans and Figures 8b-8c.

Short Term: There are a series of roads installed throughout the AMB which cross through and bisect onsite wetlands and Indian Creek. Five low water crossings (LWC) will be constructed within existing road segments and constructed to match wetland grade on either side of the road(s) while also allowing continued vehicular access to, through and beyond the low water crossings. The low water crossings will be constructed according to the criteria shown in the AMB construction drawings. They will be constructed of stone to provide vehicle support and stability when submerged during the wet season. They will be stabilized to prevent erosion and sedimentation. There are currently no onsite culverts. There are two culverts which lie offsite under Osowaw Road immediately north of the AMB. One onsite ditch plug will be installed within an onsite ditch that is artificially draining AMB wetlands. It will be constructed according to the criteria shown in the AMB construction drawings. It will be stabilized to prevent erosion and sedimentation. There are a series of bedded pine rows that consist of elevated beds and swales. During the pine thinning/harvesting actions, these beds will be sufficiently breached and/or leveled to remove their blockage and artificial drainage effects within wetlands. For each of the above construction actions, GLSRT will provide oversight during construction periods to ensure compliance with the permitted construction plans. GLSRT will utilize its resources for the installation of the hydrologic improvements. GLSRT will install several staff gauge sets in areas adjacent to the proposed LWCs, and will install a strategically placed recording data logger(s) in enhanced wetlands for data collection of water elevations prior to completion of the hydrologic improvement activities and for a two year period afterward. If, according to GLSRT, the 2-year period does not provide sufficient data, GLSRT may extend data collection for another year or consider contingency alternatives. GLSRT will conduct a baseline monitoring event prior to initiation of the hydrologic enhancement actions which will include hydrologic



and vegetative data collection, as described in the Mitigation Work Plan. Monitoring actions are described in the Monitoring Plan. The locations of hydrologic monitoring features are depicted on Figures 8c & 10.

Long Term: The installed low water crossings will be maintained such that the passage of water is not obstructed and therefore reducing the enhancement benefits. Once constructed, the access roads and the low water crossings will be routinely inspected. The LWCs will be maintained as needed for the first 2 years, and thereafter, both the roads and LWCs will be annually inspected and maintained. If during the routine inspections, it is determined that a low water crossing is not functional, it will be repaired immediately or within a reasonable period of time acceptable to the SWFWMD. The ditch plug will be maintained such that the ditch's artificial drainage effect is reduced. Once constructed, the ditch plug will be routinely inspected and maintained by annual maintenance efforts as needed. If during the routine inspections, it is determined that the ditch plug is not functional, it will be repaired are areasonable period of time acceptable to the SWFWMD.

3.0 Vegetative Improvement Actions

There are forestry stewardship (vegetative) improvements which will be completed. Vegetative improvements (*forestry stewardship actions*) are described in the Forestry Stewardship Plan and the draft Burn Plan. Their completion will ensure that there is perpetual ecological/vegetative enhancement to existing landscapes. Vegetative improvement actions will be used to produce optimal diversity of habitats. GLSRT or its designated land management entity(s) will complete the vegetative improvements. GLSRT will be responsible for their completion, and short term and long-term management.

Short Term: The uplands are altered and manmade habitats by their conversion into pine plantation or food plots. There are wetlands which are also altered by conversion to pine plantation. There are uplands which are also overgrown. There are timber access roads which allow ingress through wetlands to most of the uplands.

GLSRT will conduct or its designated land management entity will conduct forestry stewardship based vegetative improvements. These actions include harvesting for restoration of habitat, thinning, chemical and/or mechanical vegetative reduction techniques and prescribed burns. Removal of vegetation will be completed through the use of standard forestry stewardship methods, which includes chopping, grinding, or a Brown tree cutter, all actions which can reduce the number of smaller diameter trees or reduce areas of dense understory vegetation such as palmetto. Where native plants are attempting to colonize, the native plants will be protected to the greatest extent possible so that they remain after trees are removed. These Forestry Stewardship actions are described in the Forestry Stewardship Plan (FSP), shown on Figure 5, and will be implemented according to Table 7a below.

There are uplands which are fire-suppressed. The initial prescribed burn will be conducted by a certified burn specialist according to an approved burn plan prior to, concurrent with or after thinning efforts as described in the Forestry Stewardship Plan. GLSRT's to-be-designated burn specialist will conduct prescribed burns. A finalized Burn Plan will be prepared for SWFWMD approval after permit issuance and prior to conducting prescribed burns, as described in the Forestry Stewardship Plan. Care will be utilized in recognition of adjacent lands and residential developments in the area. Where it is not feasible, or where climatic conditions are not favorable for conducting burns, alternative methods will be considered and employed in accordance with criteria identified in the Forestry Stewardship Plan to achieve targeted results and maintain enhanced conditions. These actions are described in the FSP, shown on Figure 12, and will be implemented according to Table 7a below.

Where species have been planted, in accordance with the Planting Plan details, management will include ensuring that the minimum survivorship is maintained. Species survivorship and health will be documented in monitoring events, as described in the monitoring plan in accordance with the planting plan. If the planted species do not exhibit survivorship to minimum criteria, additional plantings and/or contingency planning to



ensure success will be adopted. The planting actions are described in the Planting Plan, Figure 13 and will be implemented according to Table 7a below.

There are exotic plants growing within the AMB communities. GLSRT will identify noted areas of exotic species infestation in a baseline monitoring event. GLSRT will conduct an initial exotic species control treatment over noted infestations. Appropriate approved and recommended chemical herbicide treatment applications will be used. Chemical control measures will include appropriate treatments authorized for the treatment of species such as Chinese tallow, cogon grass, climbing fern and Brazilian pepper. Treatment regimes outlined by the various invasive plant management plans maintained by the FLEPPC will be used. Thereafter, GLSRT will conduct inspections for discovery of exotic species, as described below. Exotic species treatment actions are described in the FSP.

Monitoring actions are described in the Monitoring Plan. The locations of vegetative monitoring transects are depicted on Figures 8c and 10.

Long Term: Once these initial forestry stewardship actions have been completed, the enhanced habitats will be inspected annually and maintained. The timber access roads will be maintained by mowing and selective tree removal as necessary for safe vehicular access to conduct mitigation bank activities. Prescribed burns and/or chemical-mechanical vegetative reductions will be conducted on a rotational basis according to FSP scheduling. Fire breaks or fire plow lines may be placed in areas to be burned by using appropriate equipment such as a flat plowing disk harrow in order to contain and manage the burns (Figure 12). After each prescribed burn is completed, a certified burn specialist overseeing the burn will prepare and sign documentation showing, at a minimum, the area successfully burned, the date of the burn and an assessment of the success of the burn. The burn plan and post-burn documentation will be submitted with applicable FSP annual reports. Randomly selected areas, AMB perimeters, and timber access road areas will be annually inspected for exotic species spot treatments. If exotic species are noted during routine inspections and/or treatment events, the species will be logged with its location and the date of inspection. New exotic species occurrences will be manually or chemically treated within 90 days after the annual inspections, but in accordance with treatment regimes outlined by the various invasive plant management plans maintained by the FLEPPC. Monitoring actions are described in the Monitoring Plan. The locations of vegetative monitoring transects are depicted on Figures 8c and 10.

4.0 Wildlife Improvement Actions

Hunting is a passive recreational activity which is authorized on the AMB. Hunting allowances are described in the Mitigation Plan and the Hunting Plan. Hunting is authorized on the AMB by GLSRT, its family and designated guests of GLSRT as described in the Hunting Plan. Hunting will be conducted in accordance with State regulations adopted by Florida Fish and Wildlife Conservation Commission, which may be periodically updated. There are feral hogs on the AMB. Hog presence is not presently extensive, but left uncontrolled feral hog populations can become excessive and cause substantial damage to vegetation. Feral hog control is a management task associated with the exotic species control program as well as a component of wildlife management and wildlife improvements. Records of any harvested species and details of the harvests will be logged and maintained in accordance with the Hunting Plan and Monitoring Plan criteria.

Short Term: Feral hogs will be hunted and/or trapped, and controlled on the AMB upon permit issuance. An initial population control effort will be implemented and harvest data collected for submittal with the annual reports.

Long Term: The property will be routinely inspected for feral hogs and the removal of feral hogs will be conducted at least annually and/or as needed. If during the routine inspections, it is determined that hog controls are ineffective, adaptive management will be considered.



5.0 Security and Enhanced Preservation/Protection Actions

There is unauthorized hunting and trespassing on the AMB. To remove adverse impacts and activities, added security measures will be initiated by the GLSRT.

Short Term: A conservation easement will be recorded on the AMB. This will ensure that the AMB wetlands and uplands are not further harvested or developed. Though the majority of the AMB is fenced along Osowaw Road, additional perimeter fencing along it will be constructed and maintained. A three-strand wire fence with and properly posted AMB/no trespassing signs will be used. At least two additional gates with support fencing at strategic entry points will be installed elsewhere on the AMB border (Figure 11). These locked gates, with connective fencing, will be erected to control access from public and private roads onto the AMB.

Long Term: Newly installed and pre-existing gates and fences will be maintained. Signage which prohibits unauthorized access and uses contrary to the AMB, and identifies the AMB as a preserved, enhanced landscape will be posted. Appropriate no trespassing signs will be maintained at the gates as well. The above measures are wildlife management tools which the GLSRT will utilize, as well as security measures to ensure that the AMB remains viable. Security structures will be inspected annually and maintained as needed. If during the routine inspections, it is determined that the gates and fences are not functional, they will be repaired immediately or within a reasonable period of time acceptable to the SWFWMD. If during the routine inspections, it is determined that these security controls are ineffective, adaptive management will be considered.

6.0 Long Term Maintenance Actions

GLSRT or its successors will be permitted to maintain property fences and timber access roads within the AMB. All hydrologic improvements will be maintained on an as-needed basis, subject to the above criteria. Fire breaks will be installed, replaced and/or maintained within the bank, as needed and subject to criteria described in the FSP. Because of the minimum amount of construction to be done, maintenance is expected to be minimal. AMB shall perform all work necessary to achieve and maintain success criteria in perpetuity.

7.0 Catastrophic Events

Given the site-specific nature of the ecological communities at the Aripeka Mitigation Bank, and the bank's specific success criteria and UMAM assessment, GLSRT has developed this tailored plan for responding to a natural or man-induced disaster beyond GLSRT's control ("Catastrophic Event"). When a Catastrophic Event occurs that affects the Mitigation Bank, GLSRT will notify the District and the Corps in writing (which may include electronic notification) of such circumstance within 30 days of the event. GLSRT will respond to any Catastrophic Event as described below.

Enhancement Areas Prior to Reaching Full Success

If a Catastrophic Event occurs within one or more of the enhancement areas prior to such areas reaching full success, then within 60 days after a Catastrophic Event, GLSRT will evaluate the enhancement areas to determine whether they can continue to progress towards the identified specific community composition targets through natural regeneration. If GLSRT determines that identified specific community composition targets of the enhancement areas can be achieved through natural regeneration, then within 60 days after the Catastrophic Event, GLSRT will provide a written report outlining the same and transmit that report to the District and Corps.

If, however, GLSRT determines that the natural community re-establishment is jeopardized or hydrologic structures are impaired as a result of a Catastrophic Event, GLSRT will prepare and submit to the District and the Corps a written Adaptive Response Plan within 90 days after the Catastrophic Event for review and approval. The Adaptive Response Plan will set forth the remedial actions GLSRT will undertake to allow these areas to reach the identified specific community composition targets and altered success



criteria. GLSRT will not implement the Adaptive response plan until it is approved.

Enhancement Areas after Reaching Full Success and Preservation Areas

If a Catastrophic Event occurs within one or more of the enhancement areas after such areas reach the full success criteria, or if a Catastrophic Event occurs within one or more of the preservation areas, then within 60 days after the Catastrophic Event, GLSRT will evaluate such areas to determine whether the areas can achieve mitigation bank objectives by re-establishing ecological functions through natural regeneration. This evaluation shall be done considering that Catastrophic Events are natural events that occur on natural systems. If GLSRT's evaluation concludes that these areas can be re-established through natural regeneration, GLSRT will provide written notice of the same to the District and Corps.

However, if GLSRT determines that a Catastrophic Event has disturbed one or more of these areas of the Mitigation Bank so that the area(s) cannot re-establish ecological functions naturally, then within 90 days after the cessation of that Catastrophic Event, GLSRT will prepare an Adaptive Response Plan identifying the change caused by the Catastrophic Event, describing how such change that prevents natural re-establishment, explaining the cause of such change, if known, and setting forth the remedial actions, if any, which GLSRT proposes to undertake to allow the disturbed areas to recover by natural regeneration. GLSRT will only be required to implement a remedial action when all of the following are met for the remediation action proposed: (a) reasonable access exists to the area where the action will occur; (b) vegetation or soil may be moved within the disturbed area, but is not required to be removed from the disturbed area; (c) the action will facilitate the natural restoration of the area; (d) the action in and of itself is not the restoration of the area; and (e) the action is not cost-prohibitive. If GLSRT determines no remedial actions exist that satisfy all of the above criteria, GLSRT will so indicate in the Adaptive Response Plan and state that no remediation actions will be undertaken.

GLSRT will submit the Adaptive Response Plan to the District and Corps for review and approval within 90 days after the cessation of the Catastrophic Event. GLSRT will not implement the Adaptive Response Plan until it is approved.

This language is not intended to require GLSRT to develop an Adaptive Response Plan for the preservation areas or enhancement areas (after they reach full success) whenever a Catastrophic Event occurs. Rather, it is recognized that GLSRT will evaluate these areas after each Catastrophic Event on a case by case basis, and that no remedial actions may be necessary to respond to a Catastrophic Event or no remedial actions may be for the criteria set forth above.

Continued Eradication of Invasive Exotic Plant Species

In addition to any Adaptive Response Plan described herein, GLSRT will continue to eradicate invasive exotic plant species such that their extent of coverage is not greater than 1% within both the preservation and enhancement areas even after the occurrence of a Catastrophic Event.



Table 7a. Anticipated Schedule for Mitigation Bank Activities

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BURN PLAN (PRESCRIBED BURN PROGRAM)

The Forestry Stewardship Plan describes the forestry stewardship actions which are proposed for the AMB. These actions include prescribed burns. The overall goal is to restore a natural fire regime to the targeted community(s) to promote a natural community structure condition. The goal of the prescribed burn program is also understory reduction, which has a number of widely recognized benefits ranging from increasing the density and diversity of groundcover species which serve as food sources for wildlife, to reducing the likelihood of catastrophic wildfires. Because prescribed burns of appropriate habitats will promote the goals of the Forestry Stewardship Plan (FSP), this *DRAFT* Burn Plan also describes the proposed use of prescribed fire on the AMB. Prescribed burns of appropriate habitats will promote the goals of the Forestry Stewardship Plan. Because the targeted communities have not been burned in many years, fuel loads are high. There are vicinity residential developments in proximity to Osowaw Road. Applicable prescribed burns in proximity to adjacent residential lands will be conducted after the initial thinning activities have been completed.

There are approximately 41 acres of uplands and 32 acres of hydric areas which may receive at least one prescribed burn. Prescribed burns may occur prior to, concurrent with or within 30-90 days after 1st thinning efforts have been completed—if climatic conditions are favorable for the prescribed burns. Otherwise, the goal is to complete the initial burn within 180 days after the AMB is permitted if/when weather conditions are suitable and burn permits can be obtained as described in the Forestry Stewardship Plan. A finalized burn plan will be prepared by a certified prescribed burn. All prescribed burns will be provided for agency approval prior to the commencement of the initial burn. All prescribed burns will be completed in accordance with that approved burn plan, conducted in accordance with the FSP, and in accordance with local, state and federal law. Some burn areas are more isolated than other areas. Burn areas may be split into burn units to limit the size of each area to be burned in a day. Most areas will be subdivided on the day of the burn with additional temporary lines to help facilitate better control. The approved burn plan will include maps detailing the temporary firelines to be established (*and subsequently flattened out*), preferred weather conditions, equipment and personnel needs, and the firing techniques to be employed on that day. All radio communications will utilize plain language. All personnel present at burning events will carry Personal Protective Equipment.

The goal is to accomplish a prescribed burn rotational cycle of every 3-5 years. Prescribed burns may occur prior to, concurrent with or after 1st thins. For pine flatwoods, the goal will be to burn the designated habitats using a system of two growing season burns followed by one dormant season burn. After the initial prescribed burn is completed, future prescribed burns will likely be encouraged during the early summer growing season (depending on suitable fuel and climatic conditions) to promote the reproduction and establishment of desirable species and the health of natural communities. Initial burns will be done in the winter if either of the following two conditions are present: (1) Desirable slash pine seedlings and saplings are present, or (2) Fuel loads are high enough that growing season burns may damage desirable slash pines. As a practical matter, all burn unit areas will be managed consistent with adjoining habitats. Mitigation Category W5 (Hydric plantation to cypress) may only be initially burned in order to reduce nondesirable species prior to planting efforts. The variability of the fire allows for the more natural establishment and recovery of species. For example, longleaf pines are susceptible to fire when they are young. Therefore, flexibility and establishing longer periods between burning cycles facilitates the natural recruitment and replacement of plant species. Backing and strip-heading fires will be the preferred burn methods, as well as use of other techniques such as flanking, spot, and ringing, depending on climatic conditions. Note: Because it is not always possible to burn as often as desired based on regulatory restrictions and climatic conditions, mechanical control of pine regeneration and understory vegetation may be used as well.

After each prescribed burn is completed, the certified burn manager/specialist overseeing the burn will prepare and sign documentation showing, at a minimum, the area successfully burned, the date of the

burn and an assessment of the success of the burn. The burn plan (*with as applicable map(s) depicting areas and tree age categories burned*) and post-burn documentation will be submitted with applicable FSP annual reports. Note: All burn rotations will be granted a 3-year operational extension due to weather.

Firelines

No firelines currently exist on the property. Firelines will be established and maintained in order to contain prescribed burns. Permanent firelines will need to be constructed within the burn units to accomplish the goals of successful prescribed burning. Additionally, fire plow lines may be utilized to break up and manage burns, but not maintained. Firelines will be maintained using equipment such as but not limited to a flat plowing disk harrow, in conjunction with a bulldozer and fireplow. Double lines would be pulled and then smoothed with a harrow or a C-frame. The Florida Interagency Prescribed *Fire Training Manual* suggests line widths of twelve feet. It is feasible that the initial widths will be somewhat wider due to the necessity of clearing the vegetation from them to get to the bare soils. These firelines could be maintained with a harrow and tractor after initial construction. Temporary lines may be proposed and established with a tractor, harrow and/or bulldozer/fireplow. Temporary lines would be smoothed out upon completion of the burn and will not be maintained annually. Firelines are necessary to adequately facilitate safe and successful burning. The more flexible the burn plan the higher level of success that will be achieved. The small negative ecological effect of firelines will be offset by having better and more effective burns. Roads and permanent fire lines will be used to keep the burn unit sizes manageable. Smoke management will be important. AMB's timber/land manager is a Florida Certified Burn Manager and has experience with control burning.

Ecological Goals

The Aripeka Mitigation Bank will benefit from control burning. Fire will aid the natural recruitment of target species in the pine and scrubby pine flatwoods. Control burning of these communities will reduce the understory, increase the health of the native communities, and limit the likelihood of catastrophic wildfires. Prescribed burning is a widely recognized tool to aid in the recruitment of many species for pine communities. Most of the overstory is already present and subject to thinning as outlined in the FSP, but desired groundcover species will benefit greatly from prescribed burning.

To promote the recruitment of some of the target species, it is recommended to burn each unit on a 3–5 year rotation, with an additional 3 year extension available due to insufficient weather conditions. Using a variable time frame will allow for more diversity to develop, and will allow for those species which respond more favorably to less frequent burning such as the oak which require longer recovery times between burns. This cycle has also been recommended to restore preferred habitat for gopher tortoises because it allows for the establishment of food and cover needed for their survival. The additional three years is to allow for proper weather conditions to be available instead of pushing marginal burning conditions.



Aripeka Mitigation Bank Hunt Plan

The GLSRT, as owner of the Aripeka Mitigation Bank, will be actively managing the populations of the whitetailed deer and wild turkeys on Aripeka Mitigation Bank through appropriate hunting techniques. Proper management on how to establish and maintain healthy populations will be adopted using FFWCC regulations, data collected from various studies, and experience. Florida whitetail deer hunting is proposed via still hunting and stalking (on foot only) methods. These methods will be done in accordance with Florida rules adopted and updated by the Florida Fish & Wildlife Conservation Commission (FFWCC). Therefore, hunting will occur as defined by the FFWCC with maximum bag limits specified annually and as recommended by the annual guidelines determined by a wildlife biologist based upon annual harvest records. The hunting plan for the Aripeka Mitigation Bank has been developed to not only reduce and control unauthorized hunting pressure on the property, but to also maintain healthy populations of game and nongame species. The hunting plan will include hunting for nuisance species such as feral hogs to control their potential impact on the ecological functions and structure within the property. Hunting will be limited to the GLSRT and its family or GLSRT guests. Security measures, such as perimeter fencing and/or gates at strategic points along the common boundary with SWFWMD public lands, will be installed to prevent poaching. The owner will further commit to no dog hunting, and motorized vehicles are to be allowed only on the existing timber access roads. Still hunting and stalking by foot are the only methods allowed for the harvesting of game animals. The number of hunters allowed at any given time will not exceed one active hunter per 150 acres on any given day.

For whitetail deer: Harvest log sheets will be completed after every hunt regardless if a harvest has taken place or not. These forms will include the following data: Property name, date, ID of deer numbers, age estimate and sex of deer observed. In addition, for harvested deer, the following shall be recorded: estimated age, sex, and weight of the harvested animal. Because a healthy population of buck to doe ratios is desirable, hunting on Aripeka shall adopt the following policy to protect immature bucks from harvest: No bucks under the estimated age of 3¹/₂, and ideally no bucks under the estimated age of 4¹/₂ should be harvested. Annual records will be kept and provided to the SWFWMD annually. The ratio of male to female deer will be monitored in order to maintain a well balanced mix of does to bucks based on the habitat characteristics on the property as recommended by a wildlife biologist. Any changes to the allowable harvest would reflect a wildlife biologist's recommendations in harvest criteria for wildlife. It is understood that much of the enhancement actions proposed for the AMB will be beneficial to wildlife, and should benefit the deer population. Since pine plantations are typically planted pine monocultures with less diversity, understory, and groundcover, and lack prescribed burns which promote flatwoods species growth, the forestry stewardship plan (FSP) for the AMB should result in an increase in desirable food sources for the deer.

For wild turkey: With FSP actions, improvement to habitat for turkeys is anticipated. Optimal wild turkey habitat is expected by implementation of FMB's prescribed burn regime in the pine flatwoods. Data will be collected during the spring season to include date, location, sex, weight, spur length, beard length, and general health of the harvested species. Turkeys will be harvested according to FFWCC criteria. Harvest log sheets will be completed after every hunt regardless if a harvest has taken place or not.

Summary: Though the presence of game species is not detrimental to the ecological viability of the AMB, an over population of species has that potential. As proposed, the AMB's hunting plan will not result in adverse impacts to current wildlife populations, and, in conjunction with AMB's proposed forestry management and habitat enhancement plans, should produce beneficial increases in wildlife utilization and improved habitat on the AMB. Responsible hunting has long been recognized for the benefits to wildlife management. Hunting prevents over population and over exploitation of resources. The primary objective of allowing private hunting abilities on the AMB is to maintain healthy wildlife populations which do not exceed the carrying capacity of the land and ultimately degrade available habitat. Over exploitation of the resources can have negative consequences on a wide variety of game and nongame species.

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	Cease harvesting in Wetlands, Record Conservation Easement, Execute Financial Assurance Mechanism(s) & Installation of Security Measures: Fencing & Gates	100% all Preservation (P) Categories	0.10	18.43					0.09	0.16		0.99			1.46	0.16	21.39
1	 Cease harvesting in Wetlands, Record Conservation Easement & Execute Financial Assurance Mechanisms, Implement Overall FSP & MitigationPlan. Installation of Security Measures. Fencing & Gates; 2) Complete hydrologic enhancement activities-low-watercrossings & ditch plugs etc; 3) Complete initial thimning / harvests, prescribed burns/ Planting per Forestry/StewardshipPlan (FSP); and 4)Complete initial exotic vegetative control treatments per Forestry Stewardship Plan 																
		Total Credit Rele	ase Upon	Completi	on Step 1	Per Mith	igation C	ategory	(Preserva	ttion Only	Credits)						21.39
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c	Final success:documented evidence success criteria achieved perFSP&Mit Plan Tables/PlantLists 6A-6G. Credit Release by Mitigation Category Success Completion	100% all Enhancement (E) Categories			1.70	0.76	3.69	1.10			6.37		2.09	1.52			17.23
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Attachment: Settlement Agreement FINAL (3092 : May 2017-Settlement Agreement AVining)

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		Modification Date												Modification Date					Modification Data		

Attachment 6

<u>Prepared by:</u> Sharon Collins TerraBlue Environmental P.O. Box 135 Homosassa Springs, FL 34447

Return original or certified recorded document to: Office of General Counsel Southwest Florida Water Management District Tampa Service Office 7601 U.S. Highway 301 Tampa, Florida 33637

CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT (the "Easement") is made and entered into this ______ day of _______, 2016, by and between **GEORGE L. SOUTHWORTH REVOCABLE TRUST**, whose mailing address is c/o George L. Southworth, 11317 N. 52nd Street, Tampa, Florida 33617, (the "Grantor"), and 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 ("SWFWMD"), and the **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**, having an address of 3900 Commonwealth Blvd., Tallahassee, Florida 32399 ("FDEP") (SWFWMD and FDEP are collectively the "Grantee"), with third party enforcement rights to the U.S. ARMY CORPS OF ENGINEERS ("Corps" or "Third Party Beneficiary"). As used herein, the terms Grantor, Grantee, and Third Party Beneficiary, shall include any successors or assigns of the referenced entities.

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of certain real property lying and being situated in Hernando County, Florida, more specifically described in Exhibit "A," attached hereto and incorporated herein by reference (hereinafter referred to as the "Property");

WHEREAS, Grantor desires to implement a mitigation bank on the Property which is subject to the regulatory jurisdiction of SWFWMD and the U.S. Army Corps of Engineers;

WHEREAS, Environmental Resource Permit No. ______ ("District Permit") and any modifications thereto issued by SWFWMD authorizes certain activities to preserve, enhance, restore, or create wetlands or other surface waters in or of the State of Florida, pursuant to which Grantor has established a mitigation bank known as the **ARIPEKA MITIGATION BANK** ("Mitigation Bank") on the Property;

WHEREAS, pursuant to this authorization, Grantor is to undertake and perform certain upland and wetland systems restoration, protection and/or enhancement-related improvements on the Property

as set forth in the District Permit, which by permit issuance includes the improvements and criteria described in its Mitigation Banking Plan, Forestry Stewardship Plan, Hunt Plan and Management Plan;

WHEREAS, the U.S. Army Corps of Engineers Mitigation Bank Instrument No. ("Corps Permit") authorizes certain activities in the waters of the United States;

WHEREAS, Grantor desires to preserve the Property in its natural condition in perpetuity, or, in accordance with the District Permit, in an enhanced, restored, or created condition.

NOW, THEREFORE, in consideration of the issuance of the District Permit to construct and operate the Mitigation Bank, together with other good and valuable consideration provided to the Grantor, Grantor hereby voluntarily grants, creates, conveys and establishes a Conservation Easement for and in favor of the Grantee pursuant to Section 704.06, Florida Statutes (F.S.), in perpetuity over the Property which shall run with the land and be binding upon the Grantor, and remain in full force and effect forever.

The scope, nature, and character of this Conservation Easement shall be as follows:

1. <u>Recitals</u>. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. <u>Purpose</u>. The purpose of this Conservation Easement is to assure that the Property will be retained in perpetuity in its existing natural condition except as it is enhanced, restored or created through the activities authorized in the District Permit and any modifications thereto; through the conservation of the value, character, ecological and hydrological integrity of the Property; the conservation and protection of the animal and plant populations on the Property; and the prevention of any use of the Property that impairs or interferes with the environmental value of the Property except as otherwise permitted herein and as authorized in the District Permit and any modifications thereto. Those wetland and upland areas included in this Conservation Easement which are to be preserved, enhanced, restored, or created pursuant to the District Permit, or any modifications thereto shall be retained and maintained in the preserved, enhanced, restored, or created condition required by the District Permit, or any modifications thereto.

3. <u>Prohibited Uses</u>. Except for the rights reserved in Paragraph 4 and the activities allowed in accordance with the District Permit and any modifications thereto, any activity on or use of the Property inconsistent with the purpose of the Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited ("Prohibited Uses"):

(a) Construction or placing of buildings, new roads, billboards, signs or other advertising, utilities or other structures on or above the ground;

(b) Dumping or placing of soil, trash, solid or liquid waste (including sludge), or other substance or material as landfill, or unsightly, offensive, or hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, including but not limited to those as defined by the Resource Conservation and Recovery Act, 42 U.S.C. Sections 6901-6992, or the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sections 9601-9675, as amended by the Superfund Amendments and Reauthorization Act of 1986, or any Florida Statute now existing or hereafter enacted defining hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants;

(c) Removal or destruction of trees, shrubs or other vegetation except as may be authorized by the District Permit and any modifications thereto for the eradication of exotic or nuisance plants;

(d) Planting of nuisance, exotic, or non-native plants as listed by the Exotic Pest Plant Council or specifically identified in the District Permit and any modifications thereto. Any occurrence of nuisance, exotic or non-native plants shall be managed and controlled in accordance with the conditions of the District Permit and any modifications thereto;

(e) Application of pesticides, herbicides or fertilizers except as may be authorized by the District Permit and any modifications thereto for the eradication of exotic or nuisance plants;

(f) Livestock uses such as grazing, feeding and penning, and including any commercial recreational uses involving livestock such as rodeos;

(g) Exploration or dredging for the exploitation, excavation, mining, draining, or removal or extraction of oil, gas, hydrocarbons, minerals or any substance, soil or material from the Property;

(h) Excavation, dredging, or removal of sand, loam, peat, gravel, rock, soil or other material substance in such manner as to affect the surface of the Property;

(i) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation or fish and wildlife habitat preservation;

(j) Commission of any activities that will adversely impact endemic threatened or endangered species on a list promulgated by any Federal, Florida, or local government agency;

(k) Surface use except for purposes that allow the land or water area to remain predominantly in its natural, restored, enhanced, or created condition;

(l) Acts or uses detrimental to such retention of land or water areas;

(m) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

4. <u>Reserved Rights</u>.

(a) The Grantor reserves for itself and its successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in or allow or invite others to engage in all uses of the Property that are not expressly prohibited herein or are not inconsistent with the purpose of the Conservation Easement. Without limiting the generality of the foregoing, the Grantor expressly reserves for itself and its successors and assigns, and its invitees all uses of the property including but not limited to the exclusive right to hunt, trap, fish, camp, picnic, walk, hike and drive over roads designated for such recreational purposes and to conduct similar passive recreational activities on the Property as authorized in the District Permit and any modifications thereto.

(b) The Grantor and its successors and assigns shall have the right to sell or mortgage the Property, provided the Property is not divided. Grantor shall insert the terms and restrictions

of this Conservation Easement (or incorporate the covenants, terms, conditions, restrictions and purposes by reference) in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Property; provide a photocopy of the recorded Conservation Easement to the new owner; and provide SWFWMD with a recorded copy of the transfer instrument, together with the requisite notice of permit transfer. Any such interest granted subsequent to this Conservation Easement shall be subordinated to same.

(c) The Grantor, its agents, successors, and assigns, shall have the authority to enter upon and access the Property for purposes of implementing the District Permit and any modifications thereto including the ability to alter topography and vegetation on the Property, and conduct any and all activities necessary to comply with the requirements of the District Permit, as well as to undertake and perform any other actions required or convenient to establish, operate and maintain the Mitigation Bank.

5. <u>**Rights of Grantee.</u>** To accomplish the purposes stated herein, Grantor conveys the following rights to Grantee by this Conservation Easement:</u>

(a) The right to enter upon and inspect the Property, with prior notice, in a reasonable manner and at reasonable times with any necessary equipment or vehicles to inspect, to determine compliance with the covenants and prohibitions contained in this Conservation Easement, and to enforce the rights granted herein in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry;

(b) To proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the Prohibited Uses set forth herein, and to require the restoration of areas or features of the Property that may be damaged by Prohibited Uses or use that is inconsistent with this Conservation Easement.

6. <u>Rights of the Corps</u>. The Corps, as a third party beneficiary, shall have the right to enforce the terms and conditions of this Conservation Easement, including:

(a) The right to take action to preserve and protect the environmental value of the Property;

(b) The right to prevent any activity on or use of the Property that is inconsistent with the purpose of this Conservation Easement, and to require the restoration of areas or features of the Property that may be damaged by any inconsistent activity or use;

(c) The right to enter upon and inspect the Property in a reasonable manner and at reasonable times, with prior notice, to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement;

(d) The right to enforce this Conservation Easement by injunction or proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and the right to require Grantor, or its successors or assigns, to restore such areas or features of the Property that may be damaged by any inconsistent activity or use or unauthorized activities;

(e) The Grantor, including its successors or assigns, shall provide the Corps at least 60 days advance notice in writing before any action is taken to amend, alter, release, or revoke this instrument. The Grantee shall provide reasonable notice and an opportunity to comment or object to the release or amendment to the Corps. The Grantee shall consider any comments or

objections from the Corps when making the final decision to release or amend such a conservation easement.

7. <u>Enforcement</u>. Grantee may enforce the terms, provisions, and restriction of this Conservation Easement at its reasonable discretion, and any forbearance, delay or omission on behalf of the Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be construed to be a waiver of Grantee's rights hereunder or impair any remedy. Grantee is not obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

8. <u>Third Party Beneficiary's Enforcement Rights</u>. Third Party Beneficiary's enforcement of the terms, provisions and restrictions shall be at the discretion of the Third Party Beneficiary, and any forbearance, delay or omission on behalf of the Third Party Beneficiary to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Third Party Beneficiary's rights hereunder. Third Party Beneficiary shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.</u>

9. <u>Grantee's and Third Party Beneficiary's Liability</u>. Grantee's liability is limited as provided in Sections 704.06 and 768.28, F.S. Additionally, Grantee and Third Party Beneficiary shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of the Conservation Easement Area.

10. <u>Assignment of Rights</u>. Grantee shall hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or legal entity qualified to hold such interests under applicable state laws.

11. <u>Taxes</u>. Grantor shall pay, before delinquency, any and all taxes, assessments, fees and charges, of whatever description, levied upon or assessed against the Property by competent authority, and shall furnish the Grantee with satisfactory evidence of payment upon request.

12. <u>Public Access</u>. Grantee shall not have the right to allow the general public or any other party on the Property at any time; and such right is retained by Grantor. No right of public access by the general public to any portion of the Property is conveyed by this Conservation Easement.

13. <u>Successors</u>. The covenants, terms, conditions, and restrictions of this Conservation Easement shall continue as a servitude running in perpetuity with the Property and shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns.

14. <u>Maintenance</u>. Grantor shall be responsible for any costs or maintenance related to the operation, upkeep, and maintenance of the Property consistent with the purpose of this Conservation Easement.

15. <u>Modification</u>. The terms and conditions hereof may be modified or amended only by mutual agreement in writing by the Grantor and Grantee which shall be recorded in the public records of Hernando County, Florida. The terms and conditions of the District Permit, Forestry Stewardship Plan, Mitigation Banking Plan and Management Plan may be modified or amended subject to Grantee approval without the necessity of amending this Conservation Easement.

16. <u>**Recording.**</u> Grantor shall record this Conservation Easement in a timely fashion in the Official Records of Hernando County, Florida, and shall rerecord it at any time Grantee may require to

preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records, and Grantor will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the public records.

17. <u>Notices</u>. All notices, consents approvals, or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

18. <u>Severability</u>. If any provision of this Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

19. <u>**Controlling Law.**</u> The interpretation and performance of this Conservation Easement shall be governed by the laws of the State of Florida.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement and that all mortgages on the Property, if any, have been joined or subordinated to this Conservation Easement; that Grantor has good right and lawful authority to convey this Conservation Easement, and that it hereby fully warrants and defends record title to the Property hereby conveyed against the lawful claims of all persons whomsoever.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Grantor has caused this Conservation Easement to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:	George L. Southworth Revocable Trust
WITNESSES:	By: George L. Southworth
Signature	Title:
Print Name:	
Signature	
Print Name	
STATE OF FLORIDA	
COUNTY OF HERNANDO	
The foregoing instrument was acknow	wledged before me this day of,
2016, by	, who is personally known to me or who has
produced	as identification. In witness whereof, I hereunto
set my hand and official seal.	
	NOTARY PUBLIC, STATE OF FLORIDA:
(SEAL)	Sign:
	Print Name:
	Serial/Commission Number:
	My Commission Expires:
	·

EXHIBIT "A"

PARCEL 1:

Beginning at a 4x4 concrete marker with No. I.D. at the Southeast corner of the Northwest 1/4 of Section 30, Township 23 South, Range 17 East, Hernando County, Florida; thence South 89 degrees 01 minutes 49 seconds West along the South line of said Northwest 1/4, a distance of 1774.78 feet to the Southeasterly Right-of-Way line of Osowaw Boulevard (S.R. Hwy. #595); thence along said Right-of-Way line the following courses: thence North 37 degrees 02 minutes 56 seconds East, 87.79 feet; thence North 52 degrees 57 minutes 04 seconds West, 10.00 feet; thence North 37 degrees 05 minutes 19 seconds East, 1016.94 feet to the point of curvature of a curve concave to the Southeast having a central angle of 17 degrees 15 minutes 34 seconds, a radius of 1223.24 feet, and a chord bearing and distance of North 45 degrees 45 minutes 40 minutes East, 367.09 feet; thence along the arc of said curve 368.48 feet; thence South 36 degrees 39 minutes 08 seconds East, 9.96 feet to a point on a curve concave to the Southeast having a central angle of 22 degrees 31 minutes 02 seconds, a radius of 1213.24 feet, and a chord bearing and distance of North 65 degrees 37 minutes 40 seconds East, 473.74 feet; thence along the arc of said curve 476.81 feet; thence North 10 degrees 20 minutes 33 seconds West, 5.13 feet to a point on a curve concave to the Southeast having a central angle of 05 degrees 54 minutes 31 seconds, a radius of 1218.24 feet, and a chord bearing and distance of North 79 degrees 49 minutes 01 seconds East, 125.58 feet; thence along the arc of said curve 125.64 feet to a 4x4 concrete marker with No. I.D. at the point of said curve; thence North 82 degrees 43 minutes 58 seconds East, 612.94 feet; thence leaving said Right-of-Way line run South 00 degrees 34 minutes 16 seconds East, 65. 79 feet; thence South 00 degrees 53 minutes 44 seconds East, 1334.19 feet to the South line of the Northeast 1/4 of said Section 30, thence South 89 degrees 00 minutes 15 seconds West along said South line, 336.38 feet to the Point of Beginning.

PARCEL 2:

All that part of the Southwest 1/4 of Section 30, Township 23 South, Range 17 East, Hernando County, Florida, lying South and East of State No 595 Right of Way.

PARCEL 3:

The North 1/2 of the Northeast 1/4 of Section 36, Township 23 South, Range 16 East, and the North 1/2 of the Northeast 1/4 of the Northwest 1/4 and the North 3/4 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 36, Township 23 South, Range 16 East, Hernando County, Florida.

PARCEL 4:

The Southwest 1/4 of the Northeast 1/4 of Section 36, Township 23 South, Range 16 East, Hernando County, Florida

PARCEL 5:

The East 1/2 of the Southeast 1/4 of the Southeast 1/4, less Right-of-Way for State Road No. 595, all lying in Section 25, Township 23 South, Range 16 East, Hernando County, Florida.

PARCEL 6:

The East 1 /2 of the Northwest 1 /4 of the Southeast 1 /4 of the Southeast 1 /4, less Right-of-Way for State Road No. 595, all lying in Section 25, Township 23 South, Range 16 East, Hernando County, Florida.

PARCEL 7:

That part of the South 1 /2 of the Southeast 1 /4 of the Northeast 1 /4 of the Southeast 1 /4 lying South of State Road No. 595, all lying in Section 25, Township 23 South, Range 16 East, Hernando County, Florida.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NOTICE OF AUTHORIZATION TO COMMENCE CONSTRUCTION

Апрека імпізацоп Бапг

PROJECT NAME

Environmental

PROJECT TYPE

Hernando

COUNTY

S31/T23S/R17E... See Permit for additional STR listings

SEC(S)/TWP(S)/RGE(S)

George L Southworth Revocable Trust

PERMITTEE

APPLICATION ID/PERMIT NO: DATE ISSUED:



714765 / 43042121.000

Michelle K. Hopkins, P.E.

Issuing Authority

THIS NOTICE SHOULD BE CONSPICUOUSLY DISPLAYED AT THE SITE OF THE WORK

Notice of Rights

ADMINISTRATIVE HEARING

- 1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.
- Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of state-owned submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
- 3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
- 4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
- 5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended or proposed action is not available prior to the filing of a petition for hearing.
- 6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A request or petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C. can be viewed at www.flrules.org or at the District's website at www.WaterMatters.org/permits/rules.
- 7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 367-9776. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at <u>www.WaterMatters.org/about</u>.

Attachment: Settlement Agreement FINAL (3092 : May 2017-Settlement Agreement AVining)

JUDICIAL REVIEW

- 1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
- 2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9. 110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.

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U. S. Army Corps of Engineers Jacksonville Permitting Section 701 San Marco Boulevard, Room 372 Jacksonville, FL 32207

GENERAL COUNSEL'S REPORT

May 23, 2017

Consent Agenda

Approval of Agency Designation of Minor Rule Violations Pursuant to Section 120.695, Florida Statutes

Section 120.695, Florida Statutes ("F.S."), requires each administrative agency in the State of Florida to issue a notice of noncompliance as a first response to a minor violation of a rule. A notice of noncompliance contains a statement of the rule alleged to have been violated and information regarding how to comply with the rule within a reasonable period of time, but may not be accompanied with a fine or other disciplinary penalty.

In accordance with this requirement, the Florida Legislature has directed each agency to review all of its rules and designate those for which a violation would be a "minor violation" and for which a notice of noncompliance must be the first agency enforcement action. The minor violation designations must be certified by each agency head and provided to the President of the Senate, the Speaker of the House of Representatives, the Joint Administrative Procedures Committee, and the rules ombudsman no later than June 30, 2017.

Representatives from the five water management districts and the Florida Department of Environmental Protection began meeting regularly in August 2016 to discuss how to determine which rules contain "minor violations" pursuant to Section 120.695, F.S. The statute defines a rule as "agency action *that regulates a business, occupation, or profession, or regulates a person operating a business, occupation, or profession,* and that, if not complied with, may result in a disciplinary penalty." Based on this definition, the water management districts and DEP determined that only the rules regulating water well contractors contained in Chapters 40D-3 and 62-531, Florida Administrative Code ("F.A.C."), are subject to the minor rule violation designation requirement. Furthermore, the Water Well Construction Disciplinary Guidelines and Citations Dictionary ("Guidelines") promulgated by DEP already includes the violations that are considered "minor." Therefore, the list of rules and corresponding citations in the Guidelines attached as Exhibit "A" hereto should be certified as "minor violations" pursuant to Section 120.695, F.S.

Staff Recommendation:

Approve the designation of minor rule violations recommended by staff, and certify the list of recommended designations to the President of the Senate, the Speaker of the House of Representatives, the Joint Administrative Procedures Committee, and the rules ombudsman.

Presenter: Christopher A. Tumminia, Staff Attorney



Opportunity Employer Southwest Florida Water Management District

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

May 23, 2017

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

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

WaterMatters.org

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

Randall S. Maggard Chair, Pasco Jeffrey M. Adams Vice Chair, Pinellas Bryan K. Beswick Secretary, DeSoto, Hardee, Highlands Ed Armstrong

> Treasurer, Pinellas H. Paul Senft, Jr. Former Chair, Polk

Michael A. Babb Former Chair, Hillsborough John Henslick Manatee

> George W. Mann Polk

Michael A. Moran Charlotte, Sarasota Kelly S. Rice Citrus, Lake, Levy, Sumter Mark Taylor Hernando, Marion Michelle Williamson Hillsborough Vacant Hillsborough, Pinellas

Brian J. Armstrong, P.G. Executive Director Honorable Joe Negron President, Florida Senate 404 South Monroe Street Tallahassee, Florida 32399

Honorable Richard Corcoran Speaker, House of Representatives 402 South Monroe Street Tallahassee, Florida 32399

Kenneth J. Plante Coordinator, Joint Administrative Procedures Committee 680 Pepper Building 111 W. Madison Street Tallahassee, Florida 32399

Rules Ombudsman Executive Office of the Governor The Capitol, Plaza Level 05 400 South Monroe Street Tallahassee, Florida 32399

Subject: Designation of Minor Rule Violations Pursuant to Section 120.695, Florida Statutes

Dear Sir or Madam:

In accordance with Section 120.695, Florida Statutes ("F.S."), I hereby certify that the Southwest Florida Water Management District ("District") has reviewed the rules promulgated under Chapter 40D, Florida Administrative Code, and that the rules attached hereto as Exhibit "A" have been designated as rules for which a violation would be minor under Section 120.695(b), F.S., consistent with the legislative intent stated therein.

Honorable Joe Negron, Honorable Richard Corcoran Kenneth J. Plante, Rules Ombudsman Subject: Designation of Minor Rule Violations Pursuant to Section 120.695, F.S. Page 2 May 23, 2017

A list of the rules that the District has designated as containing a minor violation pursuant to Section 120.695, F.S., will be published on the District's website prior to July 1, 2017.

Dated this 23rd day of May, 2017

Chair Southwest Florida Water Management District

Secretary Southwest Florida Water Management District

<u>Exhibit A</u>

Citation Number ¹	Rule Reference	Rule Summary
Citation Number 8	40D-3.037(1),(2), F.A.C. 62-531.380(2), F.A.C.	Display of License
Citation Number 18	40D-1.1022(3), F.A.C.	Emergency Permit Requirements
Citation Number 20	40D-3.037(1),(2), F.A.C. 62-532.400(2)(b), F.A.C.	Additional Information Requests
Citation Number 21	40D-3.037(1),(2),(3), F.A.C. 62-532.400(5), F.A.C.	Change of Permitted Location
Citation Number 23	40D-3.041(2), F.A.C. 62-532.400(4), F.A.C.	Display of Permit
Citation Number 25	Rule 40D-1.1022(3), F.A.C.	Oral Variance
Citation Number 26	40D-3.321(2),(3),(4), F.A.C. 62-532.400(6), F.A.C.	Permit Timeframes
Citation Number 27	40D-3.101(1),(2), F.A.C.	Permits, Inaccurate Application
Citation Number 32	40D-3.411(1)(a),(b), F.A.C. 40D-3.492(1)(a), F.A.C. 62-532.410, F.A.C.	Completion Report Submittal
Citation Number 33	40D-3.411(1), F.A.C. 62-532.400(1), F.A.C.	Completion Report Accuracy
Citation Number 34	40D-3.411(2), F.A.C.	Field Log, Any Well, Maintain During Construction
Citation Number 35	40D-3.411(2), F.A.C.	Drilling Records, Any Well, Inspection at Any Time
Citation Number 83	40D-3.507(3), F.A.C.	Casing, Telescoped, Centralizers
Citation Number 84	40D-3.507(3), F.A.C.	Casing, Overlap

¹ Water Well Construction Disciplinary Guidelines and Citations Dictionary, effective June 22, 2014, incorporated by reference in Section 40D-3.037, F.A.C.

GENERAL COUNSEL'S REPORT

May 23, 2017

Consent Agenda

Initiation of Litigation – Construction Without a Permit – Hillsborough County Riverside Heights Holdings III, LLC (The Heights Redevelopment) – CT No. 386932

Riverside Heights Holdings III, LLC ("Riverside III") owns adjacent parcels of real property located within Hillsborough County ("Property"), which are the subject of a proposed 53.32-acre urban redevelopment project involving the construction of a mixed-use residential and commercial development known as The Heights Redevelopment ("Project"). On May 10, 2016, District staff conducted a pre-application meeting with a representative of Riverside III to discuss certain aspects of the Project that required an Environmental Resource Permit ("ERP"). On August 29, 2016, District staff conducted a pre-application site visit at the Property and observed fill stockpiles that were not authorized by an ERP. District staff returned to the Property on September 7, 2016, and observed additional construction activity, including additional stockpiling and the grading of approximately four acres of land.

The District issued a Notice of Unauthorized Activities ("Notice") to Riverside III on September 15, 2016, concerning the stockpiling and grading that occurred at the Property without an ERP. The Notice advised that the unauthorized activities could result in a monetary penalty or further enforcement action if not corrected within fourteen days of the date of the Notice. On September 23, 2016, the District received ERP Application No. 734960 ("ERP Application") from Riverside III for the proposed Project, and the correspondence accompanying the ERP Application stated that Riverside III's engineer was directed to cease operations on the Project until the ERP Application was approved. On November 16, 2016, while the ERP Application was still pending, District staff conducted a site inspection at the Property and observed ongoing construction activity, including stockpiling, grading, and the excavation of a pond.

The District issued a Notice of Violation and proposed Consent Order to Riverside III on February 10, 2017, addressing the above-referenced violations. The Consent Order assessed penalties in accordance with the District's ERP Penalty Guidelines as follows:

- \$9,250 for failing to obtain an ERP prior to commencing construction activities;
- \$2,313 (25%) upward adjustment of the base penalty for willful violation of District rules;
- \$2,000 in District enforcement costs; and
- Within thirty days of approval of the Consent Order, Riverside III must obtain approval of the ERP Application that was submitted to the District on September 23, 2016.

On March 1, 2017, Riverside III obtained District approval of the ERP Application; however, as of the date of the preparation of this Recap, Riverside III has not signed the proposed Consent Order to resolve the outstanding administrative penalty and enforcement costs. Consequently, authorization to initiate litigation is being requested. If approved, an Administrative Complaint and Order will be issued to address the violations.

Staff Recommendation:

Authorize the initiation of litigation against Riverside Heights Holdings III, LLC, to recover an administrative fine/civil penalty, District enforcement costs, litigation costs, and attorneys' fees.

Presenter: Christopher A. Tumminia, Staff Attorney

Item 19

EXECUTIVE DIRECTOR'S REPORT

May 23, 2017

Consent Agenda

Approve Resolution No. 17-08, Commending George W. Mann for His Service as a Member of the Southwest Florida Water Management District Governing Board

To honor Mr. George W. Mann for his term as a Governing Board member, District staff has prepared a resolution to commemorate his service. Mr. Mann was appointed to the Governing Board in November 2012 and served through April 2017.

Staff Recommendation:

Approve Resolution No. 17-08 as presented.

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

RESOLUTION NO. 17-08

COMMENDING GEORGE W. MANN FOR HIS SERVICE AS A MEMBER OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT GOVERNING BOARD

WHEREAS, **GEORGE W. MANN** was appointed by Governor Rick Scott to the Southwest Florida Water Management District Governing Board in November 2012 and served through April 2017; and

WHEREAS, **GEORGE W. MANN**, represented the Governing Board through his service as the liaison to the Well Drillers Advisory Committee; and

WHEREAS, **GEORGE W. MANN** provided leadership and financial guidance for the Central Florida Water Initiative, including development of the Regional Water Supply Plan and Water Resources Protection and Water Supply Strategies Plan; and

WHEREAS, **GEORGE W. MANN** promoted regional cooperation between Polk County and the municipal utilities within Polk County through the formation of the Polk Regional Water Cooperative to develop alternative water supply projects to meet water supply demands; and

WHEREAS, **GEORGE W. MANN** supported development of alternative water supplies and regional pipeline interconnections in partnership with water supply authorities, local governments and private utilities to help achieve reductions in groundwater pumping and supported regional cooperative projects, including the Southwest Polk County and Tampa Electric Reclaimed Water Project; and

WHEREAS, **GEORGE W. MANN** championed taxpayer involvement by engaging in the Ridge Lakes Southern Water Use Caution Area Stakeholder Workgroup and the completion of flood mapping in Polk and Sarasota counties; and

WHEREAS, **GEORGE W. MANN** supported the acquisition of public lands to protect Florida's first- and second-magnitude springs, including Weeki Wachee, Kings Bay, Rainbow, Three Sisters, Boat Springs and the development and approval of the Crystal River/Kings Bay and Rainbow River SWIM Plans; and

WHEREAS, **GEORGE W. MANN** was an advocate of environmental restoration projects, many of which received national acclaim, including the Lake Hancock Outfall Treatment, MacDill Air Force Base Restoration, Rock Ponds Ecosystem Restoration projects; and

WHEREAS, **GEORGE W. MANN** demonstrated leadership as a member on the Flying Eagle and Recreation Ad-Hoc Committees, providing guidance on public lands for the benefit of all Florida's citizens; and

WHEREAS, **GEORGE W. MANN**, promoted the optimization of the northern Winter Haven Chain of Lakes water levels through remote operation of structures; and

WHEREAS, the Governing Board of the Southwest Florida Water Management District wishes to express its appreciation of these outstanding contributions, as well as those that are not mentioned but which will long be attributed to the service of **GEORGE W. MANN**;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT that this Board honors **GEORGE W. MANN** by adopting this resolution, expressing its appreciation for his commitment to the mission of the District, his outstanding work and his dedication to public service; and

BE IT FURTHER RESOLVED that this resolution be incorporated into the minutes of this District, permanently honoring the service of **GEORGE W. MANN** to this District, and that this resolution be presented to him. PASSED and ADOPTED this twenty-third day of May 2017.

GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BY

Randall S. Maggard, Chair

ATTEST

Bryan K. Beswick, Secretary

Packet Pg. 260

Item 20

EXECUTIVE DIRECTOR'S REPORT

May 23, 2017

Consent Agenda

Approve CFI Northen Region Meeting Minutes - April 5, 2017

Staff Recommendation:

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

Northern Region Subcommittee Governing Board Southwest Florida Water Management District

BROOKSVILLE, FLORIDA

April 5, 2017

The Northern Region Cooperative Funding Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Wednesday, April 5, 2017 at the Southwest Florida Water Management District Brooksville Headquarters, 2379 Broad Street, Brooksville, Florida 34604.

Governing Board Members Present Kelly S. Rice, Committee Chair Randy Maggard Mark Taylor

Recording Secretary Lori Manuel Staff Members Present Mark Hammond Jay Hoecker Jason Mickel Mark Green J.P. Marchand Jennette Seachrist Melissa Gulvin Scott Letasi Terri Behling Cara Martin

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

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

1. Call to Order and Pledge of Allegiance

Committee Kelly S. Rice called the meeting to order at 10:00 a.m., and led the pledge of allegiance.

2. Introductions

Committee Chair Rice introduced the other members of the Committee.

3. Approval of February 1, 2017 Meeting Minutes

A motion was made to approve the February 1, 2017 minutes. The motion was seconded and passed unanimously.

4. CFI Final Staff Rankings and Recommendations

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

Mr. JP Marchand provided a presentation on the Cooperative Funding Initiative (CFI) evaluation process. This presentation included: CFI guidelines for cooperators; evaluation

guidance manuel for reviewers; outreach; initial review process; cooperator coordinator; internal review for projects; and sub-committee meetings.

Mr. Marchand provided an example of a high ranked project planning project, N891 North Citrus Withlacoochee River Watershed as an example. He explained as part of the review process, consideration is given to see if the submitted project addresses at least one of the District's initiatives in the strategic plan. He stated that project N891 addresses both flood plain and water quality initiatives.

Mr. Marchand stated that current data available assists in the review process of projects. He provided a map that explained the data that was provided in the review process for project N891.

Mr. Marchand discussed the outreach efforts that are made to the cooperators when a project is submitted. He indicated staff is proactive and assists the cooperators with developing a five-year plan. Mr. Marchand provided a map that displayed completed projects, on-going projects and proposed projects as related to Citrus County and project N891.

Committee Member Maggard asked if the proposed areas that are outlined in a five-year plan are used to offset future potential problems. Mr. Marchand responded in the affirmative and stated that data is reviewed for future land use planning. Mr. Hammond added that it also involves coordination between the District and local governments.

Mr. Marchand provided an example of a medium ranked construction project, N851 CR 40 and 336 drainage improvements. He explained that the strategic plan addresses floodplain management and water quality improvement. He stated that for a project to be ranked as high, the pollutant removal and reduction would need to occur in a priority water body. The water body associated with this project, the Withlacoochee watershed, is not considered a priority waterbody. Mr. Marchand explained that if a project reduces structure flooding issues, it would be ranked higher. This project only reduces street flooding issues.

Mr. Marchand provided an example of a high ranked conservation project, N921 Bay Laurel 2018 Irrigation Controller/ET Sensor. He stated that this project meets the conservation and regional priority initiatives in the strategic plan. Mr. Marchand provided information on per capita use from 2008-2015.

Mr. Marchand outlined other components that assist in determining project rankings. This includes: application quality; project benefit; cost effectiveness; past performance; complementary efforts; strategic goals; measurable benefits and costs. Mr. Marchand provided an example of a high ranked project N919 Little Jones Creek Watershed Management Plan outlining the above referenced components.

Committee Member Maggard asked if the District does a cost comparisons to determine if services provided are at a fair market value. Mr. Mark Hammond responded with an example of watershed studies. He stated that costs are based on negotiating with consultants, and determining cost estimates if the District performed the work. Mr. Hammond stated construction project costs (i.e., reclaimed water) are based on private sector costs/bids.

Committee Chair Rice asked if a bullet list could be compiled that is used to formalize the rankings of projects. Mr. Hammond responded in the affirmative.

Committee Member Taylor asked how watershed studies are utilized. Mr. Marchand responded that the watershed studies can be utilized in various matters which may include: project improvements; development and improvement of flood insurance rate maps; and water quality improvement.

Committee Member Maggard asked about the water quality aspect related to project N851. Mr. Marchand responded both flood protection and water quality were considered in the ranking of this project. Both components were evaluated separately and both were given a medium ranking.

Committee Chair Rice asked what percentage of project N851 is considered flooding versus water quality. Mr. Marchand responded 50 percent. Committee Chair Rice asked if the District is evaluating this project because of the flooding associated with it. Mr. Marchand responded the flooding associated with this project is considered a local infrastructure issue. The District does not fund these projects.

Committee Member Maggard asked if the water quality component of the project was in the original submittal or added later. Mr. Hammond responded it was in the original.

Mr. Shane Williams, Marion County, stated both the flood conveyance and water quality were submitted in the application.

Mr. Hoecker provided an overview of the final rankings for projects staff has recommended for funding in the northern region.

A motion was made to approve staff's recommendation to approve the project rankings for the Cooperative Funding projects in the Northern Region ranked 1A, High and Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2017-18; and drop from consideration those projects ranked Low. Committee Member Rice seconded; Board Member Maggard opposed the motion. The motion carried with a two to one majority.

5. Springs Funding Final Rankings and Recommendations

Mr. Mark Green, Springs and Environmental Flows Manager, presented the Florida Department of Environmental Protection (FDEP) springs initiatives funding for Fiscal Year 2018. He provided an overview of the FDEP requests submitted by region.

Mr. Green stated 11 projects were submitted for the Northern Region; nine have been recommended for funding.

Mr. Green specifically addressed project P140 Indian Waters Phase 2. This is a septic to sewer project. He provided an updated slide for this project.

Committee Chair Rice and Board Member Taylor expressed concern over approving funding for any septic projects without an ordinance to require infrastructure connection.

Mr. John Dollar, City of Brooksville, stated there is an enforceable ordinance. Committee Chair Rice asked if they would be required to connect to the City of Brooksville water utilities. Mr. Dollar responded in the affirmative.
Committee Member Taylor asked how the District can enforce these ordinances. Mr. Hammond responded the District can contractually require a performance standard. He added the District is addressing this issue with FDEP.

Committee Chair Rice asked about the process of funding received from FDEP for spring funding. Mr. Hammond explained the State provides the funding to the District, the District then contracts with FDEP and then the District contracts with local governments.

A motion was made to approve staff's recommendation to approve forwarding the Springs Initiatives projects in the Northern Region to the Florida Department of Environmental Protection for further review and funding consideration. The motion was seconded and carried unanimously.

6. Receive Additional Public Comment

None

7. Adjournment

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

The meeting was adjourned at 11:26 p.m.

EXECUTIVE DIRECTOR'S REPORT

May 23, 2017

Consent Agenda

Approve CFI Heartland Region - April 6, 2017

Staff Recommendation:

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

HEARTLAND SUBCOMMITTEE GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BARTOW, FLORIDA

APRIL 6, 2017

The Heartland Region Cooperative Funding Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Thursday, April 6, 2017 at the Polk County Administration Building, 330 West Church Street, Bartow, Florida.

<u>Governing Board Members Present</u> Bryan Beswick, Committee Chair Paul Senft George Mann

Recording Secretary Cara Martin Staff Members Present Mark Hammond John Campbell Jay Hoecker Cindy Rodriguez Jennette Seachrist J.P. Marchand Jason Mickel Eric DeHaven Randy Smith Scott Letasi

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

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

1. Call to Order and Pledge of Allegiance

Committee Chair Beswick called the meeting to order at 10:00 a.m., and led the pledge of allegiance.

2. Introductions

Committee Chair Beswick introduced the other members of the Committee.

3. Approval of February 2, 2017 Meeting Minutes

A motion was made to approve the February 2, 2017 meeting minutes. The motion was seconded and passed unanimously.

4. CFI Final Staff Rankings and Recommendations

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

Mr. Hoecker specifically addressed the following high ranked projects: N888, N905 and N931. Project N888 was originally ranked low and funding has reduced. Project N905 costs have increased due to a rate analysis. Project N931 future funding has decreased in costs but the FY2018 funding has increased by \$100,000.

Mr. Hoecker specifically addressed the following medium ranked projects: N886, N898, N926 and N937. He stated the District will take the lead on project N886 to complete the watershed management plan. Project N898 was changed to a third-party review and the request for funds were reduced. Project N926 was also changed to a third-party review. Project N937 was converted to a study and the funding request was reduced.

Mr. Hoecker specifically addressed the low ranked project N885.

5. Receive Additional Public Comments

Committee Chair Beswick stated he received one Request to Speak card.

Mr. Hans Zarbock, Polk County Board of County Commissioners, highlighted high ranked projects N931 and N933 and outlined the benefits of these projects.

Committee Member Senft asked if basin funds had been utilized. Mr. Hoecker responded approximately \$78,000 in lapsing funds were identified in the Withlacoochee Basin budget.

Board Member Mann asked about high ranked project N928 asked about the project being done without a plan. Mr. Hammond stated that project N928 is to complete a study to evaluate the feasibility of the project.

A motion was made to approve staff's recommendation to approve the project rankings for the Cooperative Funding projects in the Heartland Region ranked 1A, High and Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2017 -18; and drop from consideration those projects ranked Low. Motion carried unanimously.

Adjournment

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

The meeting was adjourned at 10:19 a.m.

EXECUTIVE DIRECTOR'S REPORT

May 23, 2017

Consent Agenda

Approve CFI Southern Region Meeting Minutes - April 12, 2017

Staff Recommendation:

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

Southern Region Subcommittee Governing Board Southwest Florida Water Management District

SARASOTA, FLORIDA

April 12, 2017

The Southern Region Cooperative Funding Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Wednesday, April 12, 2017 at the Southwest Florida Water Management District Sarasota Office, 6750 Fruitville Road, Sarasota, Florida.

<u>Governing Board Members Present</u> Bryan Beswick, Committee Chair John Henslick

Board Members Absent George Mann

Recoding Secretary Terri Behling Staff Members Present Mark Hammond Jay Hoecker Eric DeHaven J.P. Marchand Jason Mickel Jennette Seachrist Randy Smith Jerry Mallams Tara Poulton Scott Letasi

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

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

1. Call to Order and Pledge of Allegiance

Committee Chair Beswick called the meeting to order at 10:00 a.m., and led the pledge of allegiance.

2. Introductions

Committee Chair Beswick introduced the other members of the Committee.

3. Approval of February 8, 2017 Meeting Minutes

A motion was made to approve the February 8, 2017 meeting minutes. This motion was seconded and passed unanimously.

4. CFI Final Staff Rankings and Recommendations

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

Mr. Hoecker specifically addressed projects. Mr. Hoecker stated project N927 is not within the District boundaries and is not recommended for funding. He stated project W304 has been withdrawn.

Ms. Molly Williams, Sarasota County, provided a presentation to the Committee on N786 Dona Bay surface water storage facility.

Mr. Hoecker highlighted changes that occurred since the February 8 meeting. He stated the District is requesting a third-party review for N786. In addition, Sarasota County reduced their Fiscal Year (FY) 2018 funding from \$2.4 million to \$1.2 million.

Mr. Hoecker stated because of in-house modeling, the ranking for project N842 changed from medium to high. Mr. JP Marchand explained why the in-house modeling was utilized.

Mr. Hoecker stated that the District would be completing the third-party review for project N912.

Mr. Hoecker stated the cost for project N838 decreased from \$600,000 to \$120,000. This was as a result of identifying the intermediate versus regional systems. Mr. Marchand explained the total cost of the project did not change, just the components that are eligible for funding District funding.

Mr. Hoecker reiterated that Project W304 has been withdrawn.

Mr. Hoecker addressed three low ranked projects that were not recommended for funding: N874, N895 and N927.

Committee Member Henslick asked if there is an expectation for any low rank projects to request funding in the future. Mr. Hammond responded in the affirmative.

A motion was made to approve staff's recommendation to approve the project rankings for the Cooperative Funding projects in the Southern Region ranked 1A, High and Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2017 -18; and drop from consideration those projects ranked Low. The motion was seconded and passed unanimously.

5. <u>Receive Additional Public Comment</u> None

6. Adjournment

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

The meeting was adjourned at 10:21 a.m.

EXECUTIVE DIRECTOR'S REPORT

May 23, 2017

Consent Agenda

Approve CFI Tampa Bay Region Meeting Minutes - April 13, 2017

Staff Recommendation:

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

TAMPA BAY REGION SUBCOMMITTEE GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

April 13, 2017

The Tampa Bay Region Cooperative Funding Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Thursday, April 13, 2017 at the District's Tampa Office, 7601 Highway 301 North, Tampa, Florida.

Governing Board Members Present	Staff Members Present
Randy S. Maggard, Committee Chair	Mark Hammond
Jeffrey M. Adams	Jay Hoecker
Michael A. Babb	Jennette Seachrist
Ed Armstrong	Cara Martin
Michelle Williamson	Jason Mickel
	J.P. Marchand
	Eric DeHaven
Recording Secretary	Scott Letasi
Lori Manuel	Randy Smith
	Terri Behling

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

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

1. Call to Order and Pledge of Allegiance

Committee Chair Maggard called the meeting to order at 10:00 a.m., and led the pledge of allegiance.

2. Introductions

Committee Chair Maggard introduced the other members of the committee.

3. Approval of February 9, 2017 Meeting Minutes

A motion was made to approve the February 9, 2017 meeting minutes. The motion was seconded and passed unanimously.

4. CFI Final Staff Rankings and Recommendations

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

A motion was made to approve staff's recommendation to approve the project rankings for the Cooperative Funding projects in the Tampa Bay Region ranked 1A, High and Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2017 -18; and drop from consideration those projects ranked Low.

Mr. Scott Letasi, Engineering & Watershed Management Manager, provided a presentation for high ranked projects N528 and N635.

Committee Member Babb asked how many potential future projects may be requested due to related flooding issues in the Tampa Bay area.

Mr. Al Hoel, City of Tampa (City), responded the city council has passed the capital improvement stormwater fee. He stated the City is borrowing \$250 million dollars in bonds which will be paid back with an annual revenue stream of \$6.8 million dollars. Mr. Hoel stated there were five major project areas that have been identified and outlined these areas.

Committee Member Babb asked if the City could provide an approximate amount for future cooperative funding requests. Mr. Hoel responded approximately \$75 million dollars.

Committee Chair Maggard asked if project N528 was initiated prior to the third-party review requirement. Mr. Hammond responded in the affirmative. Committee Chair Maggard asked if there were other projects that were initiated prior to the third-party review requirements. Mr. Hammond responded he would have to follow-up with the Board on that information.

Committee Chair Maggard asked why the District is seeing the cost ratio decline. Mr. Hammond responded that it is related to individual projects.

Committee Member Williamson asked if the \$600 thousand dollars that is not contributed to stormwater will reduce the District's cost share. Mr. Hammond responded in the affirmative.

Mr. Hoecker informed the Board of a correction to project N635. He stated the initial cost effectiveness was listed at \$77.54 per pound of nitrogen removal. The actual cost is \$7.96 per pound of nitrogen removal.

Mr. Mike Carballa, Pasco County, thanked the District for its partnership. Mr. Rafael Vazquez-Burney, CH2M, provided a presentation on project N635. Committee Chair Maggard raised concerns regarding approval of this project. Mr. Hammond explained how projects that require a 30 percent project design with a third-party review are addressed. He explained that funds are not released until the Board's authorization.

Mr. Hoecker highlighted the following high ranked projects: N528 was initially ranked low but has been changed to high; N748 was initially ranked 1A but because the third party review is pending, it has been ranked high; N773 funding request was reduced and the project time frame was extended to future years of funding; N776 was reduced its project costs so the funding request was reduced; N841 reduced the funding request due to the removal of local components; the total conceptual costs for project N850 will be reduced due to the removal of local components; N855 was initially ranked low but was changed as a result of modeling; W024 received matching commitments to additional funds so the funding request has increased; W305 was originally numbered N979; and W306 has been deleted.

Mr. Hoecker highlighted the following medium ranked projects: N857 requires a third-party review and N915 had a decrease in the funding request.

Mr. Hoecker highlighted the low ranked projects: N843, N847, N864, N910, N914 and N942.

Committee Member Williamson asked how many cooperators are relying on legislative funding and if funding is not approved, will the projects still proceed. Mr. Hammond responded the District monitors the legislative process and coordinates with local governments.

Committee Chair Maggard asked if the homes associated with project N845 are new or remodeled. Mr. Carballa responded they are new homes. Committee Chair Maggard asked how would the District monitor the appliances that are purchased by the program to ensure they remain in the home if it is sold. Mr. Carballa responded he would have to follow-up with the Board on that information.

Mr. Jason Mickel, Water Supply Section Manager, responded much of the savings is involved in the exterior of the home which includes irrigation controllers, irrigation timers, reduced turf landscaping. The interior savings involves ensuring EPA water compliant appliances. Committee Member Armstrong suggested because it is a pilot program, it be administered for a year and then staff can return to the Board with the results. Committee Chair Maggard suggested Pasco presents a plan at the June 27 Board meeting. Mr. Caballa responded in the affirmative.

Mr. Maggard received one request to speak card. Ms. Chris Claus, City of St. Petersburg, spoke in favor of the Water Star program. She also explained the efficiency involved with Florida Friendly Landscaping.

Committee Chair Maggard asked about the medium ranking of project N857. It was explained that the cost effectiveness for this project was considered low.

Staff recommended the Board approve the project rankings for the Cooperative Funding projects in the Tampa Bay Region ranked 1A, High and Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2017-18; and drop from consideration those projects ranked Low.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously.

5. Springs Funding Final Rankings and Recommendations

Ms. Jennette Seachrist, Natural System and Restoration Bureau Chief, provided a presentation. Ms. Seachrist stated 13 applications were received, and two projects P146 and N635 are in the Tampa Bay Region.

Staff recommended the Board approve forwarding the Springs Initiatives projects in the Tampa Region to the Florida Department of Environmental Protection for further review and funding consideration.

A motion was made to approve staff's recommendation, the motion was seconded and carried unanimously.

6. <u>Receive Additional Public Comments</u> None

7. Adjournment

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

The meeting was adjourned at 11:05 a.m.

EXECUTIVE DIRECTOR'S REPORT

May 23, 2017

Consent Agenda

Approve Governing Board Meeting Minutes - April 25, 2017

Staff Recommendation:

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

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

HAINES CITY, FLORIDA

APRIL 25, 2017

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 10:00 a.m. on April 25, 2017, at the Haines City Lake Eva Banquet Hall. The following persons were present:

Board Members Present Randall S. Maggard, Chair Jeffrey M. Adams, Vice Chair Ed Armstrong, Treasurer *Via Phone Bryan K. Beswick, Secretary H. Paul Senft, Member George W. Mann, Member John Henslick, Member Kelly S. Rice, Member Michelle Williamson, Member Mark Taylor, Member

Staff Members Brian J. Armstrong, Executive Director Amanda Rice, Assistant Executive Director David T. Rathke, Division Director Karen E. West, General Counsel Kurt P. Fritsch, Inspector General John J. Campbell, Division Director Ken L. Frink, Division Director Mark A. Hammond, Division Director

Alba E. Más, Division Director

Board Members Absent John Henslick, Member Michael A. Babb, Member 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 Maggard called the meeting to order and opened the public hearing. Secretary Beswick stated a quorum was present.

2. Invocation and Pledge of Allegiance

Board Member Senft offered the invocation. Chair Maggard led the Pledge of Allegiance to the Flag of the United States of America.

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

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

3. Employee Recognition

Chair Maggard recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Keith Hilburn and Keith Brand.

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

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. Brian Armstrong, Executive Director, stated there was one item removed from the agenda:

Finance/Outreach & Planning Committee Discussion 18. Investment Strategy Quarterly Update

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

Chair Maggard noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda.

Chair Maggard stated he received one Request to Speak card.

Mr. David Ballard Geddis, Jr., spoke against taxing authority of water management districts.

CONSENT AGENDA

Chair Maggard 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 Maggard said there is good cause to amend the published agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, as amended, which was seconded. The motion carried unanimously. (Audio 00:06:00)

CONSENT AGENDA

Finance/Outreach & Planning Committee

6. Resolution No. 17-06 Declaring April 2017 as "Water Conservation Month"

Staff recommended the Board approve and sign Resolution No. 17-06 declaring April 2017 "Water Conservation Month."

 <u>Resolution No. 17-07 Declaring May 14-20, 2017 as "Water Reuse Week"</u> Staff recommended the Board approve and sign Resolution No. 17-07 declaring May 14-20, 2017 as "Water Reuse Week.

8. Budget Transfer Report

Staff requested approval of the Budget Transfer Report showing no budget transfers for March 2017.

Resource Management Committee

9. <u>Authorize Submission of Preliminary Flood Insurance Rate Maps for the Pithlachascotee</u> <u>River/Bear Creek Watershed in Pasco County to the Federal Emergency Management</u> Agency (B312)

Staff recommended the Board authorize submittal of the preliminary FIRMs for the Pithlachascotee River/Bear Creek watershed in Pasco County to FEMA.

10. City of Winter Haven - South Lake Conine Watershed Restoration (W773)

Staff recommended the Board approve the agreement effective as of the 1st day of October 2016 with the City of Winter Haven; approve the total project cost of \$2,464,500 with the District's share not to exceed\$857,250; and authorize the Assistant Executive Director to sign the agreement.

11. FARMS – Keith Davis - (H752), Hardee County

Staff recommended the Board:

- 1. Approve the Keith Davis project for a not-to-exceed project reimbursement of \$95,400 with \$95,400 provided by the Governing Board;
- 2. Authorize the transfer of \$95,400 from fund 010 H017 Governing Board FARMS Fund to the H752 Keith Davis project fund;
- 3. Authorize the Division Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee - None

Regulation Committee

12. <u>Concurrence with Emergency Order No. SWF 17-19 – Tampa Bay Water – WUP No.</u> 20006675.006 – Lowering of Tampa Bypass Canal Middle Pool

Staff recommended the Board concur with Emergency Order No. SWF 17-19.

13. Individual Water Use Permits Referred to the Governing Board

a. Water Use Permit No. 20008480.008 – Hawthorne Creek Grove / QC Standby Desoto Grove, LLC (DeSoto County)

Staff recommended the Board approve the proposed permit attached as an exhibit and included in the Governing Board meeting materials.

General Counsel's Report

14. <u>Administrative, Enforcement and Litigation Activities that Require Governing Board</u> <u>Approval</u>

a. Interagency Agreement Between SJRWMD and SWFWMD -- Designation of Regulatory Responsibility – Water Use Permit No. 20008763.003 – Florida Department of Transportation - I-75 Rest Area – Marion County Staff recommended the Board approve the proposed permit attached as an exhibit and

included in the Governing Board meeting materials.

 Memorandum of Understanding between the SJRWMD and the SWFWMD – Enhanced Coordination Regarding Water Use Permitting and Water Resource Protection Projects in Marion County

Staff recommended the Board approve the Memorandum of Understanding Between the St. Johns River Water Management District and the Southwest Florida Water Management District for enhanced coordination in water use permitting and water resource protection projects in Marion County.

c. Initiation of Litigation – Permit Condition Violation – Depa Hotel, Inc. – ERP No. 44014233.002 – CT No. 208660 – Pasco County

Staff recommended the Board authorize the initiation of litigation against Depa Hotel, Inc., and any other necessary parties, to obtain compliance, to recover an administrative fine/civil penalty, and to recover District enforcement costs, litigation costs and attorney's fees.

15. Rulemaking - None

Executive Director's Report

16. Approve Governing Board Meeting Minutes - March 28, 2017

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 00:08:50)

Chair Maggard relinquished the gavel to the Finance/Outreach & Planning Committee Vice Chair Adams who called the Committee meeting to order. (Audio 00:09:03)

Finance/Outreach & Planning Committee Discussion

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

18. Investment Strategy Quarterly Update

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended March 31, 2017.

19. Self-Funded Health Insurance Plan - First Year Results

Mr. John Campbell provided a presentation on the District's self-funded health plan and wellness activities. Mr. Campbell stated the District began the self-funded plan on January 1, 2016. He stated that if the District would have remained fully insured, annual costs for 2016 would have been \$7,536,754 while the actual self-insured annual costs for 2016 totaled \$7,004,659. This resulted in a total annual savings of \$532,095. Mr. Campbell reminded the Board this is the first year in a long-term commitment.

Mr. Campbell stated the District has held biometric screenings for staff. This provides selfawareness for employees and gives aggregate results for program customization.

Mr. Campbell also stated the District also partners with Florida Blue and the Wellness Council of America (WELCOA) to provide educations resources, newsletters, educational courses and discount programs and membership to employees.

Mr. Campbell stated the District also hosts group fitness activities that include: lunchtime fitness classes; group walks/races; and fitness challenges.

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

Submit & File Reports

The following items were provided for the Committee's information, and no action was required. **20.** <u>Legislative Update</u>

Routine Reports

21. Treasurer's Report and Payment Register

22. Monthly Financial Statement

23. Monthly Cash Balances by Fiscal Year

24. Comprehensive Plan Amendment and Related Reviews Report

Committee Vice Chair Adams relinquished the gavel to the Resource Management Committee Vice Chair Senft who called the Committee meeting to order. (Audio 00:14:36)

Resource Management Committee Discussion 25. Consent Item(s) Moved for Discussion – None

26. Polk Regional Water Cooperative Alternative Water Supply Projects

Board Member Mann stated that because of ownership of property in the Peace Creek area, he was recusing himself from the vote for staff's second recommendation.

Mr. Jason Mickel, Water Supply Section Manager, provided a presentation. He explained that Polk County is within the Central Florida Water Initiative (CFWI) and the Southern Water Use Caution Area (SWUCA). The District realizes that traditional water sources are nearing their sustainable limits and alternative water sources will need to be developed to meet the projected needs. An effective way to address these challenges is through a regional approach.

Mr. Mickel provided an overview of resolution 15-07 which was established to develop alternative water supply projects to assist with regional needs. He stated the Polk Regional Water Cooperative (PRWC) approved the implementation agreements for phase one. There are currently 14 participants representing 95 percent of the future demand.

Mr. Mickel outlined phase one projects: West Polk Deep Wellfield; Southeast Wellfield; and Peace Creek Integrated Water Supply.

Polk County Commissioner George Lindsey provided historical information regarding circumstances that led to the development of the PRWC. He thanked the District for their support.

Mr. Gene Heath, PRWC representative, provided some background information and explained some of the key components for the PRWC. He thanked the District for their partnership.

Mr. Mark Hammond, Resource Management Division Director, explained that staff's recommendation is for approval of phase one only. He also stated that consideration may want to be given to holding a workshop in August to begin discussion on proceeding with phase two.

Staff's first recommendation requested the Board:

- 1. Approve Phase One of the Polk Regional Water Cooperative Central Florida Water Resource Development Projects, specifically the West Polk Deep Wellfield and the Southeast Wellfield
- Approve the transfer of \$10,550,000 from funds budgeted in accordance with Resolution 15-07 to be used for Phase One of the projects
- Authorize staff to enter into an agreement(s) with the Polk Regional Water Cooperative for the projects
- 4. Authorize the Assistant Executive Director to sign the agreement(s)

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 00:48:51)

Staff's second recommendation requested the Board:

- 1. Approve Phase One of the Polk Regional Water Cooperative Central Florida Water Resource Development Projects, specifically the Peace Creek Integrated Water Supply Feasibility Study
- 2. Approve the transfer of \$950,000 from funds budgeted in accordance with Resolution 15-07 to be used for Phase One of the project

- 3. Authorize staff to enter into an agreement with the Polk Regional Water Cooperative for the project
- 4. Authorize the Assistant Executive Director to sign the agreement

A motion was made and seconded to approve staff's recommendation. Motion carried with ten votes in favor and one in abstention. (Audio 00:50:03)

27. <u>Aquifer Recharge at Flatford Swamp for Southern Water Use Caution Area Recovery and</u> <u>Natural System Improvement-Test Well Implementation (H089)</u>

Ms. Lisann Morris, Senior Professional Engineer, provided a presentation that included: location map of Flatford Swamp; information on recharging excess water at Flatford for SWUCA Recovery and natural systems enhancement; update on the feasibility study and permit for test well; implementation of the communications plan; and outlining the next steps.

Ms. Morris explained by recharging the excess water entering Flatford Swamp, groundwater levels can rebound in the Salt Water Intrusion Minimum Aquifer Level (SWIMAL) wells and let hydroperiods recover in the swamp. The goal is to achieve the proposed minimum aquifer level so as to reduce the rate of saltwater intrusion for coastal Hillsborough, Manatee and Sarasota counties.

Ms. Morris provided data on the modeling exercise that was done recharging ten million gallons per day (mgd) at project buildout and the response in the SWIMAL wells.

Ms. Morris explained the process used to obtain a Florida Department of Environmental Protection (FDEP) Class V Aquifer Recharge Well Permit. This process included implementation of a communications plan and outreach through public meetings and advisory committee meetings. The final FDEP permit was received February 27, 2017.

Chair Maggard asked about the duration of maintenance costs. Ms. Morris responded this is an initial cost based on the test well. The O&M cost mentioned in the recap is for full project build-out. The test well recharge testing is expected to last until the end of 2020.

Board Member Williamson asked about a similar project in Clearwater. Mr. Hammond outlined the differences for the Flatford Swamp project and the City of Clearwater project.

Board Member Mann asked how long has water quality been tested prior to this project. Ms. Morris responded since the 1990s.

Staff recommended the Board authorize staff to move forward with test well project at Flatford Swamp for SWIMAL Recovery and Natural Systems Improvement.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:07:11)

28. FARMS - Frogmore Ranch, LLC - Amendment (H706), Pasco County

Mr. Chris Zajac, Facilitating Agricultural Resource Management Systems (FARMS) Program Manager, provided a presentation that included: a location map; project goal; project components; costs; and cost benefits.

Mr. Zajac explained that by rule the FARMS projects have focused on water conservation. He explained this project is outside the FARMS rule as it includes a water quality component and will be managed by the FARMS staff.

Mr. Zajac stated that Frogmore Ranch is a 400-acre property in Pasco County that is within the Weeki Wachee springshed. This ranch currently implements several BMPs including soil moisture probes and mobile irrigation lab testing.

Mr. Zajac stated the owners would like to amend the current agreement and implement additional Best Management Practices (BMPs) on the farm. The first set of BMPs will promote water conservation that includes pump automation and a weather station. The District estimates that these BMPs will reduce groundwater use by up to 32,000 gallons per day. The owners would also like to add a fertigation system that will help to reduce nitrogen loading on the farm by up to 285 pounds per year. This is important because crop fertilizer is estimated at 17% of the total load to Weeki Wachee Springs.

Board Member Williamson asked how many zones are fertilized in this project and what is the proposal for additional zones. Mr. Birge Sigety, owner of Frogmore Ranch, responded the ranch utilizes a computerized system that matches the fertilizer and irrigation needs of the plants to the appropriate resource. Mr. Sigety stated that Frogmore is also the central Florida test farm for the University of Florida.

Staff recommended the Board:

- 1. Approve the Frogmore Ranch, LLC project amendment for a not-to-exceed project reimbursement decrease of \$177,000 (from \$291,000 to \$114,000) with \$177,00 being returned to the Governing Board FARMS Fund;
- 2. Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:18:50)

Submit & File Reports - None

Routine Reports

The following items were provided for the Committee's information, and no action was required. **29.** <u>Minimum Flows and Levels Status Report</u>

30. Significant Water Resource and Development Projects

Committee Chair Beswick relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Beswick who called the Committee meeting to order. (Audio 01:19:33)

Operations, Lands and Resource Monitoring Committee

Discussion

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

32. Hydrologic Conditions Report

Mr. Granville Kinsman, Hydrologic Data Manager, presented the hydrologic conditions report. He stated the extremely dry weather pattern persists throughout the District. Rainfall is well below normal for most the District, and the rainfall deficits are the highest in four years.

As a result, groundwater levels are continuing to decline, and are below normal in all areas but the central counties. Lake levels are declining District-wide, only remaining in the normal range in the Polk Upland region.

All four of the major river monitoring stations are recording below normal stream flow, now classified as severe flow conditions based on regulatory water shortage rules. The Bill Young and Peace River Reservoirs are both showing declines due to use, but stored water supplies remain

high. The climate models favor development of El Niño conditions in upcoming months, which would favor a much wetter winter. Until above-normal rainfall is received, the rainfall deficit will continue to grow.

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 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.

Mr. Will VanGelder, Land Management Manager, provided a presentation that included: an update on the recent wildfires; tools that are utilized to make decisions; the District's responsibility to Florida Forestry Services (FFS); and examples of the utilization of the District's prescribed program.

Mr. VanGelder stated there are 120 wildfires in the state and two of them exceeded 20,000 acres and nine were on District lands. Currently, six fires are still active on District lands but all are 100 percent contained.

Mr. VanGelder outlined the cooperative agreement between the District the FFS. This agreement allows District resources to be utilized statewide where necessary.

Mr. VanGelder explained the benefits of prescribed burns that are done on District properties.

Mr. VanGelder described an example of an incident where a fire came onto the Green Swamp property. He stated that the FFS gave staff member Chris Reed the responsibility as strike team leader. Mr. VanGelder emphasized that this is a very uncommon circumstance and because of Mr. Reed's experience and trust the FFS has in Mr. Reed.

Chair Maggard expressed his appreciation to the District staff who have been involved in fighting the wildfires.

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

Submit & File Reports - None

Routine Reports

The following items were provided for the Committee's information, and no action was required. **33. Surplus Lands Update**

- 34. Structure Operations
- 34. <u>Structure Operations</u>

35. Significant Activities

Committee Chair Beswick relinquished the gavel to the Regulation Committee Chair Senft who called the Committee meeting to order. (Audio 01:35:47)

Regulation Committee 36. <u>Consent Item(s) Moved for Discussion</u> – None

37. Consider Water Shortage Order(s) as Necessary

Mr. Darrin Herbst, Water Use Permit Bureau Chief, provided a presentation asking the Board to approve Water Shortage Order No. SWF 2017-14 Phase I Water Shortage for the entire District excluding unincorporated Levy County. He stated that the hydrologic conditions report indicates all

16 counties are experiencing severe, extreme, or critical drought condition levels. He stated there is currently not a water supply shortage.

Chair Maggard asked if outreach is done to notify homeowners or home owners' associations of water restrictions. Mr. Herbst responded in the affirmative.

Staff recommended the Board Approve Amended Water Shortage Order No. SWF 2017- 14 Phase I Water Shortage for the District's entire sixteen counties excluding unincorporated Levy County.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:39:18)

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 were provided for the Committee's information, and no action was required. 39. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program

- 40. Overpumpage Report
- 41. Individual Permits Issued by District Staff

Committee Chair Senft relinquished the gavel to Chair Maggard. (Audio 01:40:10)

General Counsel's Report Discussion 42. <u>Consent Item(s) Moved for Discussion</u> – None

Submit & File Reports - None Routine Reports

The following items were provided for the Committee's information, and no action was required. **43.** April 2017-Litigation Report

44. April 2017-Rulemaking Update

Ms. Karen West, General Counsel, informed the Board the challenge to the District final order on McClash versus Land Trust 97-12 has concluded. The District's issuance of final order was upheld by the Court of Appeal.

Committee/Liaison Reports

45. Environmental Advisory Committee

Board Member Williamson updated the Board on the on the April 11, 2017 meeting that involved a site visit to Starkey Ranch in Pasco County. A written report was provided.

46. Well Drillers Advisory Committee

A written report was provided for the April 12, 2017 meeting.

47. Committee/Liaison Reports

None

Executive Director's Report 48. Executive Director's Report Mr. Armstrong stated that the Crystal River Kings Bay Minimum Flows and Levels will be brought to the May 23 Board Meeting in Brooksville.

Mr. Armstrong reminded the Board this was Board Member Mann's last Board meeting. He thanked Board Member Mann for his service.

CHAIR'S REPORT

49. Chair's Report

50. Other

Chair Maggard reminded the staff about coordinating a workshop in August regarding phase two of the PRWC.

Chair Maggard made a motion to re-employ Mr. Armstrong at the close of the legislative session under the terms and conditions of the existing contract, if the Senate fails to consider the appointment.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:45:46)

The May 23 Governing Board meeting will be in the Brooksville Office. The June 27 Governing Board meeting will be at Tampa Bay Water in Clearwater. The July 25 Governing Board meeting will be in the Brooksville Office.

51. Employee Milestones

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

The meeting was adjourned at 11:47 a.m.

Attest:

Chair

Secretary

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

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RESOURCE MANAGEMENT COMMITTEE

May 23, 2017

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

RESOURCE MANAGEMENT COMMITTEE

May 23, 2017

Discussion Item

Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt a Minimum Flow for the Crystal River/Kings Bay System and Accept Report

Purpose

To request the Board initiate and approve rulemaking to amend Rule 40D-8.041, Florida Administrative Code (F.A.C.), to adopt a minimum flow for the Crystal River/Kings Bay System in Citrus County, and accept the report entitled: "Recommended Minimum Flow for the Crystal River/Kings Bay System, Final Draft, May 2017." Further, to request the Board initiate emergency rulemaking pursuant to Sections 373.042(2)(c) and 120.54(4), Florida Statutes (F.S.), to be utilized in the event the proposed rule will not be finalized by the July 1, 2017 statutory deadline.

Background/History

The Črystal River/Kings Bay System in western Citrus County includes the river, Kings Bay and the Crystal River Springs group, which is a cluster of 70 springs within the bay. Collectively, this first magnitude springs group is classified as an Outstanding Florida Spring. Kings Bay is a tidally influenced embayment and is the headwater of Crystal River, which terminates approximately 6 miles west of the bay in the Gulf of Mexico. The Crystal River/Kings Bay System is an Outstanding Florida Water and a SWIM priority water body.

Staff submitted a draft report on a recommended minimum flow for the Crystal River/Kings Bay System to the Governing Board in October 2016. The initial minimum flow recommendation required that 88 percent of the natural flow in the Crystal River/Kings Bay System be maintained, with natural flow defined as the flow that would exist in the absence of water withdrawals. The draft report was subsequently submitted to an independent peer review panel for voluntary review. The peer review was conducted from November through December 2016, and all panel meetings, as well as a publicly-accessible internet-based forum set up by the District for panel communication, were advertised in the Florida Administrative Register in accordance with Florida's Government-inthe-Sunshine Law. The peer review panel found that the draft report recommending the minimum flow for the Crystal River/Kings Bay System met relevant statutory requirements and that the analyses were thorough, scientifically reasonable, and based on best available data. The peer review panel's report and staff response to the peer review findings were provided to the Board in March 2017. The draft minimum flow report was subsequently revised based on consideration of comments of the peer review panel and interested stakeholders, and includes a revised minimum flow recommendation requiring that 89 percent of the natural flow in the Crystal River/Kings Bay System be maintained. The revised report on minimum flows for the Crystal River/Kings Bay System is provided under separate cover.

In addition to the publicly-accessible scientific peer review, the District facilitated stakeholder review by hosting a public workshop on April 27, 2017 in Crystal River. Staff has also been meeting and corresponding with individual stakeholders or stakeholder groups. Comments and questions from the public workshop and other stakeholder input were reviewed. All stakeholder input is included in an appendix of the draft report, and additional stakeholder input received since the draft report was completed will be provided to the Board at the Governing Board meeting on May 23, 2017. The recommended minimum flow for the Crystal River/Kings Bay System is protective of all relevant environmental values identified for consideration in the Water Resource Implementation Rule when establishing minimum flows and levels. Because updated groundwater modeling (Northern District Model, Version 5.0) indicates that the predicted springflow decline for the Crystal River Springs Group under 2014 pumping conditions is between approximately one and two percent, the proposed minimum flow is being met, and a recovery strategy is currently not required. Similarly, given a predicted springflow impact of 2.4 percent associated with withdrawals based on projected demand for 2035, implementation of a specific prevention strategy is also not warranted at this time since the proposed minimum flow allows an 11 percent reduction from natural flow conditions.

The District is committed to the reevaluation of the minimum flow that is adopted for the Crystal River/Kings Bay System, as necessary, and staff recommends that the minimum flow for the river system be evaluated within ten years of its adoption. The proposed rule language for establishment of the minimum flow for the Crystal River/Kings Bay System is included as Exhibit "A."

Emergency Rulemaking

The District is statutorily required to adopt this minimum flow by July 1, 2017, and to utilize the emergency rulemaking process to meet that deadline if necessary. Section 373.042(2)(a), F.S., provides that if "a minimum flow or minimum water level has not been adopted for an Outstanding Florida Spring, a water management district or the department shall use the emergency rulemaking authority provided in paragraph (c) to adopt a minimum flow or minimum water level no later than July 1, 2017..." Paragraph (c) of that Section provides, "The Legislature finds... that the adoption of minimum flows and minimum water levels or recovery or prevention strategies for Outstanding Florida Springs requires immediate action. The department and the districts are authorized, and all conditions are deemed to be met, to use emergency rulemaking provisions.... to adopt minimum flows and minimum water levels pursuant to this subsection..."

In the event the proposed rule is not finalized by July 1, 2017, the District must employ emergency rulemaking to ensure that the July 1 deadline is met. Regardless of whether the normal rulemaking process is completed by July 1 or the emergency rulemaking process is utilized, the rule proposed to be implemented is the same.

Benefits/Costs

Adoption of the minimum flow for the Crystal River/Kings Bay System will support the District's water supply planning, water use permitting, and environmental resource permitting programs. A Statement of Estimated Regulatory Costs is not required for the Crystal River/Kings Bay System minimum flow as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

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

Staff Recommendation:

(1) Accept the report entitled, "Recommended Minimum Flow for the Crystal River/Kings Bay System, Final Draft, May 2017."

- (2) Initiate rulemaking and approve adoption of amendments to Rule 40D-8.041, Florida Administrative Code, to establish a minimum flow for the Crystal River/Kings Bay System.
- (3) Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.
- (4) Initiate the emergency rulemaking process set forth in Section 120.54(4), F.S., and approve adoption of amendments to Rule 40D-8.041, Florida Administrative Code, to establish a minimum flow for the Crystal River/Kings Bay System to ensure that the District will be able to meet the July 1, 2017 statutory deadline.
- <u>Presenters</u>: Gabe Herrick, PhD, Senior Environmental Scientist, Natural Systems & Restoration Ron Basso, P.G., Chief Hydrogeologist, Water Resources

EXHIBIT A Amendments to RULE 40D-8.041, F.A.C. Crystal River/Kings Bay System Minimum Flow

40D-8.041 Minimum Flows

(1) - (19) No change.

(20) Minimum Flow for the Crystal River/Kings Bay System.

(a) For purposes of this rule, the Crystal River/Kings Bays System includes the watercourse from Kings Bay to the Gulf of Mexico, including contributing tributaries, Kings Bay, and all named and unnamed springs that discharge to the river or bay.

(b) The Minimum Flow for the Crystal River/Kings Bay System is 89% of the natural flow as measured at the United States Geological Survey Crystal River at Bagley Cove near Crystal River, FL Gage (Gage No. 02310747), or as measured at any point in the system. Natural flow is defined for the purpose of this rule as the flow that would exist in the absence of water withdrawal impacts.

(c) The District will re-evaluate the Minimum Flow within ten years of adoption of this rule.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421 FS. History–New 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09, 3-23-10, 3-28-10, 7-12-10, 8-2-10 (8), 8-2-10 (15), 10-16-12, 3-20-13(16), 3-20-13(17) 6-20-16(18). (19), _____ (20).

RESOURCE MANAGEMENT COMMITTEE

May 23, 2017

Submit and File Report

2017 Florida Department of Transportation Mitigation Program Plan

Purpose

To provide an update of the District's 2017 Florida Department of Transportation (FDOT) Mitigation Program Plan (Plan) and its submittal and subsequent approval by the Florida Department of Environmental Protection (FDEP).

Background/History

Pursuant to Section 373.4137, Florida Statutes (F.S.), the District is required to develop a mitigation plan for wetland impacts associated with FDOT roadway projects. The 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 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 FDEP for final approval. The draft Plan was presented at a publicly noticed workshop held on January 26, 2017, and then subsequently presented to and approved by the District's Governing Board on February 28, 2017.

Following Governing Board approval, the Plan and associated tables were submitted to the FDEP on March 31, 2017. The FDEP reviewed the draft Plan and associated correspondence and responded to the District in a formal approval letter dated April 6, 2017. The letter states the FDEP had reviewed and approved the Plan and furthermore, satisfies the requirements of 373.4137(4), F.S.

Staff Recommendation:

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

Presenter: James Fine, Office Chief, Project Management Office



Florida Department of Environmental Protection

Bob Martinez Center 2600 Blair Stone Road Tallahassee, Florida 32399-2400 Rick Scott Governor

Carlos Lopez-Cantera Lt. Governor

> Ryan E. Matthews Interim Secretary

April 06, 2017

Sent via email Southwest Florida Water Management District c/o Nick Makris, Project Management Office 2379 Broad Street Brooksville, FL 34604

Subject: SWFWMD FDOT Mitigation Plan pursuant to 373.4137(4), Florida Statutes

Dear Mr. Makris,

The Department of Environmental Protection, Submerged Lands and Environmental Resources Coordination program is in receipt of your email and the accompanying 2017 FDOT Mitigation Plan that was approved by the District's Governing Board on February 28, 2017. The Department has reviewed and approved the Southwest Florida Water Management District's 2017 FDOT Mitigation Plan.

The correspondence of March 31, 2017 and accompanying FDOT Mitigation Plan satisfy the requirements of 373.4137(4), Florida Statutes and the Department does not request further action at this time.

Sincerely,

unt Car

Timothy Rach Program Administrator Submerged Lands and Environmental Resources Coordination

cc: Kristine Morris, Policy Administrator, Office of Water Policy

RESOURCE MANAGEMENT COMMITTEE

May 23, 2017

Routine Report

Minimum Flows and Levels Status 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 2016 through 2026 as well as changes that have occurred since the last Governing Board meeting. This report is consistent with the 2017 Priority List approved by the Board in October 2016 and the DEP in January 2017, with the metric summaries submitted annually to the DEP, and with recent changes to the Florida Statutes requiring establishment of minimum flows for all Outstanding Florida Springs by July 1, 2017.

Phase 1. (Data collection). No additional data collection activities were completed during the past month. Data collection is complete for thirty-five of the eighty-five systems scheduled for adoption/reevaluation by 2026.

Phase 2. (Data analysis and draft MFLs report). No internal draft MFL reports were completed during the past month. Phase 2 activities are complete for twenty-eight of the eighty-five systems scheduled for adoption/reevaluation by 2026.

Phase 3. (a. Presentation of draft MFLs to the Board; b. presentation of peer review report and staff response to the Board; c. public meetings; and d. presentation of final MFLs report to the Board for acceptance).

- a) No draft MFLs reports were presented to the Board this month. Draft reports addressing eleven MFLs have been submitted to the Board for the systems scheduled for adoption/reevaluation by 2026.
- b) No peer review findings and staff responses were presented to the Board this month. Review findings and staff responses have been provided to the Board for six of the systems scheduled for adoption/reevaluation by 2026.
- c) Public workshop for the Crystal River/Kings Bay System was held during the past month. Public meetings have been completed for twenty-one of the eighty-five systems scheduled for adoption/reevaluation by 2026.
- d) Final MFLs report for the Crystal River/King Bay system and Deer Lake were submitted to the Board this month. A total of twenty-one systems scheduled for adoption/reevaluation by 2026 have been completed and presented to the Board.

Phase 4. (Development of Recovery Plan). No new recovery plans were developed during the past month. Many of the lakes scheduled for reevaluation have existing recovery plans which will be assessed as part of the reevaluation process. For the eighty-five systems scheduled for adoption or reevaluation through 2026, two recovery strategies are in place that are applicable

to twelve systems, eight 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). Pending approval of MFLs rule for the Crystal River/King Bay system during the May meeting, MFLs rules have been adopted or reevaluated for eighteen of the eighty-five systems scheduled for adoption by 2026.

Staff Recommendation:

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

Presenter: Yonas Ghiles, Senior Environmental Scientist

RESOURCE MANAGEMENT COMMITTEE

May 23, 2017

Routine Report

Significant Water Resource and Development Projects

This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the project that have recently occurred or are about to happen.

SWUCA Recovery Project at Flatford Swamp and Hydrologic Restoration

The project investigates the feasibility of using excess water from Flatford Swamp recharged into the Upper Floridan Aquifer that would reduce the rate of saltwater intrusion inland and help restore hydroperiods. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. Several preliminary scenarios for removal of excess water from the swamp have been evaluated such as a feasibility study to determine Mosaic's potential uses for excess water from Flatford Swamp. The 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. The Feasibility Study with Mosaic was finalized in March 2013. 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. A pre-application meeting with Florida Department of Environmental Protection (FDEP) was held on February 25, 2016. Draft Class V, Group 2 Injection Well permit application was issued by FDEP. The feasibility study memorandum is complete. Staff are conducting a GIS-based analysis of the available wetland vegetation maps to investigate if there have been any significant changes in distribution of undesirable vegetation. The no cost time extension for the Task Work Assignment was executed. Draft Permit Public meeting was held on January 9, 2017. Staff has presented to the Agricultural/Green Industry, Environmental, Well Drillers and Public Supply Advisory Committees. Also, staff had outreach presentations to the Manatee Chamber Environmental Committee, Myakka River Coordinating Council, and the Florida Groundwater Association Board. New Activities Since Last Meeting: Governing Board approved at their April meeting to proceed with the test well project. Staff is reviewing bid documents for the test well. Project Managers: Lisann Morris

Lower Hillsborough River MFLs Recovery Strategy - Implementation

At its August 2007 meeting, the Governing Board established minimum flows and approved a recovery strategy for the lower Hillsborough River (LHR). The recovery strategy was adopted as required by statute, because flows in the LHR were below the established minimum flows. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flows. Projects planned under the recovery strategy include diversions of water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal (TBC), and Morris Bridge Sink. Pursuant to the recovery strategy, since December 31, 2007, 75 percent of up to 11 cubic feet per second (cfs) (i.e., 8.2 cfs) transferred to the reservoir from the TBC is being pumped to the base of the Hillsborough River Dam. 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: Sulphur Springs Run Lower Weir - December 1, 2011; Sulphur Springs Run Upper Weir

and Pump House - October 1, 2012; and 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 and the pumping facilities and Upper Weir modifications were completed in January 2012. The COT conducted a pump test in February 2013 to check the capacities of the existing pumps at Structure 161 (S-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 its 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 FDEP 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 FDEP 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 LHR pumping facilities project (N492) involving replacement of the existing S-161 pump station and installation of a siphon system at the Hillsborough River Dam. A no-cost time extension for the District/COT agreement for the Investigation of Storage and Supply Options project was completed in October 2015, extending the project completion date to October 1, 2017. In November 2015, FDEP released a notice of intent to issue a water use permit to the District for withdrawals from the TBC for LHR recovery and issued the permit on December 17, 2015. FDEP held a public meeting in November 2015 concerning the water use permit application submitted by the District for withdrawals from Morris Bridge Sink for LHR recovery and in December 2015 released a notice of intent to issue a water use permit to the District for the withdrawals. District staff met with Hillsborough County Environmental Protection Commission staff, representatives of the Friends of the River and other stakeholders in January 2016 to clarify permit conditions for the water use permit for withdrawals from Morris Bridge Sink for LHR recovery. In January 2016, the District also sent a letter to the Friends of the River, committing to provide several assurances in support of the Morris Bridge Sink Project. On January 15, 2016, FDEP issued a water use permit to the District for withdrawals from Morris Bridge Sink. In January 2016, the COT requested continuance of the CFI request submitted for funding the S-161 pump station replacement and Hillsborough River Dam siphon project (N492) and also requested transfer of ownership of District pumping facilities at S-161 and the dam to the COT. In February 2016, the District initiated a project (H404) for consultant services addressing design of a pump station, transfer station and pipeline for the proposed diversion of water from Morris Bridge Sink; initiated development of a scope of work for consultant services
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addressing permit reporting conditions for the proposed withdrawals from the sink; and amended an agreement with the COT for completion of the Blue Sink Project to extend the project completion date to January 4, 2017. District staff met with representatives of the Friends of the River in March 2016 to discuss a draft scope of work for consultant services addressing permit reporting conditions for planned withdrawals from Morris Bridge Sink. The COT completed construction for the Blue Sink pipeline in April 2016 and construction restoration was completed in May 2016. A Task Work Assignment (TWA) for consultant services addressing factors contributing to algal abundance in the Sulphur Springs Run was also initiated in May 2016. An annual update on implementation of the LHR recovery strategy was submitted to the Governing Board in July 2016. Pump station construction by the COT for the Blue Sink project is ongoing. District development of a TWA for consultant services addressing permit reporting conditions for planned withdrawals from Morris Bridge Sink is ongoing. District review of consultant submitted 60 percent design drawings for a pump station at Morris Bridge Sink, and for a pipeline and a second pump station at S-159 for the proposed diversion of water from Morris Bridge Sink to the TBC is also ongoing. Permitting discussions with the U.S. Army Corps of Engineers and the Hillsborough County Environmental Planning Council for the pipeline and pump station at S-159 ongoing. The COT continues to evaluate options for proceeding with the LHR pumping facilities project (N492); and District review of the COT's request for transfer of ownership of District pumping facilities at the S-161 and dam sites, and execution of easements or licensing agreements necessary to operate and maintain the facilities is ongoing. For the Blue Sink Project, contractor has finished all pipeline installations and restoration with the exception of two minor punch list items. Equipment and piping is being installed inside the pump station building, and equipment startup/demonstration testing is forthcoming. The project is on schedule. Blue Sink pump station construction is concluding, and testing is expected to begin by mid-September. Morris Bridge pump station design continues, with USACE approval of pipeline at S-159 expected by mid-September. The COT issued a Notice to Proceed on the design of a control gate at the Hillsborough River Dam. The completion of the Blue Sink pump station is delayed until mid-November 2017. The completion of the Blue Sink pump station is delayed until mid-February 2017, with contract closeout in June, 2017. A project has been initiated to study the dissolved oxygen levels in the Lower Hillsborough River, below the dam, and results will be included in the five-year assessment report, due at the end of 2018. For the Morris Bridge Sink project, annual water quality and biological sampling have been completed, and soil subsidence monitoring work has begun. Negotiations are continuing for the transfer of ownership and operation/maintenance of the S-161 pump station from District to the COT. District operation of the temporary pump facilities at the S-161 site is continuing. Soil subsidence monitoring for the WUP for Morris Bridge Sink is completed. A project has been initiated to collect biological data in the Lower Hillsborough River to be included in the five-year assessment report, due at the end of 2018. District operation of the temporary pump facilities at the S-161 site is continuing. The COT and District are negotiating an easement that would allow the COT use of part of the S-161 site to construct its own pumping facilities at that site. The District will remove its pump equipment next June and re-purpose those pumps for standby use at the Morris Bridge Sink and S-159 sites. The District is preparing to advertise for bids for construction of the proposed pumps and pipelines at the Morris Bridge Sink and S-159 sites. The COT has encountered additional issues with completion of the Blue Sink pump station; the COT is working to reconcile those issues. The COT has begun discussions of permitting requirements related to installation of a new water control gate at its Hillsborough River Dam; the new control gate would be installed as an alternative to either a pump station or a siphon for meeting LHR minimum flow conditions. The District and the COT of Tampa are continuing other activities related to operations of existing facilities and negotiations of conditions related to proposed replacement facilities. *New Activities Since Last Meeting:* The annual report to FDEP required by CUP No. 20020575.000 has been completed and was submitted to DEP on March 30, 2017. The annual report to FDEP required by CUP No. 20020574.000 for the Morris Bridge Sink project has been completed and was submitted to DEP on March 30, 2017. The COT contractor is continuing to address issues with the Blue Sink pump station inlet pipes; the COT and its contractor are working to reconcile those issues. The COT is continuing the work of design and permitting of a new water control gate at its Hillsborough River Dam as a preferred alternative to either a pump station or a siphon for meeting LHR minimum flow conditions. The District and the COT of Tampa are continuing other activities related to operations of existing facilities at the Hillsborough River Dam site and at the S-161 pump station site. The District and the COT are discussing the potential impact of the COT's proposed Tampa Augmentation Project on the need for the proposed Morris Bridge Sink pump station. A Task Work Assignment (TWA) for consultant services for biological monitoring and an evaluation of conditions for the five-year assessment due in 2018 was initiated in April 2017. *Project Managers: Diana Koontz/Tom Burke/Barbara Nordheim-Shelt*

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 four domestic wastewater treatment facilities (Lakeland Glendale, Lakeland Northside, Mulberry, and Polk County Southwest) to Tampa Electric Company's (TECO) power facility in southwest (SW) Polk County (Polk Power Station). The reclaimed water is necessary as TECO is expanding the Polk Power Station generation capacity. The cooperatively funded reclaimed water project (H076-Phase I) was originally anticipated to provide 5.2 mgd (expandable up to 6.7 mgd) of reclaimed water from the City of Lakeland; however, the supply and benefits were expanded several times to 10 mgd (expandable to 17 mgd) and total project costs increased to \$96,960,725. The increases improved costeffectiveness and will utilize 100 percent of all available reclaimed water from Lakeland, Mulberry and SW Polk beyond 2040. TECO is replacing, to the greatest extent possible, 3 to 8 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. Progress on the four primary project components continues with; 1. The Lakeland segment is completed and on-line; 2. The reclaimed water treatment system, storage tank and injection well are completed and on-line; 3. Design and permitting (WWH) of the Polk SW segment is ongoing; and 4. Construction (Westra) of the Mulberry pipeline segment and pump station is completed and on-line. Per the June 2016 Amendment adding the final District funding, 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 \$43,322,371 has been reimbursed. The project continues to utilize Lakeland's and Mulberry's effluent to supply more than 5 mgd of reclaimed water through the completed Lakeland, Mulberry and treatment portions, thereby reducing groundwater pumping at the TECO Polk Power Facility. Full commissioning and testing to the 10 mgd capacity is anticipated to be completed in late 2017. New Activities Since Last Meeting: The Mulberry portion of the project is now fully on-line. Project Manager: Anthony Andrade

<u>Aquifer Recharge Projects</u>: 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 (Hillsborough County SHARP Project N287, Tampa TAP Project N751, and Plant City Project N601). 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.

<u>Currently-Funded Aquifer Recharge Projects - FY2015-FY2016 Cooperative Funding</u> <u>City of Clearwater - Groundwater Replenishment Project - Phase 3</u>

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 Northern Tampa Bay Water Use Caution Area, and increasing the City's future water supply potential from their existing wellfields. Phase 3 of this project is 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 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 and the District's contribution will each 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 contract was executed in January 2016. Completion of construction and beginning of facility operations is currently Third Party Review of the Preliminary scheduled for April 2021. Design Report/Specifications, and Opinion of Probable Cost has been completed. At its September 27, 2016 meeting, the Governing Board approved results of the 30 percent Design and Third Party Review and has authorized a contract amendment that increases the total project cost to \$32,716,000, with a total District contribution of \$16,358,000. The 60 percent design specification and plans were completed and submitted to the District for review and comment on January 4, 2017. Review guestions/comments were provided by the District to the cooperator on January 19, 2017. The first public meeting for this project was held on November 16, 2016 from 4:00 to 6:00 P.M. at the Clearwater Countryside Library with 54 citizen attendees. A second public outreach Open House meeting was conducted on February 8, 2017 from 6:00 to 8:00 P.M. at the Clearwater Main Library (35 citizen attendees). A planned third public outreach Open House meeting was held on May 2, 2017 at the Clearwater East Library. New Activities Since Last Meeting: The draft 90 percent design and specifications has been submitted to the District for review. Project Manager: Robert Peterson

Pasco County - Reclaimed Water Natural Systems Treatment and Restoration Project
 A desktop feasibility study to assess the use of highly treated reclaimed water to indirectly
 recharge the UFA via constructed wetlands and/or rapid infiltration basins (RIB) in central

Pasco County areas was completed in January 2011. The study showed that indirect aquifer recharge is a viable option for Pasco County. A Phase II feasibility study and report was completed in February 2012 and included a screening analysis for potential RIB locations, as well as cost analyses refinements for potential future phases. Phase III includes field testing and modeling on the 4G Ranch in Pasco County. The final draft of the Phase III project report was received by the District on December 12, 2014; and a teleconference was held on December 16, 2014, to discuss preliminary comments. District staff sent report comments on December 23, 2014. Multiple meetings have been held to further discuss the District's comments. A request to extend the deadlines of Tasks 2 and 3, and the project end date to June 30, 2015, was received on February 26, 2015. A request to use the contingency funds in the Agreement (\$10,000) was also received. Meetings were held to discuss 30 percent design on March 25, March 30, and April 9, 2015. Pre-application meetings with FDEP occurred on March 31, 2015, to discuss the Environmental Resource Permit (ERP) for the project; and on April 7, 2015, to discuss the NPDES permit. A field visit with FDEP was held on April 23, 2015. Meetings to discuss the modeling work occurred on April 22 and May 5, 2015. The District received the final 30 percent design package on May 5, 2015, A draft Agreement, Project Plan, Easement, and Lease were developed, and the Governing Board gave staff authorization to proceed with third party review of the 30 percent design package at the July 2015 Board meeting. The results of the third party review were received on August 24, 2015. The review concluded that the project scope and budget were reasonable and would meet the project objectives. The review also concluded that the methods used to determine the measureable benefit of at least 2.2 mgd of reclaimed water on a ten-year annual average were reasonable. On August 27, 2015, the project team met with FDEP to discuss the submittal of the application to modify the County's NPDES permit. Both the ERP and NPDES permits have been submitted to FDEP. The Governing Board approved the County's and staff's request to move forward with final design and permitting of the project at their September 2015 meeting. The Board also directed staff to enter into an agreement for 50 percent of the total project cost identified in the 30 percent design (\$14,300,966), allowing reimbursement of the District's share for the design, permitting, and construction of this facility. The completed N666 Agreement was sent to Pasco County for their signature on October 5, 2015. The 60 percent costs were received on October 29, 2015. The 90 percent design was received on December 18, 2015. The draft NPDES and ERP permits have been received as of December 18, 2015. The 90 percent cost estimates from CH2M Hill (Pasco County consultant) and P&J (land owner/contractor) were completed. All permits were issued as of January 2016. A meeting was held with the project team on February 11, 2016 to review the estimates, and some revisions and clarification were made on both estimates. The 100 percent design drawings were received on March 10, 2016. The Pasco County Commission approved the Agreement at their May 10, 2016 meeting, and the District received the Agreement on May 25, 2016. The 100 percent costs were received March 25, 2016. The Agreement was sent to Executive for signature on July 1, 2016. The Agreement was fully executed on July 11, Construction began as of mid-June 2016, and is progressing on or ahead of 2016. schedule. A groundbreaking ceremony took place on October 24, 2016, including tours of the existing construction so far, and television press. A field trip for District staff took place on February 2, 2017. New Activities Since Last Meeting: Construction is ongoing and is on schedule. Most earthwork and pipe installation is complete, and planting has started. Project Manager: Mike Hancock

South Hillsborough County Aquifer Recharge Program (SHARP)

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the 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 Southern Water Use Caution Area 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:* The County is responding to requests for additional information from the FDEP regarding the County's request for renewal of their recharge testing permit. Recharge and monitoring activities are ongoing. *Project Manager: Mark Barcelo*

Staff Recommendation:

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

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

Discussion Item

30. Consent Item(s) Moved for Discussion	
31. Investment Strategy Quarterly Update	(10 minutes)305
32. Fiscal Year 2017-18 Ad Valorem New Growth Projections	(15 minutes)315
33. Fiscal Year 2015-16 Comprehensive Annual Financial Report	(15 minutes)316
34. Legislative Update	(10 minutes)317
Submit & File Reports - None	
Routine Reports	
35. Treasurer's Report and Payment Register	
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36. Monthly Financial Statement	334
37. Monthly Cash Balances by Fiscal Year	
38. Comprehensive Plan Amendment and Related Reviews Report	341

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FINANCE/OUTREACH & PLANNING COMMITTEE

May 23, 2017

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: David T. Rathke, Division Director, Employee and External Relations

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FINANCE/OUTREACH & PLANNING COMMITTEE

May 23, 2017

Discussion Item

Investment Strategy Quarterly Update

Purpose

Provide quarterly update of the investment portfolio.

Background

Board Policy 130-3 requires quarterly investment reports that shall include the following:

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

Staff Recommendation:

Accept and place on file the District's Quarterly Investment Reports for the quarter ended March 31, 2017.

Presenters: John J. Campbell, Director, Management Services Division Melisa J. Lowe, Bureau Chief, Finance



Quarterly Investment Report for Period Ended March 31, 2017



Southwest Florida Water Management District Investment Program Review

2379 Broad Street Brooksville, FL 34604-6899 Public Trust Advisors LLC 201 E. Pine Street, Suite 450 Orlando, Florida 32801

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Southwest Florida Water Management District Liquid Portfolio Summary Comparison for the period January 1, 2017 to March 31, 2017







Southwest Florida Water Management District Enhanced Cash Summary Comparison for the period January 1, 2017 to March 31, 2017



2), (3) See additional disclosures for footnotes



AAA Rating

0.89%

Southwest Florida Water Management District 1-3 Year Summary Comparison for the period January 1, 2017 to March 31, 2017

Southwest Florida Water	J	anuary 1, 2017	N	March 31, 2017		January 1, 2017	March 31, 2017	
Wanagement District 1-3 Year	BE	Beginning Balance Ending Bala		inding Balance	Portfolio Characteristic	Beginning Balance	Ending Balance	
Book Value Plus Accrued	\$	155,360,271.09	\$	155,951,977.42	Book Yield Gross	1.10%	1.16%	
Net Unrealized Gain/Loss		(505,278.87)		(484,650.99)	Market Yield Gross	1.24%	1.33%	
Net Pending Transactions		149,733.28		106.87	Duration	1.80 Years	1.79 Years	
Market Value Plus Accrued Net ⁽²⁾	\$	155,004,725.50	\$	155,467,433.30				





309 2), (3) See additional disclosures for footnotes.



Southwest Florida Water Management District 1-5 Year Summary Comparison for the period January 1, 2017 to March 31, 2017

Southwest Florida Water Management District 1-5 Year	Ja Bej	inuary 1, 2017 ginning Balance	N E	1arch 31, 2017 nding Balance	Portfolio Characteristic	January 1, 2017 Portfolio Characteristic Beginning Balance	
Book Value Plus Accrued	\$	50,433,291.78	\$	50,620,973.31	Book Yield Gross	1.35%	1.41%
Net Unrealized Gain/Loss		(327,457.93)		(277,552.62)	Market Yield Gross	1.50%	1.57%
Net Pending Transactions		13,589.39		56.72	Duration	2.64 Years	2.60 Years
Market Value Plus Accrued Net ⁽²⁾	\$	50,119,423.24	\$	50,343,477.41			



(2), (3) See additional disclosures for footnotes.



A Rating

3.84%

AAA

Rating

1.42%

Southwest Florida Water Management District Agg Public Trust Portfolio Summary Comparison for the period January 1, 2017 to March 31, 2017







311 (2), (2) See additional disclosures for footnotes



Southwest Florida Water Management District All Assets Summary Comparison for the period January 1, 2017 to March 31, 2017







Southwest Florida Water Management District All Assets Earnings Summary and Portfolio Value as of March 31, 2017

Portfolio Earnings	March 31, 2017 Monthly Earnings		March 31, 2017 Ma Ionthly Earnings Qua		l Fis	March 31, 2017 scal YTD Earnings	Portfolio Value	March 31, 2017 Balance			
Enhanced Cash	\$	187,849	\$	537,869	\$	997,510	Book Value Plus Accrued	\$ 514,889,333.33			
Short Term 1-3 Year		151,408		442,080		875,331	Market Value Plus Accrued	\$ 513,757,759.11			
Long Term 1-5 Year		58,705		174,149		349,295					
Liquid Portfolio (SBA-Florida Prime)		83,688		234,965		379,825					
Total Earnings Gross of Fees	\$	481,650	\$	1,389,063	\$	2,601,961					
Less Advisory Fees:	\$	(13,173)	\$	(38,244)	\$	(75,939)					
Total Earnings Net of Fees	\$	468,477	\$	1,350,819	\$	2,526,022					
Blended Basis Fee		0.03070%		0.02971%		0.02950%					



ormation provided by District staff.

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Additional Disclosure

This statement is for general information purposes only and is not intended to provide specific advice or recommendations. Please review the contents of this statement carefully. Should you have any questions regarding the information presented, calculation methodology, investment portfolio or security detail, or any other facet of your statement, please feel free to contact us.

Public Trust Advisor's monthly statement is intended to detail our investment advisory activity as well as the activity of any accounts held by clients in pools that are managed by Public Trust Advisors. The custodian bank maintains the control of assets and executes and settles all investments transactions. The custodian statement is the official record of security and cash holdings transactions. Public Trust Advisors recognizes that clients may use these reports to facilitate record keeping; therefore the custodian bank statement and the Public Trust Advisors statement should be reconciled and differences resolved. Many custodians use a settlement date basis which may result in the need to reconcile due to a timing difference. Please contact your relationship manager or our toll free number 855-395-3954 with questions regarding your account.

Public Trust Advisors does not have the authority to withdraw funds from or deposit funds to the custodian. Our clients retain responsibility for their internal accounting policies; implementing and enforcing internal controls and generating ledger entries or otherwise recording transactions.

Pricing sources from our reporting platform are provided by Clearwater reporting platform and are established by Clearwater's internal pricing procedures. Clearwater utilizes a hierarchical pricing model which starts with one of the industry's pricing sources, S&P Capital IQ. Securities with short maturities and infrequent secondary market trades are typically priced via mathematical calculations. The Securities in this investment portfolio, including shares of mutual funds, are not guaranteed or otherwise protected by Public trust Advisors, the FDIC (except for certain non-negotiable certificates of deposit) or any government agency, unless otherwise specifically stated. Investment in fixed income securities involves risks, including the possible loss of the amount invested.

Past performance is not an indication of future performance.

Beginning and Ending Balances based on Market Value plus Accrued Interest on a Trade Date basis.

Public Trust Advisors is an investment advisor registered with the Securities and Exchange Commission, and is required to maintain a written disclosure statement of our background and business experience. If you would like to receive a copy of our current disclosure statement, privacy policy, or code of ethics please contact Service Operations at the address below.

Public Trust Advisors 999 18th Street, Suite 1230 Denver, CO 80202

May 23, 2017

Discussion Item

Fiscal Year 2017-18 Ad Valorem New Growth Projections

Purpose

To present the updated New Construction Ad Valorem Planning Model.

Background

The general budget assumptions were presented and approved at the October 25, 2016 Governing Board meeting for development of the fiscal year (FY) 2017-18 Preliminary Budget. This included the millage rate based on a rolled-back millage model and revenue based on 2.25 percent increase in new unit construction.

Discussion

The New Construction Ad Valorem Model has been updated with the most recent market trends and the results will be presented to the Board. The ad valorem rolled-back millage rate will be adjusted in July based on the new construction values provided by the 16-County Property Appraisers for preparation of the District's FY2017-18 Tentative Budget.

Staff Recommendation:

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

Presenter: John J. Campbell, Director, Division of Management Services

May 23, 2017

Discussion Item

Fiscal Year 2015-16 Comprehensive Annual Financial Report

Purpose

Presentation of the District's Comprehensive Annual Financial Report for fiscal year ended September 30, 2016, by the District's financial auditors, KPMG, for acceptance by the Governing Board.

Background

The District is required by Section 218.39, Florida Statutes, to have an annual financial audit of its accounts and records performed by an independent certified public accountant, licensed in the State of Florida, and made in accordance with generally accepted auditing standards, Florida Statutes, and Rules of the Auditor General promulgated pursuant to Section 11.45.

The Comprehensive Annual Financial Report, including the Single Audits pursuant to audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) and Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2016, will be distributed prior to the meeting. KPMG representatives will attend the meeting to communicate to the Board certain matters related to the conduct of the audit as required by auditing standards. A brief presentation of the report, management letter and independent accountants' report will also be made by KPMG.

Staff Recommendation:

Accept and place on file the District's Comprehensive Annual Financial Report, including the Single Audits pursuant to Title 2 U.S. Code of Federal Regulations Part 200 (Uniform Guidance) and Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2016.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

May 23, 2017

Discussion Item

Legislative Update

The Legislative Session end on May 5th. A budget agreement was not reached prior to the 72-hour "cooling off" period for the session to adjourn on time so, session was extended to pass the budget.

Senate Bill 10, Water Resources, by Senator Bradley

This priority legislation of Senate President Negron passed the House and Senate and is on its way to the Governor. The legislation was amended and subsequently both sides passed the bill without significant opposition.

As passed, the amended legislation prohibits the use of eminent domain, and aims to leverage land already owned by the State of Florida and the South Florida Water Management District through land swaps and purchases, to achieve 240,000 to 360,000 acre feet of storage. The legislation also provides grants to establish training programs for agricultural workers.

The House amended the bill to reduce the Land Acquisition Trust Fund (LATF) distribution from \$100 million to \$64 million. The amendment clarifies that funding priority shall be given to the EAA reservoir project and clarifies that any remaining funds may be used for Phase II of the C-51 reservoir project.

The House amendment also reduces the bonding authority from \$1.2 billion to \$800 million, which corresponds to the amount that can be bonded with an annual debt service payment of \$64 million.

The appropriation for the C-51 reservoir project was moved from the LATF to the General Revenue Trust Fund.

If approved by the Governor the legislation would be effective upon becoming law.

HJR 7105, Increased Homestead Property Tax Exemption, by Ways and Means Committee The House and Senate have now both passed HJR 7105 that proposes an amendment to the Florida Constitution to increase the homestead exemption, for all levies other than school district levies, on the assessed value greater than \$100,000 and up to \$125,000.

Currently, every person who owns and maintains a permanent residence (homesteaded property) in Florida is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts. An additional \$25,000 exemption was approved by Florida voters in 2008 and applies to homestead property value between \$50,000 and \$75,000. This exemption does not apply to ad valorem taxes levied by school districts.

This bill increases the exemption from all taxes other than school district taxes, by exempting assessed value greater for the assessed valuation greater than \$100,000 and up to \$125,000.

The amendment now moves to the Governor for approval. If approved by the Governor, it will then be forwarded to the 2018 ballot and following the election, if approved by the electors, will take effect January 1, 2019.

HB 573, Water Protection & Sustainability, by Rep. Burton

The "Heartland Headwaters Protection and Sustainability Act" legislation passed the House and Senate and is headed to the Governor for final approval.

The legislation was substantially amended and now only requires the Polk Regional Water Cooperative (PRWC) to prepare a comprehensive annual report for water resource projects identified for state funding consideration to the Governor, Legislature, DEP and appropriate water management districts. The PRWC is also required to submit a status report on projects that receive priority state funding in the District's Consolidated Annual Report.

If the Governor approves the legislation it would be effective July 1, 2017.

Staff Recommendation:

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

Presenter: Colleen Thayer, Bureau Chief, Public Affairs

May 23, 2017

Routine Report

Treasurer's Report and Payment Register

Purpose

Presentation of the Treasurer's Report and Payment Register.

Background

In accordance with Board Policy 130-3, *District Investment Policy*, a monthly report on investments shall be provided to the Governing Board. The Treasurer's Report as of April 30, 2017, reflects total cash and investments.

In accordance with Board Policy 130-1, *Disbursement of Funds*, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic fund transfers (EFTs).

Staff Recommendation:

These items are presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT TREASURER'S REPORT TO THE GOVERNING BOARD April 30, 2017

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)		AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
PUBLIC TRU	JST ADVISORS						
SWFWMD-	Enhanced Cash Portfolio (see Attachment A)						
7951619	Investments	1.05		\$212,833,680	\$212,485,847	\$623,780	
7951619	Cash / Money Market Fund	0.66		52,378	52,378	0	
			Subtotal	\$212,886,058	\$212,538,225	\$623,780	-
7951619	Accounts Receivable-Trade date prior to 4/30/17, Settlement date after 4/30/17			167,652	167,652	0	
			Total	\$213,053,710	\$212,705,877	\$623,780	41.70
SWFWMD-	<u>1-3 Year Portfolio</u> (see Attachment B)						
7951620	Investments	1.18		\$155,321,166	\$154,895,589	\$558,877	
7951620	Cash / Money Market Fund	0.66		128,106	128,106	0	
			Subtotal	\$155,449,272	\$155,023,695	\$558,877	-
7951620	Accounts Receivable-Trade date prior to 4/30/17, Settlement date after 4/30/17			86,901	86,901	0	
			Total	\$155,536,173	\$155,110,596	\$558,877	30.44
SWFWMD-	1-5 Year Portfolio (see Attachment C)						
7962855	Investments	1.41		\$50,323,294	\$50,134,787	\$192,131	
7962855	Cash / Money Market Fund	0.66		153,194	153,194	0	
			Subtotal	\$50,476,488	\$50,287,981	\$192,131	-
7962855	Accounts Receivable-Trade date prior to 4/30/17, Settlement date after 4/30/17			11,321	11,321	0	
			Total	\$50,487,809	\$50,299,302	\$192,131	9.88
TOTAL CUS	TODIAN HELD INVESTMENTS		_	\$419,077,692	\$418,115,775	\$1,374,788	82.02

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT TREASURER'S REPORT TO THE GOVERNING BOARD April 30, 2017

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

40001017		EFFECTIVE	DUDQUAQE	MADVET		* 05
NUMBER	DESCRIPTION	RATE (%)	COST	VALUE	INTEREST	% OF PORTFOLIO
STATE BOA	ARD OF ADMINISTRATION					
Florida PR	RIME (Formerly Local Government Investment Pool)					
271413	SBA General Investments	1.10	\$63,679,365	\$63,679,365		
271414	SBA Land Resources	1.10	12,257,586	12,257,586		
271415	SBA Advanced State Funding (Eco System Trust Fund)	1.10	565,330	565,330		
271416	SBA Advanced State Funding (FDOT)	1.10	15,014,488	15,014,488		
271417	SBA Advanced State Funding (WRAP)	1.10	243,922	243,922		
271418	SBA Advanced State Funding (WPSTF-AWS)	1.10	53,686	53,686		
	TOTAL STATE BOARD O	OF ADMINISTRATION (SBA) ACCOUNTS	\$91,814,377	\$91,814,377		17.98
		TOTAL INVESTMENTS	\$510,892,069	\$509,930,152		100.00
		CASH, SUNTRUST DEMAND ACCOUNT	1,773,099	1,773,099		
		TOTAL CASH AND INVESTMENTS	\$512,665,168	\$511,703,251		
Weighted av	verage yield on portfolio at April 30, 2017 is 1.13%.					

	EQUITY - CASH AND INVESTMENTS		
DISTRICT AND BASINS			
District General Fund		422,445,899	82.40%
Restricted for Alafia River Basin		1,678,398	0.33%
Restricted for Hillsborough River Basin		38,308,981	7.47%
Restricted for Coastal Rivers Basin		575,025	0.11%
Restricted for Pinellas-Anclote River Basin		17,592,728	3.43%
Restricted for Withlacoochee River Basin		3,489,847	0.68%
Restricted for Peace River Basin		2,543,336	0.50%
Restricted for Manasota Basin		5,606,779	1.09%
Total District General Fund		\$492,240,993	96.01%
FDOT Mitigation Program		14,345,834	2.80%
Florida Forever Program		6,078,341	1.19%
	TOTAL EQUITY IN CASH AND INVESTMENTS	\$512,665,168	100.00%

Attachment A



Chart calculated by: Market Value + Accrued

As of 04/30/2017 Return to Table of Contents Dated: 05/03/2017 Security Type

AGCY BOND

Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
313380EC7 FEDERAL HOME LOAN BANKS AGCY BOND	Fixed	N	0.36	AA+ Aaa	1,500,000.00	09/08/2017 09/08/2017	0.803 0.935	1,656.25	1,498,425.00	1,499,721.71 1,501,377.96	1,498,995.00 1,500,651.25
3137EADX4 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	Fixed	N	0.625	AA+ Aaa	5,000,000.00	12/15/2017 12/15/2017	1.05 1.065	18,888.89	4,995,000.00	4,998,439.33 5,017,328.22	4,997,950.00 5,016,838.89
3133EDXA5 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	Fixed	Ν	0.448	AA+ Aaa	2,000,000.00	10/10/2017 10/10/2017	0.999 0.929	1,341.67	2,008,520.00	2,001,329.39 2,002,671.06	2,001,980.00 2,003,321.67
3134G9Q67 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	Fixed	Y	0.961	AA+ Aaa	5,000,000.00	07/27/2018 07/27/2018	1.05 1.227	13,708.33	5,000,000.00	5,000,000.00 5,013,708.33	4,989,050.00 5,002,758.33
3135G0ZG1 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	Fixed	Ν	2.313	AA+ Aaa	2,600,000.00	09/12/2019 09/12/2019	1.52 1.447	6,193.06	2,614,534.00	2,613,830.82 2,620,023.87	2,618,278.00 2,624,471.06
3137EADN6 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	Fixed	Ν	0.70	AA+ Aaa	7,000,000.00	01/12/2018 01/12/2018	0.971 1.078	15,895.83	6,960,310.00	6,989,274.04 7,005,169.87	6,983,900.00 6,999,795.83
3137EADN6 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	Fixed	N	0.70	AA+ Aaa	3,000,000.00	01/12/2018 01/12/2018	0.968 1.078	6,812.50	2,982,900.00	2,995,465.11 3,002,277.61	2,993,100.00 2,999,912.50
3137EACA5 FREDDIE MAC AGCY BOND	Fixed	Ν	1.848	AA+ Aaa	5,000,000.00	03/27/2019 03/27/2019	1.201 1.344	17,708.33	5,378,500.00	5,239,278.54 5,256,986.87	5,226,550.00 5,244,258.33



Security Type GASB 40 Trade Date

SWFWMD (37141)

As of 04/30/2017					Return to Ta	ble of Cont	ents				Dated: 05/03/2017
ldentifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value Market Value + Accrueo
3130A6AE7 FEDERAL HOME LOAN BANKS AGCY BOND	Fixed	Ν	1.361	AA+ Aaa	4,900,000.00	09/14/2018 09/14/2018	0.862 1.248	7,196.88	4,924,941.00	4,917,512.02 4,924,708.90	4,891,768.00 4,898,964.88
3133EFEM5 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	Fixed	Ν	0.407	AA+ Aaa	2,750,000.00	09/25/2017 09/25/2017	0.775 0.939	2,475.00	2,756,792.50	2,751,370.28 2,753,845.28	2,749,560.00 2,752,035.00
3130A9AE1 FEDERAL HOME LOAN BANKS AGCY BOND	Fixed	Ν	1.41	AA+ Aaa	5,250,000.00	10/01/2018 10/01/2018	1.205 1.26	3,828.13	5,222,910.00	5,225,683.78 5,229,511.90	5,221,545.00 5,225,373.13
3130A6SW8 FEDERAL HOME LOAN BANKS AGCY BOND	Fixed	Ν	0.636	AA+ Aaa	1,500,000.00	12/19/2017 12/19/2017	1.074 1.056	5,500.00	1,497,820.50	1,499,299.94 1,504,799.94	1,499,460.00 1,504,960.00
3130A6SW8 FEDERAL HOME LOAN BANKS AGCY BOND	Fixed	Ν	0.636	AA+ Aaa	7,400,000.00	12/19/2017 12/19/2017	1.121 1.056	27,133.33	7,382,624.80	7,394,356.00 7,421,489.33	7,397,336.00 7,424,469.33
3130A6SW8 FEDERAL HOME LOAN BANKS AGCY BOND	Fixed	Ν	0.636	AA+ Aaa	3,000,000.00	12/19/2017 12/19/2017	1.00 1.056	11,000.00	3,000,000.00	3,000,000.00 3,011,000.00	2,998,920.00 3,009,920.00
3137EADV8 FREDDIE MAC AGCY BOND	Fixed	Ν	0.211	AA+ Aaa	5,000,000.00	07/14/2017 07/14/2017	0.743 0.838	11,145.83	5,000,650.00	5,000,068.90 5,011,214.74	4,999,050.00 5,010,195.83
 AGCY BOND	Fixed		0.914	AA+ Aaa	60,900,000.00	04/11/2018 04/11/2018	1.03 1.118	150,484.03	61,223,927.80	61,125,629.86 61,276,113.89	61,067,442.00 61,217,926.03

CORP

ldentifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
594918BN3 MICROSOFT CORP CORP	Fixed	N	2.233	AAA Aaa	3,850,000.00	08/08/2019 08/08/2019	1.694 1.536	9,764.03	3,793,867.00	3,799,201.78 3,808,965.81	3,812,539.50 3,822,303.53
30231GAL6 EXXON MOBIL CORP CORP	Fixed	Ν	0.847	AA+ Aaa	2,250,000.00	03/06/2018 03/06/2018	1.286 1.312	4,485.94	2,250,382.50	2,250,360.06 2,254,846.00	2,249,865.00 2,254,350.94
89114QAQ1 TORONTO DOMINION BANK CORP	Fixed	Ν	0.011	AA- Aa1	2,000,000.00	05/02/2017 05/02/2017	1.236 1.119	11,187.50	1,993,480.00	1,999,993.90 2,011,181.40	2,000,000.00 2,011,187.50
037833AJ9 APPLE INC CORP	Fixed	Ν	1.00	AA+ Aa1	5,000,000.00	05/03/2018 05/03/2018	1.286 1.247	24,722.22	4,982,300.00	4,985,753.99 5,010,476.22	4,987,600.00 5,012,322.22
94988J5A1 WELLS FARGO BANK NA CORP	Fixed	N	0.724	AA- Aa2	2,000,000.00	01/22/2018 01/22/2018	1.665 1.429	9,075.00	1,999,420.00	1,999,784.24 2,008,859.24	2,003,200.00 2,012,275.00
166764BA7 CHEVRON CORP CORP	Fixed	Ν	1.513	AA- Aa2	5,000,000.00	11/16/2018 11/16/2018	1.26 1.462	41,020.83	5,065,300.00	5,040,326.75 5,081,347.58	5,025,050.00 5,066,070.83
084664CG4 BERKSHIRE HATHAWAY FINANCE CORP CORP	Fixed	Ν	1.841	AA Aa2	5,000,000.00	03/15/2019 03/15/2019	1.545 1.568	10,861.11	5,016,150.00	5,014,209.70 5,025,070.81	5,012,150.00 5,023,011.11
05253JAF8 AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD (NEW Y CORP	Fixed	N	0.125	AA- Aa2	4,000,000.00	06/13/2017 06/13/2017	1.256 1.117	19,166.67	3,999,280.00	3,999,971.20 4,019,137.87	4,000,640.00 4,019,806.67
19416QEB2 COLGATE-PALMOLIVE CO CORP	Fixed	Ν	0.995	AA- Aa3	2,150,000.00	05/01/2018 05/01/2018	1.183 1.325	9,675.00	2,142,840.50	2,143,962.90 2,153,637.90	2,140,884.00 2,150,559.00
94974BGB0 WELLS FARGO & CO CORP	Fixed	Ν	0.359	A A2	2,000,000.00	09/08/2017 09/08/2017	1.434 1.478	4,122.22	1,998,020.00	1,999,762.42 2,003,884.64	1,999,420.00 2,003,542.22

Attachment A



Security Type GASB 40 Trade Date

Security Type GASB 40 Trade Date SWFWMD (37													
As of 04/30/2017					Return to Ta	able of Con	tents				Dated: 05/03/2017		
Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued		
 CORP	Fixed	Ν	1.115	AA- Aa2	33,250,000.00	06/17/2018 06/17/2018	1.386 1.372	144,080.52	33,241,040.00	33,233,326.95 33,377,407.47	33,231,348.50 33,375,429.02		
MMFUND													
Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued		
60934N104 FEDR GOV OBLIGATIONS CL IS MMF MMFUND	Fixed	Ν	0.00	AAAm Aaa	52,377.78	04/30/2017 04/30/2017	0.66 0.66	0.00	52,377.78	52,377.78 52,377.78	52,377.78 52,377.78		
60934N104 FEDR GOV OBLIGATIONS CL IS MMF MMFUND	Fixed	Ν	0.00	AAAm Aaa	52,377.78	04/30/2017 04/30/2017	0.66 0.66	0.00	52,377.78	52,377.78 52,377.78	52,377.78 52,377.78		
US GOV													
Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued		
912828K25 UNITED STATES TREASURY US GOV	Fixed	N	0.957	AA+ Aaa	6,250,000.00	04/15/2018 04/15/2018	1.094 1.125	2,049.18	6,221,923.81	6,229,612.49 6,231,661.67	6,227,562.50 6,229,611.68		
912828WS5 UNITED STATES TREASURY US GOV	Fixed	N	2.12	AA+ Aaa	10,000,000.00	06/30/2019 06/30/2019	0.833 1.306	54,316.30	10,224,218.75	10,169,566.47 10,223,882.77	10,068,000.00 10,122,316.30		
912828XP0 UNITED STATES TREASURY US GOV	Fixed	N	0.259	AA+ Aaa	3,250,000.00	07/31/2017 07/31/2017	0.727 0.878	5,050.07	3,243,398.44	3,249,165.72 3,254,215.79	3,247,855.00 3,252,905.07		
912828RP7 UNITED STATES TREASURY US GOV	Fixed	Ν	1.471	AA+ Aaa	2,800,000.00	10/31/2018 10/31/2018	0.919 1.206	133.15	2,856,218.74	2,834,532.94 2,834,666.10	2,822,652.00 2,822,785.15		
912828XA3 UNITED STATES TREASURY US GOV	Fixed	Ν	1.034	AA+ Aaa	7,500,000.00	05/15/2018 05/15/2018	1.012 1.15	34,599.45	7,497,363.30	7,499,065.35 7,533,664.80	7,488,300.00 7,522,899.45		
912828V31 UNITED STATES TREASURY US GOV	Fixed	N	2.646	AA+ Aaa	3,085,000.00	01/15/2020 01/15/2020	1.543 1.403	12,420.96	3,069,935.95	3,071,317.57 3,083,738.53	3,082,717.10 3,095,138.06		
912828K82 UNITED STATES TREASURY US GOV	Fixed	Ν	1.286	AA+ Aaa	6,000,000.00	08/15/2018 08/15/2018	1.191 1.191	12,430.94	5,981,250.00	5,985,339.85 5,997,770.79	5,985,240.00 5,997,670.94		
912828UR9 UNITED STATES TREASURY US GOV	Fixed	N	0.833	AA+ Aaa	2,250,000.00	02/28/2018 02/28/2018	0.754 1.106	2,843.07	2,249,824.22	2,249,926.61 2,252,769.69	2,243,317.50 2,246,160.57		
912828H94 UNITED STATES TREASURY US GOV	Fixed	N	0.794	AA+ Aaa	6,250,000.00	02/15/2018 02/15/2018	1.037 1.093	12,948.90	6,247,314.44	6,248,165.56 6,261,114.46	6,245,375.00 6,258,323.89		
912828J68 UNITED STATES TREASURY US GOV	Fixed	N	0.873	AA+ Aaa	7,000,000.00	03/15/2018 03/15/2018	0.976 1.112	8,940.22	7,003,281.25	7,001,438.57 7,010,378.79	6,993,140.00 7,002,080.22		
912828N22 UNITED STATES TREASURY US GOV	Fixed	N	1.603	AA+ Aaa	6,950,000.00	12/15/2018 12/15/2018	0.924 1.231	32,697.46	6,998,595.72	6,986,473.46 7,019,170.92	6,952,154.50 6,984,851.96		
912828UA6 UNITED STATES TREASURY US GOV	Fixed	N	0.586	AA+ Aaa	10,100,000.00	11/30/2017 11/30/2017	0.891 1.05	26,359.89	10,073,960.94	10,084,428.00 10,110,787.89	10,074,750.00 10,101,109.89		
912828S68 UNITED STATES TREASURY US GOV	Fixed	Ν	1.247	AA+ Aaa	7,000,000.00	07/31/2018 07/31/2018	1.043 1.182	13,052.49	6,965,820.33	6,974,614.80 6,987,667.29	6,962,270.00 6,975,322.49		



Security Type GASB 40 Trade Date

As of 04/30/2017					Return to Ta	able of Cont	tents				Dated: 05/03/2017
Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrueo
912828VK3 UNITED STATES TREASURY US GOV	Fixed	Ν	1.157	AA+ Aaa	10,200,000.00	06/30/2018 06/30/2018	0.734 1.17	46,879.14	10,315,945.34	10,275,772.08 10,322,651.22	10,224,276.00 10,271,155.14
912828Q94 UNITED STATES TREASURY US GOV	Fixed	Ν	0.994	AA+ Aaa	2,700,000.00	04/30/2018 04/30/2018	0.719 1.142	55.03	2,701,476.58	2,700,838.55 2,700,893.58	2,689,443.00 2,689,498.03
912828PF1 UNITED STATES TREASURY US GOV	Fixed	Ν	0.498	AA+ Aaa	9,850,000.00	10/31/2017 10/31/2017	0.831 1.068	501.87	10,019,296.88	9,900,909.20 9,901,411.07	9,889,991.00 9,890,492.87
912828SX9 UNITED STATES TREASURY US GOV	Fixed	Ν	2.05	AA+ Aaa	4,500,000.00	05/31/2019 05/31/2019	1.30 1.286	21,140.11	4,481,542.98	4,483,861.41 4,505,001.52	4,485,060.00 4,506,200.11
912828XP0 UNITED STATES TREASURY US GOV	Fixed	Ν	0.259	AA+ Aaa	1,150,000.00	07/31/2017 07/31/2017	0.832 0.878	1,786.95	1,149,281.25	1,149,399.94 1,151,186.89	1,149,241.00 1,151,027.95
912828PT1 UNITED STATES TREASURY US GOV	Fixed	Ν	0.749	AA+ Aaa	6,250,000.00	01/31/2018 01/31/2018	1.02 1.111	40,789.02	6,360,839.88	6,324,882.64 6,365,671.66	6,321,312.50 6,362,101.52
912828D23 UNITED STATES TREASURY US GOV	Fixed	Ν	1.953	AA+ Aaa	5,000,000.00	04/30/2019 04/30/2019	1.063 1.276	220.79	5,080,859.40	5,055,411.97 5,055,632.75	5,034,400.00 5,034,620.79
 UNITED STATES TREASURY US GOV	Fixed	N	1.169	AA+ Aaa	118,085,000.00	07/06/2018 07/06/2018	0.96 1.157	329,214.97	118,742,348.20	118,474,723.20 118,803,938.16	118,187,057.10 118,516,272.07

Summary Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
	Fixed		1.087	AA+ Aaa	212,287,377.78	06/08/2018 06/08/2018	1.047 1.179	623,779.52	213,259,693.78	212,886,057.79 213,509,837.30	212,538,225.38 213,162,004.90

* Grouped by: Security Type. * Groups Sorted by: Security Type. * Filtered By: Description ≠ "Payable" and Description ≠ "Receivable". * Weighted by: Market Value + Accrued, except Book Vield by Base Book Value + Accrued.

Attachment B

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Security Type GASB 40 Trade Date As of 04/30/2017

Security Type

Chart calculated by: Market Value + Accrued

AGCY BOND

Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
3135G0J53 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	Fixed	Ν	1.801	AA+ Aaa	5,000,000.00	02/26/2019 02/26/2019	1.073 1.35	9,027.78	4,990,150.00	4,993,423.66 5,002,451.44	4,968,500.00 4,977,527.78
3130A8BD4 FEDERAL HOME LOAN BANKS AGCY BOND	Fixed	Ν	1.156	AA+ Aaa	3,270,000.00	06/29/2018 06/29/2018	0.992 1.178	9,696.46	3,262,119.30	3,265,594.12 3,275,290.58	3,258,522.30 3,268,218.76
3130A8DB6 FEDERAL HOME LOAN BANKS AGCY BOND	Fixed	Ν	2.105	AA+ Aaa	3,990,000.00	06/21/2019 06/21/2019	1.139 1.377	16,209.38	3,988,324.20	3,988,816.63 4,005,026.01	3,968,813.10 3,985,022.48
3135G0ZG1 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	Fixed	Ν	2.313	AA+ Aaa	5,000,000.00	09/12/2019 09/12/2019	0.967 1.447	11,909.72	5,119,050.00	5,091,276.07 5,103,185.79	5,035,150.00 5,047,059.72
3137EAEE5 FREDDIE MAC AGCY BOND	Fixed	Ν	2.644	AA+ Aaa	3,425,000.00	01/17/2020 01/17/2020	1.577 1.532	14,841.67	3,417,793.80	3,418,013.78 3,432,855.44	3,422,054.50 3,436,896.17
3137EADR7 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	Fixed	Ν	2.915	AA+ Aaa	1,750,000.00	05/01/2020 05/01/2020	1.637 1.533	12,031.25	1,736,255.50	1,736,624.60 1,748,655.85	1,741,915.00 1,753,946.25
3135G0T29 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	Fixed	N	2.757	AA+ Aaa	3,425,000.00	02/28/2020 02/28/2020	1.595 1.541	8,990.63	3,415,752.50	3,416,018.25 3,425,008.87	3,421,061.25 3,430,051.88
3137EAEE5 FREDDIE MAC AGCY BOND	Fixed	Ν	2.644	AA+ Aaa	3,250,000.00	01/17/2020 01/17/2020	1.616 1.532	14,083.33	3,239,083.25	3,240,028.86 3,254,112.20	3,247,205.00 3,261,288.33

SWFWMD 1-3 Year (70470)

Dated: 05/03/2017

Attachment: 05-17 FO&P-FIN Exhibit Treas Rpt APR 2017 (3098 : Treasurer's Report and Payment Register)



Security Type GASB 40 Trade Date

SWFWMD	1-3 Year	(70470)
	1-5 1 641	(10+10)

As of 04/30/2017					Return to Ta	able of Con	tents				Dated: 05/03/2017
Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
3137EAEF2 FREDDIE MAC AGCY BOND	Fixed	Ν	2.904	AA+ Aaa	3,500,000.00	04/20/2020 04/20/2020	1.53 1.552	1,470.49	3,484,215.00	3,484,257.65 3,485,728.14	3,482,080.00 3,483,550.49
 AGCY BOND	Fixed	Ν	2.304	AA+ Aaa	32,610,000.00	09/07/2019 09/07/2019	1.297 1.44	98,260.69	32,652,743.55	32,634,053.62 32,732,314.31	32,545,301.15 32,643,561.84
CORP											
ldentifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
594918BV5 MICROSOFT CORP CORP	Fixed	Ν	2.682	AAA Aaa	1,200,000.00	02/06/2020 02/06/2020	1.873 1.709	5,241.67	1,199,196.00	1,199,256.75 1,204,498.41	1,204,560.00 1,209,801.67
037833CE8 APPLE INC CORP	Fixed	Ν	1.742	AA+ Aa1	970,000.00	02/08/2019 02/08/2019	1.589 1.464	3,424.64	969,262.80	969,344.36 972,768.99	971,455.00 974,879.64
084670BL1 BERKSHIRE HATHAWAY INC CORP	Fixed	Ν	2.224	AA Aa2	1,525,000.00	08/14/2019 08/14/2019	1.691 1.73	6,849.79	1,539,411.25	1,538,910.16 1,545,759.95	1,537,611.75 1,544,461.54
166764BH2 CHEVRON CORP CORP	Fixed	Ν	1.995	AA- Aa2	3,140,000.00	05/16/2019 05/16/2019	1.561 1.614	22,465.39	3,140,000.00	3,140,000.00 3,162,465.39	3,136,671.60 3,159,136.99
94988J5F0 WELLS FARGO BANK NA CORP	Fixed	Ν	1.544	AA- Aa2	1,060,000.00	11/28/2018 11/28/2018	1.843 1.757	7,579.00	1,059,120.20	1,059,293.70 1,066,872.70	1,060,710.20 1,068,289.20
459200HZ7 INTERNATIONAL BUSINESS MACHINES CORP CORP	Fixed	Ν	0.765	AA- Aa3	5,500,000.00	02/06/2018 02/06/2018	1.229 1.245	14,609.38	5,483,225.00	5,495,656.93 5,510,266.30	5,494,940.00 5,509,549.38
48125LRG9 JPMORGAN CHASE BANK NA CORP	Fixed	Y	2.339	A+ Aa3	1,000,000.00	09/23/2019 09/23/2019	1.685 1.884	1,741.67	998,980.00	999,182.03 1,000,923.70	994,520.00 996,261.67
459200JN2 INTERNATIONAL BUSINESS MACHINES CORP CORP	Fixed	Ν	2.655	AA- Aa3	1,460,000.00	01/27/2020 01/27/2020	1.933 1.746	7,243.22	1,458,598.40	1,458,716.82 1,465,960.04	1,465,986.00 1,473,229.22
17275RAU6 CISCO SYSTEMS INC CORP	Fixed	Ν	1.111	AA- A1	4,740,000.00	06/15/2018 06/15/2018	1.656 1.393	29,546.00	4,739,194.20	4,739,699.97 4,769,245.97	4,753,603.80 4,783,149.80
717081DJ9 PFIZER INC CORP	Fixed	Ν	0.047	AA A1	1,200,000.00	05/15/2017 05/15/2017	1.13 1.031	6,086.67	1,198,944.00	1,199,986.36 1,206,073.02	1,200,036.00 1,206,122.67
06406HDB2 BANK OF NEW YORK MELLON CORP CORP	Fixed	Y	0.996	A A1	5,500,000.00	04/22/2018 05/22/2018	1.603 1.57	38,866.67	5,499,505.00	5,499,836.08 5,538,702.75	5,501,595.00 5,540,461.67
 CORP	Fixed		1.372	AA- Aa3	27,295,000.00	09/21/2018 09/27/2018	1.558 1.495	143,654.09	27,285,436.85	27,299,883.14 27,443,537.23	27,321,689.35 27,465,343.44

MMFUND

Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
60934N104 FEDR GOV OBLIGATIONS CL IS MMF MMFUND	Fixed	Ν	0.00	AAAm Aaa	128,105.96	04/30/2017 04/30/2017	0.66 0.66	0.00	128,105.96	128,105.96 128,105.96	128,105.96 128,105.96
60934N104 FEDR GOV OBLIGATIONS CL IS MMF MMFUND	Fixed	N	0.00	AAAm Aaa	128,105.96	04/30/2017 04/30/2017	0.66 0.66	0.00	128,105.96	128,105.96 128,105.96	128,105.96 128,105.96

Security Type GASB 40 Trade Date As of 04/30/2017

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SWFWMD	1-3	Year	(70470)
		Date	d: 05/03/2017

AS	01	04/	30/	20	I
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US GOV											
Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
912828RH5 UNITED STATES TREASURY US GOV	Fixed	Ν	1.405	AA+ Aaa	7,000,000.00	09/30/2018 09/30/2018	0.936 1.211	8,152.32	7,089,687.50	7,043,139.02 7,051,291.35	7,016,170.00 7,024,322.32
912828C65 UNITED STATES TREASURY US GOV	Fixed	Ν	1.888	AA+ Aaa	4,485,000.00	03/31/2019 03/31/2019	1.045 1.264	6,173.00	4,563,487.50	4,534,214.95 4,540,387.95	4,515,677.40 4,521,850.40
912828RE2 UNITED STATES TREASURY US GOV	Fixed	Ν	1.321	AA+ Aaa	4,200,000.00	08/31/2018 08/31/2018	1.057 1.202	10,614.13	4,254,632.80	4,224,531.31 4,235,145.44	4,216,590.00 4,227,204.13
912828A75 UNITED STATES TREASURY US GOV	Fixed	Ν	1.642	AA+ Aaa	8,100,000.00	12/31/2018 12/31/2018	1.219 1.237	40,611.88	8,168,343.72	8,137,364.36 8,177,976.24	8,135,154.00 8,175,765.88
912828A75 UNITED STATES TREASURY US GOV	Fixed	Ν	1.642	AA+ Aaa	6,800,000.00	12/31/2018 12/31/2018	1.348 1.237	34,093.92	6,830,281.25	6,816,946.52 6,851,040.44	6,829,512.00 6,863,605.92
912828TH3 UNITED STATES TREASURY US GOV	Fixed	Ν	2.223	AA+ Aaa	5,740,000.00	07/31/2019 07/31/2019	0.72 1.308	12,486.88	5,767,130.45	5,759,825.64 5,772,312.52	5,684,838.60 5,697,325.48
912828VK3 UNITED STATES TREASURY US GOV	Fixed	Ν	1.157	AA+ Aaa	3,000,000.00	06/30/2018 06/30/2018	0.727 1.17	13,787.98	3,035,976.57	3,022,523.25 3,036,311.24	3,007,140.00 3,020,927.98
912828VQ0 UNITED STATES TREASURY US GOV	Fixed	Ν	1.242	AA+ Aaa	1,600,000.00	07/31/2018 07/31/2018	1.039 1.192	5,469.61	1,615,875.01	1,606,670.05 1,612,139.67	1,603,632.00 1,609,101.61
912828WD8 UNITED STATES TREASURY US GOV	Fixed	Ν	1.478	AA+ Aaa	10,800,000.00	10/31/2018 10/31/2018	1.153 1.21	366.85	10,830,375.00	10,815,446.29 10,815,813.14	10,806,372.00 10,806,738.85
912828UU2 UNITED STATES TREASURY US GOV	Fixed	Ν	0.916	AA+ Aaa	575,000.00	03/31/2018 03/31/2018	1.049 1.134	365.27	569,145.31	573,439.40 573,804.67	572,976.00 573,341.27
912828WL0 UNITED STATES TREASURY US GOV	Fixed	Ν	2.041	AA+ Aaa	4,000,000.00	05/31/2019 05/31/2019	0.992 1.285	25,054.95	4,063,125.00	4,041,746.32 4,066,801.27	4,017,640.00 4,042,694.95
912828WL0 UNITED STATES TREASURY US GOV	Fixed	Ν	2.041	AA+ Aaa	4,500,000.00	05/31/2019 05/31/2019	0.915 1.285	28,186.81	4,579,453.13	4,554,172.99 4,582,359.80	4,519,845.00 4,548,031.81
912828SH4 UNITED STATES TREASURY US GOV	Fixed	Ν	1.808	AA+ Aaa	4,500,000.00	02/28/2019 02/28/2019	1.02 1.258	10,424.59	4,548,164.04	4,528,912.02 4,539,336.61	4,509,495.00 4,519,919.59
912828UU2 UNITED STATES TREASURY US GOV	Fixed	Ν	0.916	AA+ Aaa	1,700,000.00	03/31/2018 03/31/2018	1.003 1.134	1,079.92	1,687,250.00	1,696,087.25 1,697,167.16	1,694,016.00 1,695,095.92
912828G61 UNITED STATES TREASURY US GOV	Fixed	Ν	2.518	AA+ Aaa	3,200,000.00	11/30/2019 11/30/2019	1.086 1.372	20,043.96	3,240,500.00	3,233,624.17 3,253,668.12	3,210,368.00 3,230,411.96
912828MP2 UNITED STATES TREASURY US GOV	Fixed	Ν	2.657	AA+ Aaa	2,150,000.00	02/15/2020 02/15/2020	1.126 1.415	16,147.27	2,325,023.44	2,297,285.16 2,313,432.43	2,280,010.50 2,296,157.77
912828T83 UNITED STATES TREASURY US GOV	Fixed	Ν	1.485	AA+ Aaa	5,150,000.00	10/31/2018 10/31/2018	0.895 1.215	104.96	5,135,515.63	5,138,891.38 5,138,996.34	5,114,413.50 5,114,518.46
912828QQ6 UNITED STATES TREASURY US GOV	Fixed	Ν	1.067	AA+ Aaa	2,350,000.00	05/31/2018 05/31/2018	0.748 1.182	23,306.32	2,417,195.31	2,391,126.42 2,414,432.74	2,380,291.50 2,403,597.82
912828TC4 UNITED STATES TREASURY US GOV	Fixed	Ν	2.135	AA+ Aaa	465,000.00	06/30/2019 06/30/2019	0.925 1.303	1,554.28	465,944.53	465,741.76 467,296.04	461,986.80 463,541.08
912828U40 UNITED STATES TREASURY US GOV	Fixed	Ν	1.566	AA+ Aaa	2,250,000.00	11/30/2018 11/30/2018	1.116 1.224	9,395.60	2,244,902.36	2,245,914.22 2,255,309.83	2,242,080.00 2,251,475.60



Security Type GASB 40 Trade Date

SWFWMD 1-3 Year (70470)

As of 04/30/2017				Return to Ta	able of Con	itents				Dated: 05/03/2017
ldentifier, Description, Security Type	Coupon Type	Callabl Dura e	tion S&P Rating, Moody Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
912828U32 UNITED STATES TREASURY US GOV	Fixed	N 2.	493 AA+ Aaa	2,400,000.00	11/15/2019 11/15/2019	1.395 1.368	11,071.82	2,372,812.51	2,376,435.39 2,387,507.21	2,377,968.00 2,389,039.82
912828PY0 UNITED STATES TREASURY US GOV	Fixed	N 0.	828 AA+ Aaa	1,100,000.00	02/28/2018 02/28/2018	0.70 1.136	5,096.47	1,134,375.00	1,118,659.60 1,123,756.07	1,114,784.00 1,119,880.47
912828F39 UNITED STATES TREASURY US GOV	Fixed	N 2.	365 AA+ Aaa	2,375,000.00	09/30/2019 09/30/2019	0.892 1.342	3,520.32	2,437,993.17	2,423,582.92 2,427,103.24	2,398,013.75 2,401,534.07
912828QY9 UNITED STATES TREASURY US GOV	Fixed	N 1.	236 AA+ Aaa	2,500,000.00	07/31/2018 07/31/2018	0.722 1.19	13,984.81	2,574,805.00	2,547,500.73 2,561,485.54	2,533,000.00 2,546,984.81
912828U40 UNITED STATES TREASURY US GOV	Fixed	N 1.	566 AA+ Aaa	3,800,000.00	11/30/2018 11/30/2018	1.11 1.224	15,868.13	3,791,835.93	3,793,447.76 3,809,315.89	3,786,624.00 3,802,492.13
 UNITED STATES TREASURY US GOV	Fixed	N ·	I.69 AA+ Aaa	94,740,000.00	01/18/2019 01/18/2019	1.03 1.245	316,962.06	95,743,830.16	95,387,228.88 95,704,190.94	95,028,598.05 95,345,560.11

Summary

Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
	Fixed		1.761	AA Aa1	154,773,105.96	02/14/2019 02/15/2019	1.178 1.33	558,876.84	155,810,116.52	155,449,271.60 156,008,148.44	155,023,694.51 155,582,571.35

* Grouped by: Security Type. * Groups Sorted by: Security Type. * Filtered By: Description ≠ "Payable" and Description ≠ "Receivable". * Weighted by: Market Value + Accrued, except Book Yield by Base Book Value + Accrued.

Attachment C



Security Type GASB 40 Trade Date As of 04/30/2017 Return to Table of Contents Date: 05/03/2017 Security Type AGCY BOND (11.849%) CORP (21.87%) (55.977%) SWFWMD 1-5 Year (70471) Date: 05/03/2017

Chart calculated by: Market Value + Accrued

AGCY BOND

Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
3137EADG1 FREDDIE MAC AGCY BOND	Fixed	Ν	2.032	AA+ Aaa	1,900,000.00	05/30/2019 05/30/2019	1.419 1.371	13,946.53	1,913,357.00	1,912,839.86 1,926,786.39	1,914,763.00 1,928,709.53
3135G0ZG1 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	Fixed	Ν	2.313	AA+ Aaa	1,750,000.00	09/12/2019 09/12/2019	0.967 1.447	4,168.40	1,791,667.50	1,781,946.62 1,786,115.03	1,762,302.50 1,766,470.90
3130A8DB6 FEDERAL HOME LOAN BANKS AGCY BOND	Fixed	Ν	2.105	AA+ Aaa	1,300,000.00	06/21/2019 06/21/2019	1.139 1.377	5,281.25	1,299,454.00	1,299,614.44 1,304,895.69	1,293,097.00 1,298,378.25
3135G0K69 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	Fixed	Ν	3.877	AA+ Aaa	1,000,000.00	05/06/2021 05/06/2021	1.144 1.722	6,076.39	1,005,000.00	1,004,157.23 1,010,233.62	981,720.00 987,796.39
 AGCY BOND	Fixed	N	2.435	AA+ Aaa	5,950,000.00	10/30/2019 10/30/2019	1.178 1.453	29,472.57	6,009,478.50	5,998,558.15 6,028,030.72	5,951,882.50 5,981,355.07

CORP

Attachment: 05-17 FO&P-FIN Exhibit Treas Rpt APR 2017 (3098 : Treasurer's Report and Payment Register)

Security Type GASB 40 Trade Date

SWFWMD 1-5 Year (70471)

PUBLIC

ADVISORS

As of 04/30/2017					Return to Ta	able of Cor	ntents				Dated: 05/03/2017
ldentifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
594918BV5 MICROSOFT CORP CORP	Fixed	Ν	2.682	AAA Aaa	400,000.00	02/06/2020 02/06/2020	1.873 1.709	1,747.22	399,732.00	399,752.25 401,499.47	401,520.00 403,267.22
037833CE8 APPLE INC CORP	Fixed	Ν	1.742	AA+ Aa1	310,000.00	02/08/2019 02/08/2019	1.589 1.464	1,094.47	309,764.40	309,790.46 310,884.94	310,465.00 311,559.47
084670BL1 BERKSHIRE HATHAWAY INC CORP	Fixed	Ν	2.224	AA Aa2	500,000.00	08/14/2019 08/14/2019	1.691 1.73	2,245.83	504,725.00	504,560.71 506,806.54	504,135.00 506,380.83
94988J5F0 WELLS FARGO BANK NA CORP	Fixed	Ν	1.544	AA- Aa2	340,000.00	11/28/2018 11/28/2018	1.843 1.757	2,431.00	339,717.80	339,773.45 342,204.45	340,227.80 342,658.80
48125LRG9 JPMORGAN CHASE BANK NA CORP	Fixed	Y	2.339	A+ Aa3	325,000.00	09/23/2019 09/23/2019	1.685 1.884	566.04	324,668.50	324,734.16 325,300.20	323,219.00 323,785.04
459200JN2 INTERNATIONAL BUSINESS MACHINES CORP CORP	Fixed	Ν	2.655	AA- Aa3	475,000.00	01/27/2020 01/27/2020	1.933 1.746	2,356.53	474,544.00	474,582.53 476,939.05	476,947.50 479,304.03
36962G6P4 GENERAL ELECTRIC CAPITAL CORP CORP	Fixed	Ν	2.519	AA- Aa3	1,250,000.00	12/11/2019 12/11/2019	1.948 1.896	10,208.33	1,257,737.50	1,254,824.21 1,265,032.54	1,256,462.50 1,266,670.83
89236TAY1 TOYOTA MOTOR CREDIT CORP CORP	Fixed	Ν	1.463	AA- Aa3	900,000.00	10/24/2018 10/24/2018	1.864 1.559	350.00	903,708.00	901,786.08 902,136.08	905,814.00 906,164.00
02665WAZ4 AMERICAN HONDA FINANCE CORP CORP	Fixed	Ν	3.248	A+ A1	1,250,000.00	09/24/2020 09/24/2020	2.435 2.077	3,147.57	1,250,812.50	1,250,588.67 1,253,736.23	1,265,237.50 1,268,385.07
857477AV5 STATE STREET CORP CORP	Fixed	Ν	3.844	A A1	180,000.00	05/19/2021 05/19/2021	2.03 2.252	1,579.50	179,319.60	179,443.64 181,023.14	177,901.20 179,480.70
17275RAR3 CISCO SYSTEMS INC CORP	Fixed	Ν	1.797	AA- A1	1,250,000.00	03/01/2019 03/01/2019	1.845 1.558	4,427.08	1,261,787.50	1,256,293.41 1,260,720.49	1,262,812.50 1,267,239.58
40428HPU0 HSBC USA INC CORP	Fixed	Ν	1.249	A A2	1,250,000.00	08/07/2018 08/07/2018	1.949 1.842	5,833.33	1,251,837.50	1,250,802.78 1,256,636.12	1,252,462.50 1,258,295.83
94974BFU9 WELLS FARGO & CO CORP	Fixed	Ν	1.934	A A2	1,250,000.00	04/22/2019 04/22/2019	2.005 1.856	664.06	1,255,287.50	1,252,898.64 1,253,562.71	1,256,512.50 1,257,176.56
46625HJR2 JPMORGAN CHASE & CO CORP	Fixed	Ν	1.70	A- A3	1,250,000.00	01/28/2019 01/28/2019	2.081 1.783	7,588.54	1,261,150.00	1,255,731.08 1,263,319.62	1,262,150.00 1,269,738.54
 CORP	Fixed		2.09	A+ A1	10,930,000.00	06/26/2019 06/26/2019	1.971 1.795	44,239.52	10,974,791.80	10,955,562.06 10,999,801.58	10,995,867.00 11,040,106.52

MMFUND

Identifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
60934N104 FEDR GOV OBLIGATIONS CL IS MMF MMFUND	Fixed	Ν	0.00	AAAm Aaa	153,194.06	04/30/2017 04/30/2017	0.66 0.66	0.00	153,194.06	153,194.06 153,194.06	153,194.06 153,194.06
60934N104 FEDR GOV OBLIGATIONS CL IS MMF MMFUND	Fixed	N	0.00	AAAm Aaa	153,194.06	04/30/2017 04/30/2017	0.66 0.66	0.00	153,194.06	153,194.06 153,194.06	153,194.06 153,194.06

Security Type GASB 40 Trade Date

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SWFWMD	1-5	Year	(70471)
		Date	d: 05/03/2017

As of 04/30/2017

US GOV											
ldentifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
912828LY4 UNITED STATES TREASURY US GOV	Fixed	Ν	2.413	AA+ Aaa	1,175,000.00	11/15/2019 11/15/2019	0.987 1.367	18,294.46	1,261,656.25	1,245,185.01 1,263,479.47	1,233,844.00 1,252,138.46
912828TR1 UNITED STATES TREASURY US GOV	Fixed	N	2.383	AA+ Aaa	2,000,000.00	09/30/2019 09/30/2019	1.179 1.337	1,693.99	1,986,250.00	1,991,521.44 1,993,215.43	1,983,980.00 1,985,673.99
912828VP2 UNITED STATES TREASURY US GOV	Fixed	Ν	3.134	AA+ Aaa	955,000.00	07/31/2020 07/31/2020	1.304 1.529	4,748.62	983,911.13	976,095.43 980,844.05	969,248.60 973,997.22
912828VP2 UNITED STATES TREASURY US GOV	Fixed	Ν	3.134	AA+ Aaa	1,760,000.00	07/31/2020 07/31/2020	1.582 1.529	8,751.38	1,792,862.50	1,783,206.92 1,791,958.30	1,786,259.20 1,795,010.58
912828VP2 UNITED STATES TREASURY US GOV	Fixed	Ν	3.134	AA+ Aaa	1,765,000.00	07/31/2020 07/31/2020	1.713 1.529	8,776.24	1,787,269.36	1,780,976.41 1,789,752.65	1,791,333.80 1,800,110.04
912828UU2 UNITED STATES TREASURY US GOV	Fixed	Ν	0.916	AA+ Aaa	7,015,000.00	03/31/2018 03/31/2018	1.049 1.134	4,456.25	6,957,632.13	6,995,960.71 7,000,416.96	6,990,307.20 6,994,763.45
912828D72 UNITED STATES TREASURY US GOV	Fixed	Ν	4.131	AA+ Aaa	2,500,000.00	08/31/2021 08/31/2021	1.311 1.745	8,423.91	2,581,250.00	2,572,284.50 2,580,708.42	2,526,475.00 2,534,898.91
912828U81 UNITED STATES TREASURY US GOV	Fixed	Ν	4.419	AA+ Aaa	1,000,000.00	12/31/2021 12/31/2021	1.989 1.797	6,685.08	1,000,507.81	1,000,485.37 1,007,170.46	1,009,060.00 1,015,745.08
912828B90 UNITED STATES TREASURY US GOV	Fixed	N	3.675	AA+ Aaa	1,200,000.00	02/28/2021 02/28/2021	1.349 1.645	4,043.48	1,235,812.50	1,229,071.56 1,233,115.03	1,215,792.00 1,219,835.48
912828B90 UNITED STATES TREASURY US GOV	Fixed	Ν	3.675	AA+ Aaa	330,000.00	02/28/2021 02/28/2021	1.312 1.645	1,111.96	340,776.57	338,460.22 339,572.18	334,342.80 335,454.76
912828UQ1 UNITED STATES TREASURY US GOV	Fixed	Ν	2.774	AA+ Aaa	4,500,000.00	02/29/2020 02/29/2020	1.258 1.427	9,476.90	4,498,417.99	4,498,990.76 4,508,467.66	4,477,860.00 4,487,336.90
912828UQ1 UNITED STATES TREASURY US GOV	Fixed	Ν	2.774	AA+ Aaa	1,700,000.00	02/29/2020 02/29/2020	1.552 1.427	3,580.16	1,678,683.59	1,685,846.32 1,689,426.48	1,691,636.00 1,695,216.16
912828U32 UNITED STATES TREASURY US GOV	Fixed	Ν	2.493	AA+ Aaa	2,500,000.00	11/15/2019 11/15/2019	1.129 1.368	11,533.15	2,490,527.35	2,491,963.59 2,503,496.74	2,477,050.00 2,488,583.15
912828A42 UNITED STATES TREASURY US GOV	Fixed	Ν	3.428	AA+ Aaa	1,220,000.00	11/30/2020 11/30/2020	1.218 1.607	10,189.01	1,262,271.09	1,253,347.44 1,263,536.45	1,236,677.40 1,246,866.41
912828A42 UNITED STATES TREASURY US GOV	Fixed	Ν	3.428	AA+ Aaa	900,000.00	11/30/2020 11/30/2020	1.367 1.607	7,516.48	926,063.63	919,855.71 927,372.20	912,303.00 919,819.48
912828WR7 UNITED STATES TREASURY US GOV	Fixed	Ν	3.957	AA+ Aaa	1,000,000.00	06/30/2021 06/30/2021	1.166 1.713	7,102.90	1,045,156.25	1,038,894.56 1,045,997.46	1,016,520.00 1,023,622.90
912828WG1 UNITED STATES TREASURY US GOV	Fixed	Ν	3.781	AA+ Aaa	1,000,000.00	04/30/2021 04/30/2021	1.151 1.683	61.14	1,050,039.06	1,042,821.17 1,042,882.32	1,021,880.00 1,021,941.14
912828527 UNITED STATES TREASURY US GOV	Fixed	Ν	4.038	AA+ Aaa	525,000.00	06/30/2021 06/30/2021	1.162 1.72	1,974.19	524,077.14	524,206.74 526,180.93	512,468.25 514,442.44
 UNITED STATES TREASURY US GOV	Fixed	N	2.70	AA+ Aaa	33,045,000.00	02/15/2020 02/15/2020	1.271 1.446	118,419.31	33,403,164.35	33,369,173.88 33,487,593.19	33,187,037.25 33,305,456.56

PUBLIC TRUST


Security Type GASB 40 Trade Date As of 04/30/2017

SWFWMD 1-5 Year (70471)

Dated: 05/03/2017

Summary											
ldentifier, Description, Security Type	Coupon Type	Callabl e	Duration	S&P Rating, Moody's Rating	Current Units	Effective Maturity, Final Maturity	Book Yield, Yield	Accrued Balance	Original Cost	Book Value, Book Value + Accrued	Market Value, Market Value + Accrued
	Fixed		2.527	AA Aa2	50,078,194.06	12/10/2019 12/10/2019	1.41 1.521	192,131.40	50,540,628.71	50,476,488.15 50,668,619.55	50,287,980.81 50,480,112.21

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* Grouped by: Security Type. * Groups Sorted by: Security Type. * Filtered By: Description ≠ "Payable" and Description ≠ "Receivable". * Weighted by: Market Value + Accrued, except Book Yield by Base Book Value + Accrued.

Item 36

FINANCE/OUTREACH & PLANNING COMMITTEE

May 23, 2017

Routine Report

Monthly Finanical Statement

Purpose Presentation of the April 30, 2017, monthly financial statement.

Background

In accordance with Sections 373.536(4)(e) and 215.985(12), Florida Statutes, relating to state financial information with certain financial transparency requirements, the District is submitting a "Statement of Sources and Uses of Funds for the Seventh Month Ended April 30, 2017."

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

Statement of Sources and Uses of Funds For the Seven Months Ended April 30, 2017

The attached "Statement of Sources and Uses of Funds" statement is provided for your review. This financial statement provides summary-level revenues (i.e., sources) and expenditures by program (i.e., uses). This unaudited financial statement is provided as of April 30, 2017, with 58 percent of the fiscal year completed.

This financial statement compares revenues recognized and encumbrances/expenditures made against the District's FY2016-17 available budget of \$348.6 million. Encumbrances represent orders for goods and services which have not yet been received.

Revenues (Sources) Status:

- Overall, as of April 30, 2017, 81 percent of the District's budgeted revenues/balances have been recognized.
- As of April 30, 2017, the District has received \$102,038,825 of ad valorem tax revenue representing 96 percent of the budget. This is in-line with the six-month prior year collection rates of 96 percent for FY2015-16 and 95 percent for FY2014-15. The budget represents 96 percent of the taxable property values as certified by the District's sixteen counties multiplied by the Governing Board approved millage rate. Projections are based on historical collections.
- Intergovernmental Revenues are recognized at the time related expenditures are incurred. For FY2016-17, \$4,526,302 in revenues has been recognized, representing 7 percent of the budget. From year to year, the budgeted amount of intergovernmental revenue compared to the recognized amount can fluctuate for various reasons; projects can be in the planning stages and have not incurred a significant amount of expenditures, or anticipated projects may be canceled (e.g., cooperative funding projects).
- The FY2016-17 interest earnings budget was based on a 0.85 percent expected rate of return. The District's investment portfolio at April 30, 2017, is earning a weighted average yield of 1.13 percent. For the seven months ended April 30, 2017, the District has earned 1.07 percent yield on its investments. Interest earnings on invested funds in the amount of \$3,072,468 have been recognized representing 81 percent of the budgeted amount.
- License and Permit Fees consist of revenue from water use permits, environmental resource permits, water well construction permits, and water well construction licenses. Revenue recognized represents 65 percent of the budgeted amount as of April 30, 2017.
- As of April 30, 2017, other revenue earned is 332 percent of budget. Each year, items that fall within the "Other" revenue category are budgeted conservatively due to the uncertainty of the amounts to be collected. For example, revenues from timber sales, hog hunts, insurance recoveries and the sale of capital assets can vary significantly from year to year. The majority of the increase is due to sale of capital assets in the amount of \$1,064,521.

• Fund Balance consists of balance from prior years (budgeted for the current year) plus fund balance associated with the ad valorem funded encumbrances that rolled into the current year.

Expenditures (Uses) Status:

Overall, as of April 30, 2017, the District had obligated 68 percent of its total budget.

Summary of Expenditures by Program

This financial statement illustrates the effort to date for each of the District's six statutory program areas (Section 373.536(5)(e)4, Florida Statutes). A discussion of the expenditures by program follows.

- The Water Resource Planning and Monitoring Program includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resource planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review). Of the \$40.7 million budgeted for this program, the District has obligated 64 percent of the budget (29 percent expended and 35 percent encumbered).
- The Land Acquisition, Restoration and Public Works Program includes the development and construction of all capital projects (except for those contained in the Operation and Maintenance of Works and Lands Program), including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction, land acquisition (i.e., Florida Forever program), and the restoration of lands and water bodies. Of the \$244.7 million budgeted for this program, the District has obligated 72 percent of the budget (5 percent expended and 67 percent encumbered).
- The **Operation and Maintenance of Works and Lands Program** includes all operation and maintenance of facilities, flood control and water conservation structures, lands, and other works authorized by Chapter 373, Florida Statutes. Of the \$25.4 million budgeted for this program, the District has obligated 46 percent of the budget (32 percent expended and 14 percent encumbered).
- The **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration, compliance and enforcement, and any delegated regulatory program. Of the \$21.1 million budgeted for this program, the District has obligated 57 percent of the budget (45 percent expended and 12 percent encumbered).
- The **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resources education; public information activities; all lobbying activities relating to local, regional, state, and federal governmental affairs; and all public relations activities and advertising in any media. Of the \$2.7 million budgeted for this program, the District has obligated 52 percent of the budget (25 percent expended and 27 percent encumbered).

• The **Management and Administration Program** includes executive management, executive support, governing board support, ombudsman, general counsel, inspector general, administrative support (general), procurement, finance, human resources, and risk management. Of the \$14.0 million budgeted for this program, the District has obligated 63 percent of the budget (54 percent expended and 9 percent encumbered).

Based on the financial activities for the seven months ended April 30, 2017, the financial condition of the District is positive and budget variances are generally favorable. There are no reported or identified major trends, conditions or variances that warrant additional management attention.

Southwest Florida Water Management District Statement of Sources and Uses of Funds

For the Seven Months Ended April 30, 2017

(Unaudited)

	Current Budget	Actuals Through 4/30/2017	Variance (under)/Over Budget	Actuals As A % of Budget (rounded)
Sources				
Ad Valorem Property Taxes	\$ 105,954,256	\$ 102,038,825	\$ (3,915,431)	96%
Intergovernmental Revenues	68,142,691	4,526,302	(63,616,389)	7%
Interest on Invested Funds	3,800,000	3,072,468	(727,532)	81%
License and Permit Fees	1,550,000	1,007,237	(542,763)	65%
Other	546,207	1,814,504	1,268,297	332%
Fund Balance	168,604,590	168,604,590	-	100%
Total Sources	\$ 348,597,744	\$ 281,063,926	\$ (67,533,818)	81%

	Current				Available	% Expended	% Obligated ²
	Budget	Expenditures	E	ncumbrances ¹	Budget	(rounded)	(rounded)
Uses							
Water Resource Planning and Monitoring	\$ 40,753,742	\$ 11,621,857	\$	14,559,169	\$ 14,572,716	29%	64%
Land Acquisition, Restoration and Public Works	244,720,318	11,390,086		165,099,672	68,230,560	5%	72%
Operation and Maintenance of Works and Lands	25,358,520	8,148,412		3,614,906	13,595,202	32%	46%
Regulation	21,076,765	9,406,109		2,579,090	9,091,566	45%	57%
Outreach	2,654,046	671,479		718,809	1,263,758	25%	52%
Management and Administration	 14,034,353	7,618,758		1,264,286	5,151,309	54%	63%
Total Uses	\$ 348,597,744	\$ 48,856,701	\$	187,835,932	\$ 111,905,111	14%	68%

¹ Encumbrances represent unexpended balances of open purchase orders and contracts.

² Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited preliminary financial statement is prepared as of April 30, 2017, and covers the interim period since the most recent audited financial statements.

Item 37

FINANCE/OUTREACH & PLANNING COMMITTEE

May 23, 2017

Routine Report

Monthly Cash Balances by Fiscal Year

Purpose

To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of April 30, 2017.

Background

This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves are utilized for projects.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

Southwest Florida Water Management District Monthly Cash Balances by Fiscal Year (FY2011-12 - FY2015-16 and FY2016-17 To-Date)



FINANCE/OUTREACH & PLANNING COMMITTEE

May 23, 2017

Routine Report

Comprehensive Plan Amendment and Related Reviews Report

Purpose

This report is provided for the Committee's information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly.

Background/History

The water management districts provide technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses various areas of water resource management, including water supply, flood protection and water quality, and is intended to support sound land use decisions. Statutory directives for this assistance include Section 373.711, Florida Statutes (F.S.), Technical Assistance to Local Governments, and Section 163.3184, F.S., Process for Adoption of Comprehensive Plan or Plan Amendments. Under Section 163, F.S., substantially revised in 2011, if important state resources and facilities are to be adversely impacted, the water management districts and other state reviewing agencies must state with specificity how the plan amendment will adversely impact the resource or facility and must include measures that the local government may take to eliminate, reduce, or mitigate the impacts. Any plan amendment comments provided by a water management district and/or other state agencies that are not resolved may be challenged by the Department of Economic Opportunity (DEO).

Benefits/Costs

The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

Staff Recommendation:

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

Presenter: Colleen Thayer, Bureau Chief, Public Affairs

Local Government Comprehensive Plan Amendment and Related Reviews Report

As of May 4, 20

Project	Amendment Type	Assigned	Completed	Description	10YWSFW
Charlotte 17-1	ESR	4/3/2017	4/24/2017	No substantive comments.	
Citrus 17-2	ESR	4/7/2017		Map amendment.	
Citrus 17-3	ESR	4/11/2017		Text amendment.	
Dundee 17-1	ESR	5/3/2017		Water Supply Facilities Work Plan.	
Frostproof 17-1	ESR	3/30/2017	4/18/2017	Water Supply Facilities Work Plan. No substantive comments.	
Haines City 17-1	ESR	4/19/2017		Map amendment.	
Hardee 17-1	ESR	5/3/2017		Text amendments.	
Hardee 17-2	ESR	5/1/2017		Water Supply Facilities Work Plan.	✓
Hernando 17-1	ESR	2/1/2017	3/3/2017	Comments addressed need for a potable water analysis, encouraged early regulatory coordination and use of low impact development strategies to limit or avoid floodplain encroachment.	
Lake Hamilton 17-1	ESR	4/18/2017		Water Supply Facilities Work Plan.	✓
Lakeland 17-2	ESR	4/27/2017		Water Supply Facilities Work Plan.	✓
Longboat Key 17-1	ESR	3/8/2017	3/31/2017	No substantive comments.	
Manatee 17-3	ESR	3/8/2017	3/31/2017	No substantive comments.	
Marion 17-1DRI	ESR	4/5/2017	5/2/2017	Comments addressed the need for a potable water analysis, water conservation, reuse and encouraged early regulatory coordination and use of low impact development strategies to limit or avoid floodplain encroachment.	
Marion 17-2	ESR	4/5/2017	5/4/2017	Companion to 16-4ESR. Noted comments provided for companion amendment are still appropriate.	
Ocala 17-1	ESR	3/22/2017	4/19/2017	.7 Comments encouraged water conservation, reuse, early regulatory coordination and use of low impact development strategies to limit or avoid floodplain encroachment.	
Pasco 17-2	ESR	3/8/2017	3/22/2017	No substantive comments.	

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Pasco 17-3	ESR	2/28/2017	3/31/2017	Comments addressed water supply, including reuse and water conservation, and encouraged early regulatory coordination.	
Pasco 17-4	ESR	2/28/2017	4/3/2017	Comments addressed water supply, including reuse and water conservation, and encouraged use of low impact development principles to limit wetland and flood hazard encroachment.	Attachm
Pasco 17-5	ESR	5/1/2017		Wiregrass Ranch map amendments.	ent:
Plant City 17-1	ESR	3/20/2017	4/19/2017	Comments addressed the need for a potable water analysis, water conservation, reuse and encouraged early regulatory coordination.	CPAR
Polk 17-1	ESR	2/25/2017	3/24/2017	No substantive comments.	×
Safety Harbor 17-1	ESR	4/12/2017		Water Supply Facilities Work Plan.	
Sarasota 17-2	ESR	2/5/2017	2/17/2017	No substantive comments.	
Sarasota 17-3	ESR	2/8/2017	2/17/2017	No substantive comments.	
Sumter 17-1	ESR	2/10/2017	3/9/2017	Comments encouraged low impact development strategies to avoid or limit impacts to flood hazard areas and wetlands and encouraged early regulatory coordination.	ehensive
Sumter 17-2	ESR	3/23/2017	4/19/2017	No substantive comments.	
Tampa 17-1	ESR	3/9/2017	4/10/2017	No substantive comments.	
Tarpon Springs 17-1	ESR	2/8/2017	3/8/2017	Map amendment.	
Tarpon Springs 17-2	ESR	2/8/2017	3/8/2017	Text amendments.	men men
Tarpon Springs 17-3	ESR	2/28/2017	3/30/2017	No substantive comments.	
Tarpon Springs 17-4	ESR	3/5/2017	4/5/2017	No substantive comments.	
Tarpon Springs 17-5	ESR	3/5/2017	4/5/2017	No substantive comments.	
Tarpon Springs 17-6	ESR	3/5/2017	4/5/2017	No substantive comments.	
Town of Belleair 17-1	ESR	5/3/2017		Several text amendments.	
Wildwood 17-1	ESR	3/29/2017	4/28/2017	Comments addressed wetlands, and encouraged early regulatory coordination.	
Wildwood 17-2	ESR	4/12/2017		Map amendments.	

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Zolfo Springs 17-1	ESR	3/5/2017	3/30/2017	Comments addressed District preference for use of a lower per capita for calculating potable demand and clarification of Water Supply Facilities Work Plan time-frame. Commended the CFRPC for providing a thorough and comprehensive update	

Abbreviations:

DRI	Development of Regional Impact
ESR	Expedited State Review

Discussion Items

39. Consent Item(s) Moved for Discussion	
40. District Wildfire Update	(10 minutes)346
41. Hydrologic Conditions Report	(10 minutes)349
Submit & File Reports - None	
Routine Reports	
42. Surplus Lands Update	
43. Structure Operations	
44. Significant Activities	355

May 23, 2017

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Ken Frink, P.E., Divison Director, Operations Lands and Resource Monitoring

May 23, 2017

Discussion Item

District Wildfire Update

Purpose

The purpose of this presentation is to update the Governing Board on wildfires around the state and on District lands.

Background/History

Beginning in March of this year, the District has been working cooperatively with the Florida Forest Service (FFS) to combat numerous wildfires on District Lands. In anticipation of an extreme drought, in February of this year Land Management staff determined that weather conditions were no longer safe to conduct prescribed fire activities on District-managed lands. As a result of that determination they stopped conducting prescribed fire activities and made preparations to assist the FFS in fighting wildfires. On April 11, 2017 Governor Rick Scott issued Executive Order 17-120 declaring a state of emergency in Florida following the recent wildfires across the state and the high potential for increased wildfires to continue this year. District-managed campgrounds remain closed in an effort to reduce the potential for additional wildfires and allow resources to be allocated to support FFS. An Observed Fire Danger Index (FDI) and Active Wildfires maps are exhibits to this item.

Costs

Due to the Governor declaring a state of emergency these events are eligible for Federal Emergency Management Act reimbursement. Staff is currently tracking staff time and vehicle usage through State Emergency Response Team forms.

Staff Recommendation:

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

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

Exhibit 1 State Wildfire Occurrence







May 23, 2017

Discussion Item

Hydrologic Conditions Report

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the month under review, which is April, with comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data.

The information presented below is a summary of data presented in more detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at http://www.swfwmd.state.fl.us/waterres/hydro/.

Rainfall

Provisional rainfall totals for the month (as of April 30) indicate amounts were at the lower-end of the normal range in the northern region of the District, while they were classified as severely abnormal in the central region and extremely abnormal in the southern region. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- Northern region rainfall averaged 1.68 inches, equivalent to the 31st percentile.
- Central region rainfall averaged 0.77 inch, equivalent to the 16th percentile.
- Southern region rainfall averaged 0.32 inch, equivalent to the 8th percentile.
- District-wide, average rainfall was 0.87 inch, equivalent to the 14th percentile.

Streamflow

April streamflow data indicates that flow decreased in all three regions of the District, compared to the previous month. Based on flow measurements in three regional index rivers indicated below, average streamflow conditions were classified as critically abnormal in the northern and central regions, and extremely abnormal 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 3rd percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 5th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 8th percentile.

Groundwater Levels

Groundwater data for April indicates that levels in the Floridan/Intermediate aquifer decreased in all three regions of the District, compared to last month. Groundwater levels were moderately below-normal in the northern region, at the lower-end of the normal range in the central region

and classified as severely abnormal in the southern region. 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 22nd percentile.
- The average groundwater level in the central region was in the 36th percentile.
- The average groundwater level in the southern region was in the 16th percentile.

Lake Levels

April lake level data indicates average lake levels have decreased in all regions of the District, compared to the previous month. Regional lake levels were below the annual normal range in the Northern, Tampa Bay and Lake Wales Ridge regions, while levels remained within the annual normal range in the Polk Uplands region. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average lake levels in the Northern region decreased 0.50 foot and were 2.13 feet below the base of the annual normal range.
- Average lake levels in the Tampa Bay region decreased 0.59 foot and were 0.66 foot below the base of the annual normal range.
- Average lake levels in the Polk Uplands region decreased 0.51 foot and were 0.43 foot above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.59 foot and were 1.10 feet below the base of the annual normal range.

Issues of Significance

April historically marks the seventh month of the 8-month dry season (October through May) and this April was yet another dry month throughout the District. Rainfall received during the month was associated with the passage of several cold fronts, with the northern region showing totals at the lower-end of the normal range, while the central and southern regions saw totals well below-normal. The provisional 12-month District-wide rainfall accumulation indicates a deficit of 6.6 inches below the long-term average, while the 24-month accumulation shows a deficit of 3.0 inches. Analysis of the District-wide dry-season rainfall shows October through April totals to be about 9.7 inches below the historic long-term average, or at about 47% of the historic mean for this period.

Due to the continuing dry conditions, streamflow on the District's major river systems is at severely low levels, limiting their use as water supply sources, while regional groundwater levels in the northern and southern regions, as well as regional lake levels in the Northern, Tampa Bay and Lake Wales Ridge regions, remain at below-normal levels. The risk of wildfire throughout the District remains high.

The US Drought Monitor (as of May 2) indicates dry conditions have intensified since last month and classifies most areas of the District as experiencing moderate to severe drought conditions, while small areas in eastern DeSoto and Hardee counties are experiencing extreme drought conditions.

NOAA climate forecasts (as of April 20) remain inconclusive for the composite 3-month period of May-July and the extended forecast through 2017, predicting equal chances for below-normal, normal or above-normal rainfall for all regions of the District. Substantial improvements to hydrologic conditions are not expected until the onset of the rainy season, sometime in June.

Updated weather forecasts will be available in mid-May. Staff will continue to monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary

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supplemental analysis of pertinent data.

Staff Recommendation:

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

Presenter: Granville Kinsman, Hydrologic Data Manager

May 23, 2017

Routine Report

Surplus Lands Update

Purpose

This report provides a monthly status on the District's surplus lands program. Information is through April 30, 2017.

Background

In 2011, at the direction of the Governing Board, the District began a regular surplus lands assessment. Since that time 1,076 parcels consisting of approximately 4,932 acres have been identified for surplus or transfer/exchange to another governmental entity.

Two additional properties were listed with the District's real estate broker since last month's report.

The following table provides the status of the parcels identified through the surplus lands assessment:

Status	Acres	Parcels	Compensation
Sold, exchanged or transferred	362	15	\$1,855,427
Sale pending	2	5	20,000
Listed with broker with approved minimum sale price	2,171	19	
Listed with broker without minimum sale price	1,584	8	
Annutteliga Hammock	547	996	
Offer to adjoining owners (per Florida Statutes)	23	12	
Agency request	83	14	
Non-marketable	33	5	
On hold	127	2	
Grand Total	4,932	1,076	\$1,875,427

Staff Recommendation:

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

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

May 23, 2017

Routine Report

Structure Operations

Summary of the operations made for the month of April.

- Inglis Water Control Structures: The Inglis Bypass Spillway 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 27.42 feet National Geodetic Vertical Datum (NGVD) compared to the recommended maintenance level for the reservoir of 27.50 feet 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 low flow gate is partially inflated. The low flow gate was 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 38.12 feet NGVD.
- Alafia River Watershed: The Medard Reservoir structure was not operated. The average water level for the Medard Reservoir was 57.36 feet NGVD compared to the recommended maintenance level of 59.00 feet NGVD.
- Hillsborough River Watershed: The Thirteen Mile Run system and Flint Creek structures were not operated. The average monthly water level for Lake Thonotosassa was 35.62 feet NGVD, compared to the recommended maintenance level of 36.50 feet NGVD.
- Tampa Bay/Anclote Watershed: The Rocky Creek system, Brooker Creek system, and Sawgrass structures were not operated. The average monthly water level for Lake Tarpon was 2.59 feet NGVD, compared to the recommended maintenance level of 3.20 feet NGVD.
- Peace River Watershed: Lake Hancock structures was operated to maintain water levels and meet minimum flows to Peace River. The average monthly water level for Lake Hancock was 98.60 feet NGVD, compared to the recommended maintenance level of 100.00 feet NGVD.
- Lake Wales Ridge Watershed: Structure G-90 was not operated. The average monthly water level for Lake June-in-Winter was 73.66 feet NGVD, compared to the recommended level of 74.50 feet NGVD.

Staff Recommendation:

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

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



May 23, 2017

Routine Report

Significant Activities

Staff Recommendation:

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

Significant Activities

This report provides monthly information through April 27, 2017 on significant Operations and Land Management projects and programs in which the Governing Board is participating in funding and otherwise may be of interest to the Board. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

Land Management

- The prescribed fire team has applied fire management to 11,031 acres of District conservation lands during FY2017. Due to drought conditions the team ceased the application of prescribe fire as of February 22, 2017.
- The prescribed fire team has been aiding Florida Forest Service in managing 9 wildfires that have occurred on 7 different District lands involving nearly 2,000 acres.
- Feral hog staff continue to trap on District lands. There have been 934 feral hogs removed from District lands during FY2017.
- Timber program revenue to date for FY2017 equals \$348,990.74.
- Timber contractors have completed the harvest on the Hálpata Orange timber management zone. The District has received final payment for the 163 loads/9,507 tons for a total of \$88,925.23.
- Timber contractors continue to harvest on the Green Swamp Micaloney timber management zone. To date 574 loads have been removed. The District has received payment for 377 loads/7,690 tons for a total of \$194,524.16.

Land Resources

- On May 9, 2017, the Hillsborough County Board of County Commissioners approved our joint application with Tampa Port Authority (Port Tampa Bay) for a Major Modification to the Port Redwing PD zoning district (MM 17-0055). This results in the District "owning" 1,000,000 S.F. of entitlements over District property that may prove marketable in the future.
- Staff have identified an efficiency measure in the management of the District's fee ownership of Jack Creek and are negotiating with the Florida Fish and Wildlife Conservation Commission (FWC) to take over management of the property at no cost. The property is 1,260 acres and was purchased by the District in 1991 to preserve unique habitat. The property is located in Highlands County and is a considerable distance from District resources. It is adjacent to property managed by FWC and may be incorporated into Lake Wales Ridge Management Strategy. District staff developed a draft management agreement and have received initial comments from FWC. Staff will be meeting with FWC to finalize the agreement in the coming months.

- Issued email authorization to Florida Forest Service to conduct fire suppression cross-training with Sumter Fire Rescue within the Lake Panasoffkee Tract.
- Issued email authorization to DEP to utilize the Green Swamp Meeting Facility for agency training.
- Issued Special Use Authorization to the University of South Florida for vehicle access to Lower Hillsborough – Flatwoods Park to conduct long-term camera trap monitoring for wildlife research.
- Volunteers provided 160 hours of service, a value of approximately \$3,769.60 to District conservation/recreation lands.
- Processed 85 requests and provided 468 camping opportunities on District lands.
- Due to a high risk of wildfires, District-managed campgrounds were closed. Staff continue to monitor weather conditions and as the risk is reduced we will reopen campgrounds. Other recreational activities such as hiking, biking and equestrian uses remain available.
- The following is a breakdown of District land interests:



Staff Recommendation:

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

Discussion Items

Submit & File Reports - None	
47. Denials Referred to the Governing Board	361
46. Consider Water Shortage Order(s) as Necessary	(10 minutes)360
45. Consent Item(s) Moved for Discussion	359

Routine Reports

48. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program	
49. Overpumpage Report	
50. Individual Permits Issued by District Staff	

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REGULATION COMMITTEE

May 23, 2017

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Alba Más, P.E., Division Director, Regulation

May 23, 2017

Discussion Item

Consider Water Shortage Order(s) as Necessary

Staff continues to monitor water resource and supply conditions to determine if any actions would be prudent. Since Board-issued water shortage orders must be discussed in a noticed public meeting prior to implementation, this agenda item is included as a contingency provision. It allows the Governing Board to immediately consider any action that staff may recommend based on regional data to be reviewed on May 16, 2017.

Staff Recommendation:

Recommendations, if any, will be presented at the Governing Board meeting on May 23, 2017 based on then-current conditions and predictions.

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

May 23, 2017

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

May 23, 2017

Routine Report

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 was originally estimated as of June 16, 2011 that there were 626 flow meters and 961 AMR devices needing installation within the 256-square mile DPCWUCA. Currently, as of December 1, 2016 it is estimated that 573 flow meters and 954 AMR devices will need to be installed. Total costs of the program were estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$316,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage, Inc. The contract was executed on November 14, 2013. Letters with flow meter reimbursement information were sent on September 17, 2015 to the remaining permittees who have not yet installed a flow meter. New Activities Since Last Meeting: As of May 1, 2017, a total of 464 flow meters have been installed (81 percent complete) and 666 AMR units have been installed (69 percent complete). Project Manager: Talia Paolillo

Staff Recommendation:

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

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

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REGULATION COMMITTEE

May 23, 2017

Routine Report

Overpumpage Report

Please see the attached report.

Staff Recommendation:

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

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

Overpumpage Report March 2017

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office			
New on Report									
6217.008	Palma Ceia Golf and Country Club ¹	Recreation – Lawn and Landscape	210,600 gpd	01/01/2017 228,467 gpd 8.48%	03/01/2017 242,014 gpd 14.92%	Tampa			
3832.009	Arlin Taylor Ranch, LP ¹	Agriculture – Tomatoes and Vegetables	597,600 gpd	01/01/2017 665,977 gpd 11.44%	3/01/2017 688,601 gpd 15.23%	Sarasota			

(1) Preliminary determination is that permits are in non-compliance; file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC).
Overpumpage Report March 2017

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office		
Continuing From Previous Report								
12177.005	Boca Royale Golf Property Owners Association ^{1&2}	Recreation – Lawn & Landscape	163,600 gpd	12/01/2016 191,389 gpd 16.99%	03/01/2017 195,597 gpd 19.56%	Sarasota		
5251.007	Grenelefe Resort Utility, Inc. ¹	Pubic Supply	1,234,500 gpd	12/01/2016 1,418,426 gpd 14.90%	03/01/2017 1,938,112 gpd 57.00%	Bartow		
4629.006	Ronnie's Citrus ¹	Agriculture – Citrus	70,400 gpd	11/01/2016 74,192 gpd 5.39%	03/01/2017 89,548 gpd 27.20%	Bartow		
1005.009	Central Florida Blueberry's, LLC. ^{1&2}	Agriculture – Blueberries	25,300 gpd	10/01/2016 41,724 gpd 64.92%	03/01/2017 42,352 gpd 67.40%	Bartow		
1156.012	Bay Laurel Center Public Water Supply System ¹	Pubic Supply	2,555,000 gpd	09/01/2016 2,696,799 gpd 5.55%	03/01/2017 2,9993,444 gpd 17.16%	Brooksville		
12911.002	Ocala 623 Land Development ¹	Recreational – Golf Course	223,400 gpd	07/01/2016 290,666 gpd 30.11%	03/01/2017 284,441 gpd 27.32%	Brooksville		
7993.003	Harrell's Nursery ¹	Agriculture - Nursery, Container	20,100 gpd	07/01/2016 24,051 gpd 19.66%	03/01/2017 34,522 gpd 71.75%	Tampa		
9670.006	Ace Crescent Oaks Country Club ¹	Recreational – Golf Course	285,800 gpd	05/01/2016 423,827 gpd 48.29%	03/01/2017 526,317 gpd 84.16%	Tampa		
10266.003	Stone Creek Golf Course 1&2	Recreational - Golf Course	369,000 gpd	07/01/2016 539,198 gpd 46.12%	03/01/2017 471,978 gpd 27.91%	Brooksville		

(1) Preliminary determination is that permits are in non-compliance; file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

Attachment: May17 Routine Reports - Overpumpage Report_March2017_FINAL (3085 : Overpumpage Report)

Overpumpage Report March 2017

Under Review ⁽¹⁾ Permit Application In-house ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
Continuing	From Previous Report					
10923.001	Spruce Creek Golf, LLC. 182	Recreational – Golf Course	445,800 gpd	05/01/2016 503,858 gpd 13.02%	03/01/2017 723,161 gpd 62.22%	Brooksville
8842.003	Harrell's Nursery, Inc. ¹	Agricultural – Container Nursery	42,000 gpd	05/01/2016 45,931 gpd 9.36%	03/01/2017 64,726 gpd 54.11%	Tampa
7002.004	MHC FR Utility Systems, LLC ³	Public Supply	97,100 gpd	04/01/2015 104,929 gpd 8.06%	03/01/2017 169,512 gpd 74.57%	Tampa
910.006	Jack M. Berry, Inc. ¹	Agricultural – Citrus	207,700 gpd	07/01/2015 320,279 gpd 54.20%	03/01/2017 319,466 gpd 53.81%	Bartow

(1) Preliminary determination is that permits are in non-compliance; file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

REGULATION COMMITTEE

May 23, 2017

Routine Report

Individual Permits Issued by District Staff

Please see the attached report.

Staff Recommendation:

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

Presenter: Alba Más, P.E., Division Director, Regulation

INDIVIDUAL PERMITS ISSUED: ERPS – MAY 2017

Permit Number	Project Name	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
49040157.006	Long Bar Pointe Conceptual SWERP	Manatee	Conceptual	263.8	23.23	16.9	22.15
43003204.002	Pelican Golf Club	Pinellas	Individual	136	9.29	9.05	0.00

Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.

INDIVIDUAL PERMITS ISSUED: WUPS - MAY 2017

Permit Number	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	Previous Permitted Quantity	New Permitted Quantity	DURATION (YEARS)
20005461.008	Sarasota Bay Farm	Manatee	Modification to relocate partial standby quantities to different well	Agricultural	2,460,000	2,460,000	5
20007350.006	Felton Walker Farms	Manatee	Renewal with no change in quantities for Spring and Fall Tomatoes and Melons	Agricultural	1,383,300	1,383,300	20

GENERAL COUNSEL'S REPORT

Discussion Items

51. Consent Item(s) Moved for Discussion				
Submit & File Reports - None				
Routine Reports				
52. May 2017 - Litigation Report	370			
53. May 2017 - Rulemaking Update				

GENERAL COUNSEL'S REPORT

May 23, 2017

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

May 23, 2017

Routine Report

May 2017-Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT May 2017 (Most recent activity in each case is in **boldface** type)

DELEGATED ADMINISTRATIVE HEARING MATTERS

0 Cases as of May 2, 2017

OPEN ENFORCEMENT CASES 57 Cases as of April 6, 2017 60 Cases as of May 2, 2017

ENFORCEMENT CASES IN ACTIVE LITIGATION

1 Case as of May 2, 2017 (Including Administrative Complaints)

STYLE: COURT/CASE NO.: ATTORNEY: ACTION:

SWFWMD v. Steven Game and Mathew Kessler Southwest Florida Water Management District; Order No. SWF 17-004 C. Kenney Administrative Complaint and Order (Flowing Artesian Well)

DESCRIPTION:

On April 18, 2016, the District was contacted by an anonymous complainant regarding a flowing well located on residential property with a street address of 12368 and 12378 Southwest Lexington Place, Arcadia, Florida 34269 (Property). The Property was owned by Steven Game (Game) and was occupied by Shane Poling (Poling) at the time. On April 26, 2016, District staff conducted a site investigation at the Property and determined that a 16" artesian well (Well) was indeed free-flowing on the Property and was flooding neighboring properties. Pursuant to Section 373.209, F.S., no owner, tenant, occupant or person in control of an artesian well shall knowingly and intentionally allow a well to flow continuously without a valve or mechanical device for checking or controlling the flow, permit the water to flow unnecessarily, pump a well unnecessarily, or permit the water from the well to go to waste.

Therefore, on August 31, 2016 District staff issued a Notice of Violation to Game concerning the free-flowing Well. Game never responded to the Notice. District staff attempted multiple times to reach Poling at the residence, who did finally grant District staff authorization to access the Property to examine the Well. District staff have examined the Well and estimate that the worst-case scenario cost to abandon the Well is approximately \$11,000.00. The Florida Department of Environmental Protection has also provided written documentation to District staff that the uncontrolled flow of water from the Well does not have a reasonable-beneficial use as that term is defined in Section 373.019, F.S.

Therefore, on December 9, 2016, the District's Executive Director issued an Administrative Complaint and Order (ACO) to Game and Poling, and the ACO was served on Game on January 17, 2017. Following service on Game, the District learned that Game sold the Property to Mathew Kessler, but that he maintained control and responsibility for the Well. Consequently, the District's Executive Director issued a similar ACO to Game and Mathew Kessler (collectively, Respondents). The ACO was served on Respondents on February 7, 2017.

The ACO was issued pursuant to Sections 373.209 and 373.436, F.S., which grant the Executive Director the authority to determine what alterations or repairs to the Well are necessary and to order that such alterations and repairs shall be made within a reasonable time certain. The ACO requires Respondents to apply for an emergency permit for a licensed well

contractor to plug or abandon the Well within 14 days of service of the ACO. Pursuant to Section 373.436, F.S., if, after the ACO becomes final and Respondents fail to comply with the ACO, the Governing Board may, in their discretion, cause the alterations and/or repairs to be made as described herein. The District may subsequently file a lien on the Property for the costs incurred with reasonable interest and attorney's fees, or may seek to file a civil suit for penalties.

The ACO became final, pursuant to Section 373.119, F.S., on February 22, 2017. District staff requested authorization from the Governing Board to cause alterations and/or repairs, specifically, to abandon the Well, at the February 28, 2017, Governing Board meeting. The Governing Board provided such authorization. Later that day, a Claim of Lien for costs incurred while abandoning the Well, with reasonable interest and attorney's fees, was mailed to DeSoto County for recording in the official records and the lien was recorded on March 2, 2017. On March 2, 2017, District staff accessed the Property to assess the condition of the Well prior to logging. On March 3, 2017, District staff entered the Property and logged the Well. District staff learned that the Well is 8" in diameter with a depth of 450', and noted that there appears to be cross connection between aquifers.

On March 13, 2017, the District hired American Drilling of Sarasota, Inc. to complete abandonment of the Well. The District paid American Drilling \$15,000.00 for the payment of the abandonment. The total for District costs and attorney's fees, including the amount paid to American Drilling, is \$29,077.75.

of 90 days in order to afford the parties time to complete settlement negotiations. The ALJ issued an order on December 20, 2016, placing the matter in abeyance for a period of 90 days. On January 31, 2017, a Case Status Report was filed by Petitioner after consultation with the District indicating that settlement talks are ongoing and the matter should continue to be held in abeyance. The ALJ issued an order on February 1, 2017, indicating that the case shall remain in abeyance and requiring the parties to confer and submit a case status report by February 28, 2017. On February 28, 2017, a Case Status Report was filed by Petitioner, which indicated that settlement talks are ongoing and that the matter should continue to be held in abeyance. The same day, the ALJ issued an order that the case shall remain in abeyance and that a case status

PERMIT/AGENCY ACTION CHALLENGES 4 Cases as of May 2, 2017

STYLE:	George L. Southworth Revocable Trust v. SWFWMD
COURT/CASE NO.:	Division of Administrative Hearings Case No. 16-7361
ATTORNEY:	A. Vining/C. Kenney
ACTION:	Administrative Hearing challenging Environmental Resource Permit No. 43042121.000
DESCRIPTION:	On November 3, 2016, the District issued Notice of Intended Agency Action for approval of Environmental Resource Permit No. 43042121.000 (Application) to George L. Southworth Revocable Trust (Petitioner) authorizing the establishment of a mitigation bank, known as the Aripeka Mitigation Bank. On November 22, 2016, the District received a Petition for Formal Administrative Hearing from Petitioner regarding the Application alleging that the District improperly altered Petitioner's permit application materials. Petitioner filed a Motion to Hold Case in Abeyance on December 1, 2016, in which Petitioner requested that the District hold the case in abeyance and not refer it to DOAH for a formal hearing in order to facilitate potential settlement of the matter. On December 12, 2016, an Order Granting Motion to Hold Case in Abeyance was referred to DOAH on December 13, 2016. On the same day, the District filed a Motion for More Definite Statement requesting that the Petitioner be required to amend its Petition for Formal Hearing to provide more specific information as to how the District allegedly altered the Petitioner's permit application materials. Then, on December 19, 2016, an Agreed Upon Motion to Hold Case in Abeyance for a period

report must be filed by March 31, 2017. On March 31, 2017, a Case Status Report was filed by the District, indicating that the parties are prepared to move forward with scheduling a two day final hearing, providing dates of availability for the two day hearing, and reinstating all pending deadlines, including the deadline for filing a response to the Initial Order and the District's Motion for More Definite Statement. On April 5, 2017, the ALJ issued an order scheduling the final hearing for July 31 and August 1, 2017, as well as an Order of Pre-Hearing Instructions. The District served discovery on Petitioner on April 7, 2017. Petitioner submitted a response to the District's Motion for More Definite Statement on April 13, 2017. On April 17, 2017, the ALJ issued an Order granting the District's Motion for More Definite Statement and allowing Petitioner until April 21, 2017, to file an Amended Petition consistent with the ALJ's Order. Subsequent to the ALJ's April 17 Order, the parties entered into settlement discussions. As a result, on April 21, 2017, Petitioner submitted an Unopposed Motion for Extension of Time requesting additional time to submit an Amended Petition to allow the parties additional time to continue settlement discussions. The same day the ALJ issued an Order Granting Extension of Time providing Petitioner until April 28, 2017, to submit an Amended Petition. The parties have reached an agreement in principle to settle this matter, and are negotiating the final terms of a proposed Settlement Agreement. To allow the necessary time to finalize such terms, Petitioner filed a Second Unopposed Motion for Extension of Time on April 28, 2017, requesting until May 5, 2017, to submit an Amended Petition. The ALJ issued an Order the same day granting the time extension request. If the terms of the Settlement Agreement are finalized, the Settlement Agreement will be presented to the Governing Board for consideration its May meeting.

STYLE: COURT/CASE NO.: ATTORNEY: ACTION:

DESCRIPTION:

CFMR Partnership v. US Homes Corporation, LLC, Red Apple at Big Bend, LLC, and SWFWMD Southwest Florida Water Management District C. Tumminia/A. Vining Administrative Hearing challenging Environmental Resource Permit Nos. 43019136.020 and 43042453.002

On November 24, 2015, the District issued Environmental Resource Permit (ERP) No. 43019136.020 (US Homes ERP) to US Homes Corporation, LLC, authorizing the construction of a new stormwater management system designed to serve a proposed residential subdivision located in Hillsborough County. On November 8, 2016, the District issued ERP No. 43042453.002 (Red Apple ERP) to Red Apple at Big Bend, LLC, authorizing the construction of a floodplain compensation vault for a stormwater management system designed to serve a charter school located in Hillsborough County. On December 5, 2016, the District received a request for a formal administrative hearing (Petition) from CFMR Partnership (Petitioner) regarding the US Homes ERP and Red Apple ERP alleging that the District authorized these projects to utilize floodplain compensation purchased by Petitioner. The Petition was legally insufficient and the District entered an Order dismissing the Petition without prejudice on December 19, 2016. Petitioner was granted leave to file an Amended Petition. At the same time, Petitioner filed a Motion to Delay Referral to Department of Administrative Hearings (Motion), which requested a 45-day delay in referring the matter to DOAH in order to allow the affected parties an opportunity to explore options for settlement.

On January 11, 2017, an Order granting the Petitioner's Motion to Delay Referral to DOAH was entered, placing the matter in abeyance until February 27, 2017. District Counsel and Staff held informal settlement discussions with the Respondents' engineers on January 31, 2017, and the Petitioner on March 3, 2017. An Order granting the Petitioner's Second Motion to Delay Referral to DOAH was entered on March 2, 2017, placing the matter in abeyance until March 31, 2017. On March 31, 2017, the District referred the matter to DOAH.

An Administrative Law Judge was assigned to this case on April 4, 2017, and the Initial Order was issued the same day. On April 11, 2017, the Parties responded to the Initial Order and agreed to hold the final hearing at the District's Tampa Office. Since the Parties were unable to agree on mutually convenient dates, the ALJ scheduled the final

	hearing to occur on June 7, 2017 and June 8, 2017. On April 12, 2017, US Homes withdrew its application for the US Homes ERP and the ALJ entered an order partially relinquishing jurisdiction to the District over that matter. On April 24, 2017, Red Apple filed a Motion to Dismiss the Amended Petition. The ALJ entered an Order for More Definite Statement on April 26, 2017, as a result of US Homes withdrawing its ERP application. The Petitioner has until May 4, 2017, to file a supplement to the Amended Petition.
STYLE: COURT/CASE NO.: ATTORNEY: ACTION:	Sumter, LLC v. FDOT Florida's Turnpike Enterprise and SWFWMD Southwest Florida Water Management District A. Vining/M. Bray/C. Kenney Administrative hearing challenging Environmental Resource Permit No. 43010725.009
DESCRIPTION:	On February 10, 2017, the District issued Environmental Resource Permit ("ERP") No. 43070725.009 to FDOT Florida's Turnpike Authority ("Turnpike") authorizing modifications to interchange improvements previously permitted for the I-75/Turnpike Interchange, which will improve traffic flow at the same time FDOT is widening I-75. The District issued a Corrected ERP on February 15, 2017, after District staff discovered an error in the ERP previously issued, which resulted in updates to the wetland impact acreages, functional losses, and the total excess mitigation available. On March 2, 2017, Sumter, LLC ("Petitioner") submitted a Petition for Administrative Hearing ("Petition"), requesting denial of the Corrected ERP. On March 20, 2017, Petitioner and Turnpike submitted a letter to the District, jointly requesting that the District delay referral of the Petition to DOAH for thirty days so that the parties may attempt to resolve their dispute. The District entered an Order Granting Request to Hold Case in Abeyance on March 20, 2017, stating that no further action will be taken until April 19, 2017. On March 31, 2017, Petitioner and Turnpike filed a Joint Motion for Extension of Time, stating that communications between the parties were ongoing to resolve the matter and that they agreed to re-run the 100-year floodplain model with updated parameters, which necessitated the request for additional time to allow the results of the updated model to be generated and reviewed by the parties. Petitioner and Turnpike requested an extension of time for ninety days, during which the case will not be referred to DOAH. On April 4, 2017, the District entered an Order Granting Joint Motion for Extension of Time, providing that the case shall be held in abeyance until July 3, 2017, and no further action will be taken by the District until July 5, 2017.
STYLE: COURT/CASE NO.: ATTORNEY: ACTION:	Ryan Blake v. Astin Farms, Inc., and SWFWMD Division of Administrative Hearings Case No. 17-1891 M. Bray/C. Kenney Administrative bearing challenging Water Use Permit No. 20000891 005
DESCRIPTION:	On February 1, 2017, the District issued a Notice of Intended Agency Action letter approving Water Use Permit ("WUP") No. 20000891.005 to Sam Astin II and Buffy S. Astin for a project known as Astin Farms, Inc. The WUP would authorize withdrawal quantities averaging 163,100 gallons per day for agricultural use, specifically, the irrigation of strawberry and melon crops, and tank fill for fertigation/chemigation. On February 15, 2017, Ryan Blake ("Petitioner") filed a Request for Administrative Hearing, which the District determined was not in substantial compliance with the requirements set forth in Chapter 28-106, Florida Administrative Code, and therefore entered an Order of Dismissal Without Prejudice on February 27, 2017. The Petitioner was granted fourteen days in which to file an amended petition to cure the defects noted in the Order of Dismissal. On March 13, 2017, Petitioner submitted an Amended Petition for Administrative Hearing ("Amended Petition"). The District determined that the Amended Petition was timely and substantially compliant with the requirements of Section 120.569(2), Florida Statutes and Rule 28-106.201, Florida Administrative Code, and referred the matter to the Division of Administrative Hearings ("DOAH"). DOAH entered an Initial Order on March 27, 2017, and the District filed a Joint Response to Initial Order on April 3, 2017. After providing additional dates for the final

hearing, the final hearing has been scheduled for August 15, 2017. Subsequently, Astin Farms, Inc. filed a Motion to Dismiss, in which the District joined, arguing that the standard by which standing is established is not met in this case. Specifically, the motion argued that Petitioner lacks standing because the injury alleged, i.e., flooding due to surface runoff, is not the type of injury that the water use permitting process is designed to protect. The ALJ entered an Order Denying the Motion to Dismiss on April 24, 2017, but held that Petitioner's claims are limited to an allegation that Astin Farms Inc.'s proposed water use is inefficient. Discovery is ongoing.

MISCELLANEOUS

5 Cases as of May 2, 2017

STYLE:Sabal Trail Transmission, LLC v. +/- 13.386 Acres of Land in Lake County, Florida, Rex M. Smith, Kellie Laine Smith Noles,
Southwest Florida Water Management District and Unknown Owners, if anyCOURT/CASE NO.:5:16-cv-00147-CEM-PRLATTORNEY:M. BrayACTION:Complaint to condemn easement interests necessary for construction of interstate natural gas pipeline project.TRACT NO.:FL-LA-061.000, FL-LA-062.000, FL-LA-063.000

This is an action for condemnation by Sabal Trail Transmission, LLC (Sabal Trail), exercising the federal power of eminent domain under the Natural Gas Act, 15 U.S.C. 717, et. seq., pursuant to a Certificate of Public Convenience and Necessity issued by the Federal Energy Regulatory Commission on February 2, 2016 in Docket No. CP15-17-000 for the Sabal Trail Project. On March 18, 2016, Sabal Trail filed a complaint to condemn the easement interests necessary for the interstate natural gas pipeline project to cross through properties owned in fee simple by Kellie Smith Noles and Rex Smith, upon which the District holds a conservation easement on one of the relative parcels (Tract FL-LA-061.000). Contemporaneously with the complaint, Sabal Trail filed a motion for partial summary judgment determining the right to condemn easements and a motion for preliminary injunction for immediate possession of the underlying properties pending further judicial proceedings. This case is related to docket 5:16-cv-00243-BJD-PRL, above; the parties intend to consolidate the cases.

The court scheduled a hearing for May 13, 2016, on Sabal Trail's pending motion for partial summary judgment determining the right to condemn easements and its motion for preliminary injunction for immediate possession. At the April 26, 2016 meeting, the Governing Board consented to immediate possession of District-owned lands and entry by Sabal Trail to commence construction of the pipeline project. Accordingly, the parties will stipulate to an agreed order that will resolve Sabal Trail's two pending motions, subject to certain conditions for possession and entry as required by the District's land managers, and thereby cancel the necessity for a hearing. In addition, the District will file a Notice of Appearance in order to preserve any issue that may arise with respect to full compensation for Sabal Trail's condemnation of the District's conservation easement over the Smith Property. Thereafter, the parties will negotiate a stipulated final judgment to conclude and settle this condemnation action, which will include the amount of full compensation and the terms of conditions of the District's conservation easement to encroachment of its conservation easement interests to the property.

The Governing Board approved the stipulated final judgment and attached easements and encroachment agreement at the September 2016 meeting. The executed stipulated final judgment, with easements and encroachment agreement attached as exhibits, were filed in Case No. 5:16-cv-00243-BJD-PRL on October 4, 2016 as part of a joint motion requesting the Court to enter the final judgment.

On February 24, 2017, the Court entered the stipulated final judgment in Case No. 5:16-cv-00243-BJD-PRL, thereby concluding that case. Thereafter, on February 27, 2017, Sabal Trail paid to the District the amount agreed upon as compensation and memorialized in the final judgment. The parties have filed a joint motion to dismiss the District from the

DESCRIPTION:

	case, and that motion is pending. On April 20, 2017, the Court granted the parties' joint motion to dismiss the District from the case. The District has been terminated as a defendant in the case, and the proceeding is concluded as to the District. CASE CLOSED.
STYLE: COURT/CASE NO.: ATTORNEY: ACTION:	Sesler, Willie v. SWFWMD Fifth Judicial Circuit/Sumter County; Case No. 2016-CA-000014 T. Beecher/V. Arenas-Battles Complaint alleging negligence against the District regarding a motor vehicle accident
DESCRIPTION:	On September 22, 2016, the District was served with a complaint for negligence involving a motor vehicle accident. The matter has been referred to counsel for the District's insurance carrier. On September 30, 2016, the District filed a Motion to Dismiss the Complaint for failure to comply with the pre-suit requirements in Section 768.28(6)(d), Florida Statutes. On October 26, 2016, the Court entered an Order granting the District's motion and dismissed the Complaint without prejudice. Plaintiff has 10 days to file an amended complaint. However, Plaintiff is seeking leave of Court to participate as a co-Plaintiff in a related case. Stokes v. SWFWMD, Case No. 2016-CA-000078, below.
STYLE: COURT/CASE NO.: ATTORNEY: ACTION:	Stokes, Jacqueline and Sesler, Willie v. SWFWMD Fifth Judicial Circuit/Sumter County; Case No. 2016-CA-000078 T. Beecher/V. Arenas-Battles Complaint alleging negligence against the District regarding a motor vehicle accident
DESCRIPTION:	On April 11, 2016, the District was served with a complaint for negligence involving a motor vehicle accident. The matter has been referred to counsel for the District's insurance carrier. On April 22, 2016, the District filed a motion to dismiss the complaint for failure to comply with the pre-suit requirements in Section 768.28(6)(b), F.S. On May 27, 2016, parties filed a Joint Stipulation Motion to abate the proceeding so that Plaintiff can either file a notice of claim with the District or verify that a notice of claim was served on the District, as required by Section 768.28(6)(b), F.S., which was granted on June 1, 2016. To date, no notice of claim has been served on the District. On August 10, 2016, Plaintiff filed a Motion for Leave to file an amended complaint. On August 11, 2016, the District filed a Motion to Strike that motion, alleging numerous procedural and substantive defects.
	On September 1, 2016, the Court entered an Order granting the District's Motion to Strike Plaintiff's Motion for Leave to File Second Amended Complaint. On October 11, 2016, Plaintiff filed another Motion for Leave to File Amended Complaint. On October 26, 2016, Plaintiff filed yet another Motion for Leave to Amend the Complaint, and attached the Second Amended Complaint. This motion also seeks to add Willie Sesler as a co-Plaintiff. See, Sesler v. SWFWMD, Case No.

Second Amended Complaint. On October 11, 2016, Plaintiff filed another Motion for Leave to File Amended Complaint. On October 26, 2016, Plaintiff filed yet another Motion for Leave to Amend the Complaint, and attached the Second Amended Complaint. This motion also seeks to add Willie Sesler as a co-Plaintiff. <u>See</u>, Sesler v. SWFWMD, Case No. 2016-CA-000014, above. On November 17, 2016, the Court entered an Order granting Plaintiff's Motion for Leave to File Amended Complaint. On November 22, 2016, The District filed a Motion to Dismiss the Second Amended Complaint, again arguing that Plaintiffs had failed to comply with the pre-suit notice requirements of 768.28(6)(b), F.S. On December 9, 2016, Plaintiffs Stokes and Sesler (Joint Plaintiffs) filed another Motion for Leave to File Second Amended Complaint. On December 15, 2016, the Court entered an Order on Plaintiff's Motion for Leave to File Second Amended Complaint and Order on Defendant's Motion to Dismiss Second Amended Complaint which granted the Plaintiff's motion and deemed the Second Amended Complaint filed. On December 19, 2016, the District filed a Motion to Dismiss Joint Plaintiff's Most recent Amended Complaint with Prejudice and Memorandum of Law in support thereof, arguing that the Joint Plaintiff's most recent Amended Complaint contains the same procedural and substantive defects as prior complaints and that the Joint Plaintiff's had failed to provide the District with pre-suit notice as required by Section 768.28(6)(b), F.S. On December 29, 2016, Plaintiff filed its Response to the Motion to Dismiss Second Amended Complaint, arguing that the Joint Plaintiff's complied with the pre-suit notice requirements because the notices were sent to a building in which the District has offices. On

December 30, 2016, the District filed a Reply to the Motion to Dismiss Second Amended Complaint, arguing that simply sending a letter to a building in which the District has offices does not comply with Chapter 48 or Section 768.28(6), F.S., and that the District has not waived the pre-suit notice requirements.

On January 6, 2017, the Court entered an Order denying Defendant's Motion to Dismiss Joint Plaintiff's Second Amended Complaint with Prejudice and allowing the District 45 days to file its answer to the Second Amended Complaint. On January 18, 2017, the District filed its Answer and Affirmative Defenses to Plaintiff's Second Amended Complaint. On January 20, 2017, the District filed its Notice of Service of Interrogatories, Notice of Service of Collateral Source Interrogatories, First Request for Admissions, and First Request for Production to Defendants. On February 16, 2017, the Plaintiff filed its Second Request for Admissions to the District. On March 6, 2017, Plaintiffs filed their Responses to Defendant's Request for Production, Answers to Defendant's Interrogatories, Requests for Admissions, and Second Request for Admissions. **On March 24, 2017, the District filed its Response to Plaintiff's Second Request for Admissions.**

STYLE:	Tony's Roasted Pepper, LLC v. Hillsborough County and SWFWMD
COURT/CASE NO.:	Thirteenth Judicial Circuit/Hillsborough County; Case No. 2016-CA-008690
ATTORNEY:	V. Arenas-Battles/A. Vining
ACTION:	Notice of Claim pursuant to the Bert J Harris, Jr., Private Property Rights Protection Act and Complaint for
	Trespass, Injunction, Inverse Condemnation, Breach of Contact and Claim for Compensation under The Bert J. Harris, Jr.,
	Private Property Rights Protection Act

DESCRIPTION: On September 19, 2016, Tony's Roasted Pepper, LLC ("Plaintiff") served the District with a Notice of Claim pursuant to Section 70.001, F.S., the Bert J. Harris, Jr., Private Property Rights Protection Act ("Bert Harris Act"). The Notice of Claim alleges that Plaintiff's property was damaged by flooding caused by Hillsborough County's pumping from Lake Wee pursuant to emergency authorizations issued to the County by the District. In addition, Plaintiff alleges that the flooding caused damage to its property and requests damages in the amount of \$1,100,000 from the District and County. Pursuant to Section 70.001(4), Florida Statutes, the District has notified the Attorney General's Office of Legal Affairs and all contiguous property owners regarding its receipt of the Notice of Claim. District staff will respond to the Notice of Claim within the statutorily-required 150 days.

On October 14, 2016, the District was served with a Complaint for Trespass, Injunction, Inverse Condemnation, Breach of Contract, and a violation of the Bert Harris Act ("Complaint") in Circuit Court against it as well as Hillsborough County ("County") and the District. The District is not subject to the breach of contract claim. The Complaint alleges a loss in market value of Plaintiff's property in the amount of \$960,000, as well as requests damages in excess of \$15,000 from both the County and the District. On October 17, 2017, the District filed its Notice of Appearance and Designation of E-Mail Addresses. On October 19, 2016, the County filed a Motion to Dismiss Count V for Failure to State a Cause of Action and its Answer and Affirmative Defenses regarding the remaining counts of Plaintiff's Complaint.

On November 2, 2016, the District filed its Motion to Dismiss the Complaint, alleging (a) the statute of limitations has run on the inverse condemnation claim and (b) the Plaintiff failed to state a cause of action on the remaining claims. On November 4, 2016, the District filed its Amended Motion to Dismiss Complaint as to all counts for failure to state a cause of action, except Count IV which only applied to the County. On the same date, the County filed a Motion to Dismiss Count V. On November 7, 2016, the Plaintiff filed a Motion to Strike the County's Affirmative Defenses. A hearing on the District's and County's Motions to Dismiss was scheduled for January 5, 2017.

On January 5, 2017, Plaintiff, the County and the District agreed to cancel the hearing and (1) enter an Order granting the District's and County's Motions to Dismiss; (2) allow Plaintiff 45 days in which to amend its Complaint; and (3) that Plaintiff

	would satisfy all pre-suit requirements for a Bert Harris claim prior to amending its Complaint. On January 18, 2017, the Court entered a Stipulated Order Granting Southwest Florida Water Management District's Motion to Dismiss Without Prejudice. On January 23, 2017, the Court entered a similar Stipulated Order Granting Hillsborough County's Motion to Dismiss Count V of Plaintiff's Complaint Without Prejudice. Discovery has commenced and is ongoing. On March 3, 2017, Plaintiff filed an Amended Complaint against the District and the County. On March 31, 2017, the District and the County each filed Motions to Dismiss the Amended Complaint. A hearing on the Motions to Dismiss has been scheduled for June 6, 2017.
STYLE: COURT/CASE NO.: ATTORNEY: ACTION:	Uranowski, Christina v. SWFWMD Fifth Judicial Circuit/Hernando County; Case No. 2016-CA-976 T. Gonzalez Complaint under the Florida Civil Rights Act alleging Retaliation, Handicap Discrimination, Gender Discrimination, and Age Discrimination
DESCRIPTION:	On September 17, 2015, the District issued a Notice of Discharge ("Notice") to Christina Uranowski ("Plaintiff"), discharging her from her at-will employment from the District effective at 5:00 p.m. that day. In September 2015, Plaintiff filed a Complaint with the U.S. Equal Employment Opportunity Commission ("EEOC Complaint") alleging that the District discriminated against her on the basis of her gender, age, and disability as well as that the District had retaliated against her based on prior protected activity. The District responded to the EEOC charge on November 4, 2015. The EEOC has not yet rendered a determination relative to the EEOC Complaint.
	On September 30, 2016, the District was served with a Complaint filed in Circuit Court for Hernando County alleging violations of the Florida Civil Rights Act including retaliation, handicap discrimination, gender discrimination, and age discrimination related to Plaintiff's discharge from District employment. The matter has been referred to the District's outside employment counsel who entered his appearance in the case on October 2, 2016. On October 20, 2016, the District filed its Answer and defenses to the Complaint.
	APPEALS 1 Case as of May 2, 2017
STYLE: COURT/CASE NO.: ATTORNEY: ACTION:	McClash, et. al. v. Land Trust #97-12 and SWFWMD Fifth District Court of Appeal/Case No. 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
DESCRIPTION:	On September 29, 2015, Joseph McClash, ("McClash") Manasota-88, FISH, Sierra Club, and Suncoast (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. Land Trust unsuccessfully tried to have the case transferred to the Second District Court of Appeal. Appellate mediation took place on December 9, 2015 but was unsuccessful. The District filed the Index to the Record on February 24, 2016. On April 25, 2016, the District filed the Record with the Court. The Appellants filed their Initial Brief on May 2, 2016. The District and Land Trust filed their respective Answer Briefs on June 22, 2016. Contemporaneously, Land Trust filed a Request for Oral Argument and Joinder in the District's Answer Brief. On June 23, 2016, the District served a Motion for Attorney's Fees on the Appellants. On July 10, 2016, the Appellants filed a Notice that all the Appellants except Joseph McClash were dropping their appeal. The same day, McClash served a Reply Brief and Request for Oral Argument. On July 15, 2016, the District filed the Motion for Attorney's Fees, which it had served on all Appellants on June 23, 2016, with the Court. At the same time, the District and

Land Trust filed a Joint Motion for Sanctions and a Second Joint Motion for Sanctions requesting that the Court strike McClash's Reply Brief and the Notice filed by Appellants on July 10. On July 25, 2016, McClash and the original Appellants responded to the District's Motion for Attorney's Fees. Contemporaneously, McClash responded to the Appellees' Joint and Second Joint Motions for Sanctions. On the same day, McClash also filed a Motion to Accept Late Filed Motion for Attorney's Fees and Motion for Attorney's Fees, as well as various Notices attempting to correct some missing information from his Reply Brief and to clarify that McClash is the only remaining Appellant. On August 3, 2016, the District filed a Motion for Sanctions, or, In the Alternative, a Response to McClash's Motion to Accept Late Filed Motion for Attorney's Fees and Motion for Attorney's Fees. On August 4, 2016, the Appellees filed a Third Joint Motion for Sanctions was filed relative to McClash's filings relating to missing information from his Reply Brief. McClash filed a response to the District's Motion for Sanctions relative to his late Motion for Attorney's Fees on August 12, 2016. The same day McClash also filed a response to the Appellee's Third Motion for Sanctions. On November 2, 2016, the Court issued an Order striking McClash's Notice that all the Appellants except Joseph McClash were dropping their appeal because the Notice was improper. The Order also denied Appellees' Joint Motion for Sanctions and Third Joint Motion for Sanctions as moot. Lastly, the Court's Order granted Appellees' Second Joint Motion for Sanctions and struck McClash's Reply Brief and supplement thereto because the Reply Brief did not comply with the Florida Rules of Appellate Procedure. McClash was given seven days to file a Reply Brief that complied with the Florida Rules of Appellate Procedure. On November 8, 2016, McClash filed an amended Reply Brief along with an amended Motion for Attorney's Fees. On November 14, 2016, the District filed Fourth Motion for Sanctions regarding McClash's amended Reply Brief requesting that the Reply Brief be stricken. It also filed a Motion for Sanctions, or, In the Alternative, a Response to McClash's Amended Motion for Attorney's Fees. Oral Argument took place on March 9, 2017. On March 21, 2017, the Court affirmed the District's final order without a written opinion. On March 23, 2017, the Court entered an order denying all pending motions for attorney's fees. On April 10, 2017, the Court issued the Mandate, which finalized the proceedings. CASE CLOSED.

DELEGATED CONSENT ORDERS 1 Case as of May 2, 2017

VIOLATOR:	Larry L. Pummell
BOARD POLICY:	160-6
ATTORNEY:	K. Wimmer
VIOLATIONS:	Failure to obtain a permit prior to the construction of a water well

STATUS:

Consent Order No. SWF 17-020 was entered on April 4, 2017. The \$500.00 penalty assessed in Order No. SWF 17-020 has been paid in full.

GENERAL COUNSEL'S REPORT

May 23, 2017

Routine Report

May 2017-Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

RULEMAKING UPDATE May 2017 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	August 2015		August 2015
2.	Initiation and Approval of Rulemaking to Amend Rule 40D-1.659, F.A.C. and the ERP Applicant's Handbook Volume II, as part of SWERP Rule Amendments	March 2016		TBD
3.	Initiation and Approval of Rulemaking to Amend Rule 40D-2.302(1), F.A.C. to Repeal Reservations from Use of Morris Bridge Sink	May 2015		TBD
4.	Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt revised Minimum Levels for Lake Eva in Polk County	August 2016		September 2016
5.	Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt revised Minimum Levels for Lake Lowery in Polk County	September 2016		October 2016
6.	Initiation and Approval of Rulemaking to Amend Rules 40D-26.021 and 40D- 26.091, F.A.C. to incorporate the updated FARMS Program Model Farms Economic Study	August 2016		October 2016
7.	Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Rainbow River System	February 2017		March 2017
8.	Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt revised Minimum Levels for Deer Lake in Hillsborough County	April 2017		May 2017
9.	Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Crystal River/Kings Bay System	April 2017		May 2017

COMMITTEE/LIAISON REPORTS

May 23, 2017

Discussion Item

Industrial and Public Supply Advisory Committee

Staff Recommendation:

Presenter: Mark Taylor and H. Paul Senft, Board Member

COMMITTEE/LIAISON REPORTS

May 23, 2017

Discussion Item

Committee/Liaison Reports

Staff Recommendation:

Presenter: Board Members

EXECUTIVE DIRECTOR'S REPORT

May 23, 2017

Discussion Item

Executive Director's Report

Staff Recommendation:

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

CHAIR'S REPORT

May 23, 2017

Discussion Item

Chair's Report

Staff Recommendation:

Presenter: Randall S. Maggard, Chair

CHAIR'S REPORT

May 23, 2017

Discussion Item

<u>Other</u>

Staff Recommendation:

Presenter: Randall S. Maggard, Chair

CHAIR'S REPORT

May 23, 2017

Routine Report

Employee Milestones

Staff Recommendation:

This Item is for information only and no action is required

Presenter: Randall S. Maggard, Chair

Years of Service	Adjusted Hire Date	Preferred Full Name	Job Title	Location	Bureau
10	5/16/2007	Chris Anastasiou	Chief Environmental Scientist	Tampa	Natural Systems and Restoration
25	5/30/1992	Kelly Keck	ECM Coordinator 2	Brooksville	General Services
30	5/4/1987	Noel Pioszak	Senior Budget Analyst	Brooksville	Finance
30	5/11/1987	Mark Hammond	Resource Management Director	Brooksville	Office of Executive
30	5/11/1987	Bill Permenter	Field Services Supervisor	Tampa	Regulatory Support
30	5/26/1987	Garry Flood	Lead Tradesworker	Brooksville	Operations and Land Management