

Governing Board Meeting

Agenda and Meeting Information

September 26, 2017

3:00 PM

Tampa Office

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

Southwest Florida
Water Management District


WATERMATTERS.ORG • 1-800-423-1476



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Southwest Florida Water Management District

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

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

Final Agenda

GOVERNING BOARD MEETING

SEPTEMBER 26, 2017

3:00 PM

Tampa Office

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

☞ *All meetings are open to the public.* ☞

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

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

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

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

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

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

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

Bartow Office

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

Sarasota Office

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

Tampa Office

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

MEETING NOTICE

3:00 P.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)

1. *Call to Order*
2. *Invocation and Pledge of Allegiance*
3. *Employee Recognition*
4. *Strawberry Crest High School FFA Presentation*
5. *Additions/Deletions to Agenda*
6. *Public Input for Issues Not Listed on the Published Agenda*

CONSENT AGENDA (TAB B)***Resource Management Committee***

7. Five-Year Water Resource Development Work Program
8. City of Punta Gorda Reverse Osmosis Project – Wellfield Study Third Party Review (N600)
9. Withlacoochee and Peace River Manasota Regional Water Supply Authorities - Funding for Update of the Authorities' Water Supply Plans
10. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Saddleback Lake in Hillsborough County (P256)
11. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Round Lake in Hillsborough County (P256)

Finance/Outreach & Planning Committee

12. Board Encumbrance of the Fleet Equipment Replacement Fund
13. Budget Transfer Report

Operations, Lands and Resource Monitoring Committee

14. Budget Transfer for Rood Upland Restoration Project
15. Scope of Work Change from Lake Tarpon (S-551) Gate Refurbishment Project (B67R) to Lake Keystone Water Conservation Structure Project (B67R) for Engineering and Construction of Repairs
16. Regional Observation Monitor-Well Program and Central Florida Water Initiative Well Construction Services Board Encumbrance
17. Management Agreement with Florida Fish and Wildlife Conservation Commission for Jack Creek Preserve, SWF Parcel Number 20-033-133X

Regulation Committee

18. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20004091.015 - Bentley-Brahman Ranch, Inc. / Bentley-Brahman Ranch, Inc. (Hardee County)

General Counsel's Report

19. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Board Designated Encumbrance - Expert Testimony/Analysis and Administrative Law Judge Costs
 - b. Contractor Suspension Determination (Chapter 40D-7, F.A.C.) - Applied Drilling Engineering, Inc.
20. Rulemaking-None

Executive Director's Report

21. Approve Governing Board Minutes - August 29, 2017

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

22. Consent Item(s) Moved for Discussion

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

23. Minimum Flows and Levels Status Report
24. Significant Water Resource and Development Projects

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)

Discussion

- 25. Consent Item(s) Moved for Discussion
- 26. Board Encumbrance to the Network Storage Replacement Fund
- 27. Follow Up from August 29, 2017 Governing Board Planning Workshop

Submit & File Reports

- 28. Florida 1B-26 FAC Compliance: Laboratory Information Management System

Routine Reports

- 29. Treasurer's Report and Payment Register
- 30. Monthly Financial Statement
- 31. Monthly Cash Balances by Fiscal Year

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

- 32. Consent Item(s) Moved for Discussion
- 33. Hurricane Irma Response
- 34. Surplus Lands Biennial Assessment
- 35. Hydrologic Conditions Report

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

- 36. Structure Operations
- 37. Significant Activities

REGULATION COMMITTEE (TAB F)**Discussion**

- 38. Consent Item(s) Moved for Discussion
- 39. Consider Water Shortage Order(s) as Necessary
- 40. Denials Referred to the Governing Board

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

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

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

- 44. Consent Item(s) Moved for Discussion

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

- 45. September 2017-Litigation Report
- 46. September 2017-Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

- 47. Other Committee/Liaison Report

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 48. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 49. Executive Director's and Inspector General's Annual Reports
- 50. Other
- 51. Employee Milestones

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

ANNOUNCEMENTS

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

- Governing Board Meetings Schedule:

Meeting - Brooksville	October 24, 2017
Meeting - Tampa	November 14, 2017
Meeting - Starkey EEC, New Port Richey	December 12, 2017
Meeting - Tampa	January 23, 2018
- Governing Board Public Budget Hearings Schedule:

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

Well Drillers - Tampa	October 11, 2017
Environmental - Tampa	October 17, 2017
Industrial - Tampa	November 7, 2017
Public Supply - Tampa	November 7, 2017

ADJOURNMENT

5:01 P.M. CONVENE TENTATIVE FY2017-18 BUDGET HEARING

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

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

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

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

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective August 2017

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

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

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

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

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

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

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

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

Executive Summary

GOVERNING BOARD MEETING

SEPTEMBER 26, 2017
3:00 p.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. Strawberry Crest High School FFA Presentation
5. Additions/Deletions to Agenda
6. 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

7. **Five-Year Water Resource Development Work Program**

The District is required by Subsection 373.536(6), F.S., to annually prepare a Work Program that describes the District's implementation strategy for the water resource development component of the approved Regional Water Supply Plan (RWSP). The proposed Work Program must be submitted to DEP and specified state and local government officials within 30 days after the adoption of the District's final budget. The proposed Work Program will be due to DEP by October 26, 2017.

The fiscal year (FY) 2018 Work Program covers the period from FY2018 through FY2022 and includes a comprehensive discussion of the District's water resource development activities that assist in meeting water supply demands. The Work Program also includes a detailed list of water supply projects funded by the District. The inclusion of water resource and water supply projects funded in the upcoming fiscal year, but not specifically mentioned in the RWSP, allows DEP to approve the projects as consistent with the RWSP and eligible for state funding.

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

8. **City of Punta Gorda Reverse Osmosis Project – Wellfield Study Third Party Review (N600)**

The District Governing Board discussed and approved the fiscal year (FY) 2015 funding for this project in July 2014 with conditions including the completion of two sequential District-implemented TPRs; the first on the brackish groundwater wellfield study report and the second on the RO treatment facility's design. The District entered a cooperative funding agreement with the City of Punta Gorda (City) in April 2016 which requires Governing Board authorization to proceed with the TPR of the RO facility design after, and based on the findings of, the TPR performed on the wellfield study. The City completed the wellfield study report in July 2017 and the District has now completed the wellfield TPR.

As a part of the wellfield study, the City explored 2,000 feet below land surface and determined that the zone of untreatable groundwater was over 500 feet below the planned production zone and proposed a low risk of degradation through upwelling. The study provided hydrogeologic and water quality data to support the City's Water Use Permit modification request. The TPR concluded that the study's methods followed industry standards and the assumptions were reasonable. Based on the TPR and staff evaluation, the wellfield appears to be a feasible water source to meet the project's measurable benefit.

With Governing Board authorization to continue with the project, staff will proceed with the second TPR. The City has already completed the design to the 90 percent level, and this second TPR will review the most current RO facility design and cost estimate. The results of the second TPR are anticipated to be presented to the Governing Board in approximately two months. At that time, an additional Governing Board approval will be required in order to continue with the project and to reimburse design expenses beyond the 30 percent level. Reimbursement of any design cost is contingent on commencement of the Peace River Manasota Regional Water Supply Authority Phase 1 Regional Interconnect construction. Reimbursement of design cost beyond the 30 percent level is also contingent on the RO facility construction.

The project will provide 4.0 mgd of brackish groundwater supply for blending at the City's Shell Creek surface water treatment facility to improve reliability and meet drinking water standards. The total project cost as provided in the cooperative funding agreement is \$32,200,000, with the District's share of \$15,650,000 including allocations of \$1,500,000 for the wellfield study and \$812,500 for RO facility design. The District has budgeted a total of \$2,500,000 through FY2017. The FY2018 tentative budget includes an additional \$6,575,000 for anticipated RO facility construction expenses. The remaining \$6,575,000 would be requested for FY2019.

Staff recommends the Board authorize staff to continue with the project to conduct the second third party review focusing on the RO water treatment facility design and cost estimate.

9. **Withlacoochee and Peace River Manasota Regional Water Supply Authorities – Funding for Update of the Authorities' Water Supply Plans**

Information derived from the Authorities' Plans is integral to the development of the District's RWSP update, which is required every five years pursuant to Section 373.036, Florida Statutes. The District is now in the process of preparing the 2020 RWSP. The Authorities initially anticipated submitting a request for funding through the District's FY2019 Cooperative Funding Initiative cycle, but the accelerated commencement of the Authorities' Plans is necessary to provide important water supply information required to complete the District's 2020 RWSP.

The Authorities' Plan updates will evaluate potential water supply project options and costs, including the availability of traditional groundwater, surface water, conservation, reclaimed water and other alternative water sources. Updates will be based on future population projections and water demands through 2040. The Plans will require approximately 18 months to complete and work will need to commence this year to ensure completion of the document and availability of this information for the District's 2020 RWSP. Funding for these projects is available through a transfer of remaining FY2017 funds for the Hydrogeologic Investigation of the Lower Floridan Aquifer in Polk County project. These funds are not needed in FY2017 due to minor delays associated with aquifer exploration and well construction.

Governing Board approval will allow the Authorities to complete their Plan updates in sufficient time for incorporation of the most accurate and up to date information for the District's 2020 RWSP. The total costs of the Plan updates are estimated at \$300,000 (Withlacoochee River) and \$450,000 (Peace River Manasota), with a combined District share at 50 percent totaling \$375,000.

Staff recommends the Board:

- 1) Approve projects to update Plans in the amount of \$150,000 (Withlacoochee River) and \$225,000 (Peace River Manasota);
- 2) Authorize the transfer and encumbrance of FY2017 funds from the Hydrogeologic Investigation of the Lower Floridan Aquifer in Polk County project to each of the respective Authority Plan update projects;
- 3) Authorize the Assistant Executive Director to execute the cooperative funding agreements.

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

Saddleback 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 and High Minimum Lake Level are both proposed to remain at approximately the same elevation of 54.6 feet above NGVD 29, the Minimum Lake Level is proposed to decrease from approximately 53.6 to 53.1 feet (NGVD 29), and the Low Guidance Level is proposed to decrease from approximately 52.5 to 50.8 feet (NGVD 29) (Table 8-2).

An updated assessment of status was performed. The updated assessment indicates that Saddleback Lake water levels, including the positive effects of augmentation, are currently at the proposed Minimum and High Minimum Lake levels. Saddleback 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 Saddleback 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 Saddleback 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 Saddleback Lake is found to not be meeting its adopted minimum levels.

Staff recommends the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Saddleback Lake in Hillsborough County, Florida," dated July 26, 2017.
- 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 include the proposed Minimum and Guidance Levels for Saddleback Lake in Hillsborough County as shown in the Exhibit.

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

Round 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 decrease from 55.6 to 54.7 feet above NGVD 29, The High Minimum Lake Level is proposed to decrease from 54.5 to 54.1 feet (NGVD29), the Minimum Lake Level is proposed to decrease from 53.5 to 53.1 feet (NGVD 29), and the Low Guidance Level is proposed to decrease from 53.5 to 51.1 feet (NGVD 29) (Table 8-2).

An updated assessment of status was performed. The updated assessment indicates that Round Lake water levels, including the positive effects of augmentation, are currently at or above the proposed Minimum and High Minimum Lake levels. Round 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 Round 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 Round 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 Round Lake is found to not be meeting its adopted minimum levels.

Staff recommends the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Round Lake in Hillsborough County, Florida," dated July 27, 2017.
- 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 include the proposed Minimum and Guidance Levels for Round Lake in Hillsborough County as shown in the Exhibit.

Finance/Outreach & Planning Committee

12. Board Encumbrance of the Fleet Equipment Replacement Fund

Since its establishment in 2014, the Field Equipment Replacement Fund has provided the District with a funding source when field equipment assets reach the end of their useful life. Examples of field equipment include agricultural tractors, excavation equipment, heavy transport trucks, ATVs/UTVs, and trailers.

The Field Equipment Replacement Fund operates as follows:

- Annually, the Fleet Services Administration meets with the General Services Bureau Chief and identifies the list of equipment that is needed for replacement within the next five years.
- Priority of replacement and associated costs are analyzed. Several parameters including age, hours of use, and life-to-date maintenance costs are considered when prioritizing.
- After priority is determined, costs are projected and a multi-year contribution and draw down schedule is developed.

The conceptual idea of the Field Equipment Replacement Fund is to allow the District the flexibility to replace assets as close to the end of the useful life as possible (Drop Dead Age), with some instances going beyond normal replacement times dependent upon individual unit condition. As District field equipment ages, it must be replaced in a timely fashion to avoid high repair costs and repetitive downtime. The Field Equipment Replacement Fund allows for large expenditures that were typically budgeted in the past on regular intervals.

At this time, Governing Board approval is requested to encumber and re-appropriate residual fiscal year (FY) 2017 funds in the Field Equipment Replacement Fund as part of the FY2018 budget. The anticipated encumbrance of \$389,305 in remaining FY2017 funds for use in a future year was included in the General Services Bureau considerations when developing its FY2018 budget.

Staff recommends the Board approve the encumbrance of \$389,305, plus any additional savings achieved on purchases completed before September 30, 2017, of funds budgeted in FY2017 to procure field equipment in FY2018 via the Field Equipment Replacement Fund.

13. Budget Transfer Report

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

Staff recommends the Board's approval of the Budget Transfer Report covering all budget transfers for August 2017.

Operations, Lands and Resource Monitoring Committee**14. Budget Transfer for Rood Upland Restoration Project**

In April 2016, the Governing Board approved a property exchange agreement between the District and Hillsborough County. The exchange agreement provided that the District would convey approximately 205 acres to the County and the County would convey approximately 425 acres to the District. The District also agreed to commit a minimum of \$1,500,000 to perform upland restoration on a portion of the Rood property, owned by the District.

In FY2016, the District was appropriated \$2,750,000 by the Florida Legislature from the Land Acquisition Trust Fund (LATF) for land management activities, including restoration projects. Of this appropriation, \$1,500,000 was approved by the Governing Board to perform the Rood Upland Restoration project as part of the property exchange agreement with the Hillsborough County.

The recommended action will reallocate funding sources which will allow for an expedited spend down of the FY2016 LATF funds. Since the upland restoration project will be phased over several years, District staff is requesting the Governing Board to expedite the use of the \$1,500,000 by funding qualified land management and maintenance activities with LATF funds which are currently funded with ad valorem dollars and sequentially revising the funding source of the Rood Upland Restoration project from LATF to ad valorem dollars.

Staff recommends the Board transfer and encumber \$1,500,000 from land management and maintenance activities funded by ad valorem dollars to the Rood Upland Restoration project.

15. Scope of Work Change from Lake Tarpon (S-551) Gate Refurbishment Project (B67R) to Lake Keystone Water Conservation Structure Project (B67R) for Engineering and Construction of Repairs

Funds were originally approved for refurbishing two of the four gates at the Lake Tarpon structure. Work included removing gates, sandblasting, replacing bearing surfaces, rebuilding the lift cylinder, and replacing cables. This work could not be completed this fiscal year due to staffing /resource constraints and will be budgeted in FY19.

In April 2017 water was found to be leaking under the Keystone structure and culverts, allowing water to flow from Lake Keystone into Island Ford Lake. This suspect leak was initially noticed when the Keystone lake level was decreasing while the Island Ford lake level was increasing. A dye test was performed to determine the source of the leak and structure operations staff filmed results with underwater video during a dive inspection. The source of the leak was determined to be a hole under the concrete floor of the structure and culvert. A budget transfer, at the limit provided for in Board policy, was initiated to begin a detailed engineering investigation, design, and preparation of construction documents. The remaining \$200,000 being requested in this action will complete the engineering phase and potentially fund the repairs. Unused funds would be allowed to lapse, if additional funds are necessary, then a future budget transfer may be requested.

The change in scope will allow the use of current funds from a non-high priority project to repair the Keystone structure damage, which is a priority but not budgeted.

Staff recommends the Board approve the change in scope of work from refurbishing two gates at the Lake Tarpon structure to repairing the Lake Keystone water conservation structure.

16. Regional Observation Monitor-Well Program and Central Florida Water Initiative Well Construction Services Board Encumbrance

This item is to request approval to encumber an amount not to exceed \$1,607,988 of current year funds for contracted well construction services and materials in support of the District's Regional Observation Monitor-well Program (C007) and to carry forward into FY2018 for Lower Floridan aquifer site ROMP 88 - Rock Ridge, Lower Floridan aquifer site ROMP 88.5 - Northeast Polk, and various lake and wetland well sites in accordance with the Central Florida Water Initiative (CFWI) Data, Monitoring and Investigations Team (DMIT) Hydrogeologic Update Work Plan for FY2016-FY2020 (DMIT Work Plan).

Estimated contracted well construction services and materials in the amount of \$1,607,988 were budgeted in FY2017 in accordance with the DMIT Work Plan. These included wells at two Lower Floridan aquifer sites including ROMP 88 - Rock Ridge and ROMP 88.5 - Northeast Polk, as well as several lake and wetland sites in Polk County. Well construction could not occur at ROMP 88 - Rock Ridge since coring information necessary to design the wells is still ongoing. ROMP 88.5 - Northeast Polk well construction is in the scheduling and planning stage as the site was only recently acquired. Construction of the lake and wetland wells in Polk County are delayed as acquisition is still in the process.

Staff recommends the Board approve the encumbrance of an amount not to exceed \$1,607,988 from FY2017 funds for contracted well construction services and materials (C007) to carry forward into FY2018 for Lower Floridan aquifer site ROMP 88 - Rock Ridge, Lower Floridan aquifer site ROMP 88.5 - Northeast Polk, and lake and wetland monitor well sites in Polk County.

17. Management Agreement with Florida Fish and Wildlife Conservation Commission for Jack Creek Preserve, SWF Parcel Number 20-033-133X

Jack Creek was acquired in 1989 for flood control, water quality protection and natural systems preservation. Approximately 389 acres of the property are within the 100-year floodplain of Jack and Josephine Creeks. The property is primarily scrubby flatwoods and is within the Lake Wales Ridge ecosystem that is recognized as one of the most unique and imperiled habitats in Florida. The FWC manages the LWRWEA, located in Polk and Highlands counties, which consist of 19 individual tracts, totaling 15,923 acres, scattered along 75 miles of the Lake Wales Ridge. The FWC is the lead management authority committed to conserving and protecting the environmental area.

District staff and FWC believe that it is in the best interest of both agencies and the Preserve to incorporate the property into the regional and statewide preservation strategy of the LWRWEA. Both parties have prepared a management agreement that describes the responsibilities of the parties, and that FWC will manage the property consistent with the District's Jack Creek Land Use and Management Plan until the property is formally incorporated LWRWEA and managed pursuant to the existing plan for that area.

Upon the District's Governing Board approval of this item, FWC will prepare an executive order to incorporate Jack Creek Preserve into the LWRWEA pursuant to FWC Rule 68A-14.

Staff recommends the Board approve the Management Agreement with the Florida Fish and Wildlife Conservation Commission for Jack Creek Preserve, SWF Parcel Number 20-033-133X.

Regulation Committee

18. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20004091.015 – Bentley-Brahman Ranch, Inc./Bentley-Brahman Ranch, Inc. (Hardee County)

This is a new water use permit for agricultural use. The applicant did not file a timely renewal application. The quantities have decreased from those authorized by the expired permit. The permit authorizes an Annual Average quantity of 1,586,700 gallons per day (gpd), a Drought Annual Average quantity of 2,241,800 gpd, and a Peak Month quantity of 7,845,900 gpd. The permit also authorizes a Crop Protection quantity of 80,266,100 gpd. The water use is to meet the irrigation demand for 1,474 acres of existing citrus, 181.6 acres of proposed citrus, 50 acres of existing blueberries, and 60 acres of proposed

blueberries. There are no changes in Use Type from the expired permit. Quantities are based on the District's irrigation allotment calculation program, AGMOD, and information supplied by the applicant. This permit uses Alternative Water Supply (AWS) sources to supply 115,400 gpd of surface water for the irrigation of blueberries, 9,036,400 gpd of freeze protection for blueberries, and 12,096,000 gpd of freeze protection for citrus. This water use permit is located within the Southern Water Use Caution Area.

Special conditions include those that require the Permittee to record and report monthly flow meter readings, submit a caliper/video/geophysical log of DID No. 1 if the pump assembly is ever removed, implement the District-approved water conservation report, submit a reclaimed water feasibility report upon District request, submit annual crop reports, submit meter accuracy test reports every five (5) years, submit an overpumpage report upon District request, adhere to the SWUCA Recovery Strategy, and implement irrigation and best water management practices. The permit application meets all Rule 40D-2 Conditions for Issuance.

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

General Counsel's Report

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

a. Board Designated Encumbrance – Expert Testimony/Analysis and Administrative Law Judge Costs

The Office of General Counsel anticipates that it may handle an above-average caseload during FY2017-18, including potential permit or rule challenges before the Division of Administrative Hearings. The FY2016-17 funds in the amount of \$79,313 will be added to the previously encumbered funds in the amount of \$66,216, which will provide a total of \$145,529 designated for anticipated increase in litigation for the upcoming fiscal year.

The Office of General Counsel may need to utilize outside law firms and/or consultants in FY2017-18 with specialized knowledge or experience to assist the District in protecting the District's interests, defending the District's position in rulemaking, enforcement, litigation, or to carry out the District's statutory responsibilities.

Staff recommends the Board approve the encumbrance of up to \$79,313 of FY2016-17 funds to be added to prior year funds currently encumbered, providing a total of up to \$145,529 for use in FY2017-18 for expert testimony/analysis and administrative law judge costs.

b. Contractor Suspension Determination (Chapter 40D-7, F.A.C.) – Applied Drilling Engineering, Inc.

Information will be provided under separate cover.

20. Rulemaking - None

Executive Director's Report

21. Approve Governing Board Meeting Minutes – August 29, 2017

Staff recommends the Board approve the minutes as presented.

RESOURCE MANAGEMENT COMMITTEE (TAB C)

Discussion

22. 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.

23. Minimum Flows and Levels Status Report

24. Significant Water Resource and Development Projects

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)

Discussion

25. Consent Item(s) Moved for Discussion

26. Board Encumbrance to the Network Storage Replacement Fund

Since its establishment in 1993, the Network Storage Replacement Fund has provided the District with a predictable funding source for large information technology investments while maintaining a level annual technology budget. The Network Storage Replacement Fund operates as follows:

- Annually the Information Technology Bureau (ITB) identifies items to be included in the fund and establishes a multi-year (minimum of five) contribution and drawdown plan for the fund.
- The proposed computer replacement fund is approved by the Information Technology and Data Governance Committee and included in the Information Technology Plan.
- Contributions to the fund are included in the annual ITB budget.
- Governing Board approval is required to transfer money from the fund into the appropriate operating budget lines necessary to procure equipment in each year. Money can be transferred to include all costs associated with replacing/upgrading equipment, including, but limited to hardware, software, maintenance and consulting services for implementation.

The primary planned significant investments are in the incremental expansion, and eventual replacement, of the District's Storage Area Network (SAN) and computing server environments. The SAN provides the data storage and backup infrastructure for all District systems supporting permitting, scientific data management and back-office business processes. The computing servers are required to run business, modeling and scientific data applications.

An annual appropriation of \$240,000 was approved in the FY2017 budget. In December 2016, the Governing Board approved a budget transfer of \$165,375 from the FY2017 Network Storage Replacement Fund to procure hardware, software, warranty and services associated with the expansion of the District's enterprise network storage infrastructure.

Governing Board approval is requested to encumber and re-appropriate the remaining FY2017 funds in the Network Storage Replacement Fund as part of the FY2018 budget. The anticipated encumbrance of \$76,625 FY2017 funds for use in a future year was included as part of ITB planning budget.

The Network Storage Replacement Fund provides a predictable funding source for large information technology infrastructure items such as the SAN and computing servers. As technology equipment ages, these items must be replaced to ensure a recoverable and consistently available computing environment supported by the computer manufacturer.

These large expenditures are budgeted over several years in the Network Storage Replacement Fund. The current expenditure plan includes \$1,750,000 to replace the system in FY2019/20.

	FISCAL YEAR				
	FY2016	FY2017	FY2018	FY2019	FY2020
Accumulated from Prior Year	\$776,451	\$958,451	\$1,035,076	\$1,275,076	\$1,515,076
Annual Appropriation	\$182,000	\$240,000	\$240,000	\$240,000	\$240,000
Expenditures	\$-	\$163,375	\$-	\$-	\$1,750,000
Balance	\$958,451	\$1,035,076	\$1,275,076	\$1,515,076	\$5,076

Staff recommends the Board encumber \$76,625 of funds budgeted in FY2017 to procure computer hardware and software via the Network Storage Replacement Fund reserve account.

27. Follow Up from the August 29, 2017 Governing Board Planning Workshop

This item will provide a summary and recommendations for the following discussion topics from the August 29, 2017 Governing Board Planning Workshop that are expected to lead to future Board actions:

- A. Target Reserve Balance and Associated Timing
- B. Annual Project Spending
- C. Board Strategic Priorities

This item is presented for the Board's information and no action is requested today. Staff will incorporate any additional Board discussion or direction into the future Board action items described above.

Submit & File Reports

28. Florida 1B-26 FAC Compliance: Laboratory Information Management System

Routine Reports

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

29. Treasurer's Report and Payment Register

30. Monthly Financial Statement

31. Monthly Cash Balances by Fiscal Year

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE (TAB E)

Discussion

32. Consent Item(s) Moved for Discussion

33. Hurricane Irma Response

The purpose of this item is to update the Governing Board on the District's response and activities associated with Hurricane Irma.

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

34. Surplus Lands Biennial Assessment

Governing Board Policy 610-4, Sale Exchange or Conveyance of Interest in Land by the District (Policy), requires that on a biennial basis, the Governing Board will review the District's landholdings to identify lands that may be appropriate to surplus. Consideration may also be given to retaining a less-than-fee interest in conservation lands that are inherently inefficient for the District to manage due to circumstances such as, but not limited to, size, location or lack of access and upon a determination that continued fee ownership is no longer necessary to satisfy the conservation purposes for which the land was originally acquired.

Accordingly, in March 2017 staff undertook the third biennial review of all District fee landholdings to preliminarily identify lands that may no longer meet the original acquisition purposes, including substantive water resource benefits, such as flood control, recharge, water storage, water management, conservation and protection of water resources, water resource and water supply development, or preservation of springs, wetlands, streams and lakes. Lands not providing a significant benefit to these areas could be sold and placed back on the tax role. Per Florida Statutes and District Policy, the proceeds of the sale of surplus lands will be used to purchase lands or interests in land with significant contributions to flood protection, water supply, water quality and natural systems.

During the first of three public meetings, District fee landholdings were assessed using an environmentally sensitive lands tool for a coarse review to assess the environmental sensitivity of District lands regarding the District's four Areas of Responsibilities (AORs): water supply, water quality, flood protection and natural systems. Landholdings were further evaluated to determine if they could be sold and conserved with a less-than-fee interest, or transferred to a public entity currently managing a property, creating an management efficiency.

The candidate parcels were then reviewed by District Subject Matter Experts (SMEs) who performed a detailed evaluation to thoroughly evaluate whether the parcels provide substantial water resource benefits, were a cultural resource, were a conservation corridor, provide significant recreational opportunities and if they were marketable.

All parcels identified for potential surplus and the SME reviews were then presented to the District's Environmental Advisory Committee (EAC) for input. The EAC requested SME opinions weigh heavily on the decision of the District, and consider retaining wetlands, lands that are part of an identified corridor, or are contiguous with existing conservation lands.

The process and parcels under consideration were also posted to the District's website to inform the public and receive questions, comments and/or concerns. No public comments were received.

At the third public meeting staff reviewed the SME evaluations and EAC comments for all identified parcels to formulate staff's recommendation to the Governing Board. A recommendation was made on each parcel to either move the parcel forward for Governing Board review or to retain. A detailed summary of the parcels recommended for surplus or transfer, along with recommended actions for each is included as Exhibit 1.

Staff recommends the Board:

- Accept the District's 2017 Surplus Lands Biennial Assessment conducted in accordance with Governing Board Policy 610-4.
- Approve the surplus of properties identified through the assessment process that are no longer needed for conservation purposes. Such properties are identified in Exhibit 1 and may continue to be conserved through less-than-fee ownership; transfer of fee ownership to a public entity that currently manages the property through an agreement with the District; or sold for the highest price obtainable. A two-thirds majority vote of the Governing Board is required to surplus property held by the District for conservation purposes.
- Set a minimum price at 5 percent above appraised value for five surplus parcels as listed in Exhibit 1.

35. 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.

36. Structure Operations**37. Significant Activities**

REGULATION COMMITTEE (TAB F)

Discussion**38. Consent Item(s) Moved for Discussion****39. 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 September 19, 2017.

Staff recommendations, if any, will be presented at the Governing Board meeting on September 26, 2017 based on then-current conditions and predictions.

40. 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.

41. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program**42. Overpumpage Report****43. Individual Permits Issued by District Staff**

GENERAL COUNSEL'S REPORT (TAB G)

Discussion

44. 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.

45. September 2017 – Litigation Report

46. September 2017 – Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

47. Other Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

48. Executive Director's Report

CHAIR'S REPORT (TAB J)

49. Executive Director's and Inspector General's Annual Reports

50. Other

51. Employee Milestones

★ ★ ★ **RECESS PUBLIC HEARING** ★ ★ ★

ANNOUNCEMENTS

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

- Governing Board Meetings Schedule:

Meeting – Brooksville	October 24, 2017
Meeting – Tampa	November 14, 2017
Meeting – Starkey EEC, New Port Richey	December 12, 2017
Meeting – Tampa	January 23, 2018

- Governing Board Public Budget Hearings Schedule:

Tentative Budget – Tampa	September 11, 2018
Final Budget – Tampa	September 25, 2018

- Advisory Committee Meeting Schedule:

Well Drillers – Tampa	October 11, 2017
Environmental - Tampa	October 17, 2017
Industrial – Tampa	November 7, 2017
Public Supply – Tampa	November 7, 2017

ADJOURNMENT

A. Public Hearing & Meeting

Governing Board Meeting

September 26, 2017

3:00 p.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. Strawberry Crest High School FFA Presentation
5. Additions/Deletions to Agenda
6. Public Input for Issues Not Listed on the Published Agenda

Governing Board Meeting September 26, 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.

- 30 years – Georgia Hudson, Procurement Specialist

Presenter: Randall S. Maggard, Chair

4. **Strawberry Crest High School FFA Presentation**

The Future Farmers of America (FFA) program team will share their award winning presentation on water issues in agriculture.

5. **Additions/Deletions to Agenda**

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

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

Staff Recommendation:

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

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

6. **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

B. Consent Agenda

Governing Board Meeting September 26, 2017

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

- 7. Five-Year Water Resource Development Work Program 6
- 8. City of Punta Gorda Reverse Osmosis Project – Wellfield Study Third Party Review (N600)..... 7
- 9. Withlacoochee and Peace River Manasota Regional Water Supply Authorities - Funding for Update of the Authorities' Water Supply Plans..... 9
- 10. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Saddleback Lake in Hillsborough County (P256) 11
- 11. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Round Lake in Hillsborough County (P256) 15

Finance/Outreach & Planning Committee

- 12. Board Encumbrance of the Fleet Equipment Replacement Fund.....19
- 13. Budget Transfer Report21

Operations, Lands and Resource Monitoring Committee

- 14. Budget Transfer for Rood Upland Restoration Project22
- 15. Scope of Work Change from Lake Tarpon (S-551) Gate Refurbishment Project (B67R) to Lake Keystone Water Conservation Structure Project (B67R) for Engineering and Construction Repairs23
- 16. Regional Observation Monitor-Well Program and Central Florida Water Initiative Well Construction Services Board Encumbrance24
- 17. Management Agreement with Florida Fish and Wildlife Conservation Commission for Jack Creek Preserve, SWF Parcel Number 20-033-133X.....25

Regulation Committee

- 18. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20004091.015 – Bentley-Brahman Ranch, Inc./Bentley-Brahman Ranch, Inc. (Hardee County)41

General Counsel's Report

- 19. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Board Designated Encumbrance – Expert Testimony/Analysis and Administrative Law Judge Costs57
 - b. Contractor Suspension Determination (Chapter 40D-7, F.A.C.) - Applied Drilling Engineering, Inc.....58

20. Rulemaking – None

Executive Director's Report

21. Approve Governing Workshop/Board Meeting Minutes – August 29, 201759

RESOURCE MANAGEMENT COMMITTEE

September 26, 2017

Consent Agenda

Five-Year Water Resource Development Work Program

Purpose

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

Background/History

The District is required by Subsection 373.536(6), F.S., to annually prepare a Work Program that describes the District's implementation strategy for the water resource development component of the approved Regional Water Supply Plan (RWSP). The proposed Work Program must be submitted to DEP and specified state and local government officials within 30 days after the adoption of the District's final budget. The proposed Work Program will be due to DEP by October 26, 2017.

The fiscal year (FY) 2018 Work Program covers the period from FY2018 through FY2022 and includes a comprehensive discussion of the District's water resource development activities that assist in meeting water supply demands. These activities include data collection and analyses efforts and the water resource development projects in which the District participates technically or contributes funding. The Work Program also includes a detailed list of water supply projects funded by the District. The inclusion of water resource and water supply projects funded in the upcoming fiscal year, but not specifically mentioned in the RWSP, allows DEP to approve the projects as consistent with the RWSP and eligible for state funding.

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

Staff Recommendation:

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

Presenter: JP Marchand, Bureau Chief, Water Resources Bureau

RESOURCE MANAGEMENT COMMITTEE

September 26, 2017

Consent Agenda

City of Punta Gorda Reverse Osmosis Project – Wellfield Study Third Party Review (N600)

Purpose

The purpose of this item is to provide results of the project's third-party review (TPR) regarding the wellfield feasibility study and authorize District staff to continue with the project's second TPR focused on the reverse osmosis (RO) water treatment facility's design and cost estimate.

Background/History

The District Governing Board discussed and approved the fiscal year (FY) 2015 funding for this project in July 2014 with conditions including the completion of two sequential District-implemented TPRs; the first on the brackish groundwater wellfield study report and the second on the RO treatment facility's design. The District entered a cooperative funding agreement with the City of Punta Gorda (City) in April 2016 which requires Governing Board authorization to proceed with the TPR of the RO facility design after, and based on the findings of, the TPR performed on the wellfield study. The City completed the wellfield study report in July 2017 and the District has now completed the wellfield TPR.

As a part of the wellfield study, the City explored 2,000 feet below land surface and determined that the zone of untreatable groundwater was over 500 feet below the planned production zone and proposed a low risk of degradation through upwelling. The study provided hydrogeologic and water quality data to support the City's Water Use Permit modification request. The TPR concluded that the study's methods followed industry standards and the assumptions were reasonable. Based on the TPR and staff evaluation, the wellfield appears to be a feasible water source to meet the project's measurable benefit.

With Governing Board authorization to continue with the project, staff will proceed with the second TPR. The City has already completed the design to the 90 percent level, and this second TPR will review the most current RO facility design and cost estimate. The results of the second TPR are anticipated to be presented to the Governing Board in approximately two months. At that time, an additional Governing Board approval will be required in order to continue with the project and to reimburse design expenses beyond the 30 percent level. Reimbursement of any design cost is contingent on commencement of the Peace River Manasota Regional Water Supply Authority Phase 1 Regional Interconnect construction. Reimbursement of design cost beyond the 30 percent level is also contingent on the RO facility construction.

Benefits/Costs

The project will provide 4.0 mgd of brackish groundwater supply for blending at the City's Shell Creek surface water treatment facility to improve reliability and meet drinking water standards. The total project cost as provided in the cooperative funding agreement is \$32,200,000, with the District's share of \$15,650,000 including allocations of \$1,500,000 for the wellfield study and \$812,500 for RO facility design. The District has budgeted a total of \$2,500,000 through

Item 8

FY2017. The FY2018 tentative budget includes an additional \$6,575,000 for anticipated RO facility construction expenses. The remaining \$6,575,000 would be requested for FY2019.

Staff Recommendation:

Authorize staff to continue with the project to conduct the second third party review focusing on the RO water treatment facility design and cost estimate.

Presenter: Jason M. Mickel, Manager, Water Supply Section, Water Resources Bureau

RESOURCE MANAGEMENT COMMITTEE

September 26, 2017

Consent Agenda

Withlacoochee and Peace River Manasota Regional Water Supply Authorities - Funding for Update of the Authorities' Water Supply Plans

Purpose

To provide funds to the Withlacoochee River and Peace River Manasota Regional Water Supply Authorities (Authorities) for an update of their Water Supply Plans (Plans) so that this information can be used in a timely manner by the District for our 2020 Regional Water Supply Plan (RWSP).

Background

The previous versions of the Authorities' Plans were co-funded by the District and reflected in the District's 2015 RWSP. Information derived from the Authorities' Plans is integral to the development of the District's RWSP update, which is required every five years pursuant to Section 373.036, Florida Statutes. The District is now in the process of preparing the 2020 RWSP. The Authorities initially anticipated submitting a request for funding through the District's FY2019 Cooperative Funding Initiative cycle, but the accelerated commencement of the Authorities' Plans is necessary to provide important water supply information required to complete the District's 2020 RWSP.

The Authorities' Plan updates will evaluate potential water supply project options and costs, including the availability of traditional groundwater, surface water, conservation, reclaimed water and other alternative water sources. Updates will be based on future population projections and water demands through 2040. The Plans will require approximately 18 months to complete and work will need to commence this year to ensure completion of the document and availability of this information for the District's 2020 RWSP. Funding for these projects is available through a transfer of remaining FY2017 funds for the Hydrogeologic Investigation of the Lower Floridan Aquifer in Polk County project. These funds are not needed in FY2017 due to minor delays associated with aquifer exploration and well construction.

Benefit/Costs

Governing Board approval will allow the Authorities to complete their Plan updates in sufficient time for incorporation of the most accurate and up to date information for the District's 2020 RWSP. The total costs of the Plan updates are estimated at \$300,000 (Withlacoochee River) and \$450,000 (Peace River Manasota), with a combined District share at 50 percent totaling \$375,000.

Staff Recommendation:

- 1) Approve projects to update Plans in the amount of \$150,000 (Withlacoochee River) and \$225,000 (Peace River Manasota);
- 2) Authorize the transfer and encumbrance of FY2017 funds from the Hydrogeologic Investigation of the Lower Floridan Aquifer in Polk County project to each of the respective Authority Plan update projects;

Item 9

3) Authorize the Assistant Executive Director to execute the cooperative funding agreements.

Presenter: Jason Mickel, Manager, Water Supply Section, Water Resources Bureau

RESOURCE MANAGEMENT COMMITTEE

September 26, 2017

Consent Agenda

Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Saddleback 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 Saddleback Lake in Hillsborough County and accept the report entitled: "Proposed Minimum and Guidance Levels for Saddleback Lake in Hillsborough County, Florida," dated July 26, 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 Saddleback Lake were adopted into Rule 40D-8.624, F.A.C., in October 2003. Section 373.0421(3), Florida Statutes, requires that minimum flows and levels shall be reevaluated periodically and revised as needed.

Saddleback 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 and High Minimum Lake Level are both proposed to remain at approximately the same elevation of 54.6 feet above NGVD 29, the Minimum Lake Level is proposed to decrease from approximately 53.6 to 53.1 feet (NGVD 29), and the Low Guidance Level is proposed to decrease from approximately 52.5 to 50.8 feet (NGVD 29) (Table 8-2).

The technical report outlining the development of the proposed levels for Saddleback Lake was posted on the District's website on August 7, 2017, preceding a public workshop held on August 14, 2017. The workshop was held in Tampa, in close proximity to the lake. District staff addressed questions and concerns at the workshop relating to the proposed Minimum and Guidance levels. No specific recommendations or comments that warranted changes to the proposed minimum levels were made by workshop participants.

An updated assessment of status was performed. The updated assessment indicates that Saddleback Lake water levels, including the positive effects of augmentation, are currently at the proposed Minimum and High Minimum Lake levels. Saddleback 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 Saddleback 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 Saddleback 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 Saddleback Lake is found to not be meeting its adopted minimum levels.

Benefits/Costs

Adoption of Minimum Levels for Saddleback 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 Saddleback 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.

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, "Proposed Minimum and Guidance Levels for Saddleback Lake in Hillsborough County, Florida," dated July 26, 2017.
- 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 include the proposed Minimum and Guidance Levels for Saddleback Lake in Hillsborough County as shown in the Exhibit.

Presenter: Donna Campbell, 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 Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (k) No change.					
(l) In Hillsborough County Within the Northwest Hillsborough Basin	Alice, Lake S-16, T-27S, R-17E through Round, Lake S-22, T-27S, R-18E No change.				
	Saddleback, Lake S-22, T-27S, R-18S	54.6' 54.58'	54.6' 54.58' (CAT 2)	53.1' 53.58' (CAT 2)	50.8' 52.48'
	Sapphire, Lake S-14, T-27S, R-18E through Virginia, Lake S-3, T-27S, R-18E No change.				
(m) through (cc) No change.					

(13) No change.

373.709 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, 11-25-12, 2-21-13 (12)(f), 2-21-13 (12)-(13), 9-3-13, 1-7-15, 7-1-15, 9-21-15, 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)(l), 2-19-17 (12)(q), 3-2-17 (12)(l), 3-2-17 (12)(z), 3-22-17, 4-2-17 (12)(q), 4-2-17 (12)(z), 4-20-17 (12)(i), 4-20-17 (12)(i)____.

RESOURCE MANAGEMENT COMMITTEE

September 26, 2017

Consent Agenda

Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Round 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 Round Lake in Hillsborough County and accept the report entitled: "Proposed Minimum and Guidance Levels for Round Lake in Hillsborough County, Florida," dated July 27, 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 Round Lake were adopted into Rule 40D-8.624, F.A.C., in October 2003. Section 373.0421(3), Florida Statutes, requires that minimum flows and levels shall be reevaluated periodically and revised as needed.

Round 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 decrease from 55.6 to 54.7 feet above NGVD 29, The High Minimum Lake Level is proposed to decrease from 54.5 to 54.1 feet (NGVD29), the Minimum Lake Level is proposed to decrease from 53.5 to 53.1 feet (NGVD 29), and the Low Guidance Level is proposed to decrease from 53.5 to 51.1 feet (NGVD 29) (Table 8-2).

The technical report outlining the development of the proposed levels for Round Lake was posted on the District's website on August 7, 2017, preceding a public workshop held on August 14, 2017. The workshop was held in Tampa, in close proximity to the lake. District staff addressed questions and concerns at the workshop relating to the proposed Minimum and Guidance levels. No specific recommendations or comments that warranted changes to the proposed minimum levels were made by workshop participants.

An updated assessment of status was performed. The updated assessment indicates that Round Lake water levels, including the positive effects of augmentation, are currently at or above the proposed Minimum and High Minimum Lake levels. Round 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 Round 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 Round 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 Round Lake is found to not be meeting its adopted minimum levels.

Benefits/Costs

Adoption of Minimum Levels for Round 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 Round 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.

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, "Proposed Minimum and Guidance Levels for Round Lake in Hillsborough County, Florida," dated July 27, 2017.
- 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 include the proposed Minimum and Guidance Levels for Round Lake in Hillsborough County as shown in the Exhibit.

Presenter: Donna Campbell, 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 Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (k) No change.					
(l) In Hillsborough County Within the Northwest Hillsborough Basin	Alice, Lake S-16, T-27S, R-17E through Rogers, Lake S-27, T-27, R-17 No change.				
	Round, Lake S-22, T-27S, R-18E	<u>54.7'</u> 55.6'	<u>54.1'</u> 54.5' (CAT 3)	<u>53.1'</u> 53.5' (CAT 3)	<u>51.1'</u> 53.5'
	Saddleback, Lake S-22, T-27S, R-18S 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), 2-21-13 (12)-(13), 9-3-13, 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)(l), 2-19-17 (12)(q), 3-2-17 (12)(l), 3-2-17 (12)(z), 3-22-17, 4-2-17 (12)(q), 4-2-17 (12)(z), 4-20-17 (12)(i), 4-20-17 (12)(i),____.

FINANCE/OUTREACH & PLANNING COMMITTEE

September 26, 2017

Consent Agenda

Board Encumbrance of the Fleet Equipment Replacement Fund

Purpose

The purpose of this item is to request the encumbrance of budgeted funds to support future field equipment asset replacements based upon the anticipated five-year replacement plan. The funds are designed to allow the operational flexibility to make decisions that evaluate the health of the District's field equipment fleet and the need for the items that require replacement as close to the end of its useful life as possible.

Background/History

Since its establishment in 2014, the Field Equipment Replacement Fund has provided the District with a funding source when field equipment assets reach the end of their useful life. Examples of field equipment include agricultural tractors, excavation equipment, heavy transport trucks, ATVs/UTVs, and trailers.

The Field Equipment Replacement Fund operates as follows:

- Annually, the Fleet Services Administration meets with the General Services Bureau Chief and identifies the list of equipment that is needed for replacement within the next five years.
- Priority of replacement and associated costs are analyzed. Several parameters including age, hours of use, and life-to-date maintenance costs are considered when prioritizing.
- After priority is determined, costs are projected and a multi-year contribution and draw down schedule is developed.

Benefits/Costs

The conceptual idea of the Field Equipment Replacement Fund is to allow the District the flexibility to replace assets as close to the end of the useful life as possible (Drop Dead Age), with some instances going beyond normal replacement times dependent upon individual unit condition. As District field equipment ages it must be replaced in a timely fashion to avoid high repair costs and repetitive downtime. The Field Equipment Replacement Fund allows for large expenditures that were typically budgeted in the past on regular intervals.

At this time, Governing Board approval is requested to encumber and re-appropriate residual fiscal year (FY) 2017 funds in the Field Equipment Replacement Fund as part of the FY2018 budget. The anticipated encumbrance of \$389,305 in remaining FY2017 funds for use in a future year was included in the General Services Bureau considerations when developing its FY2018 budget.

Staff Recommendation:

Staff recommends the Governing Board approve the encumbrance of \$389,305, plus any additional savings achieved on purchases completed before September 30, 2017, of funds budgeted in FY2017 to procure field equipment in FY2018 via the Field Equipment Replacement Fund.

Item 12

Presenter: Earl Rich, General Services Bureau Chief and Sean Fitzgerald, Fleet Manager

FINANCE/OUTREACH & PLANNING COMMITTEE

September 26, 2017

Consent Agenda

Budget Transfer Report

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.

Exhibit to be provided under separate cover.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

September 26, 2017

Consent Agenda

Budget Transfer for Rood Upland Restoration Project

Purpose:

The purpose of this item is to request approval to transfer and encumber \$1,500,000 from land management and maintenance activities funded by ad valorem dollars to the Rood Upland Restoration project.

Background:

In April 2016, the Governing Board approved a property exchange agreement between the District and Hillsborough County. The exchange agreement provided that the District would convey approximately 205 acres to the County and the County would convey approximately 425 acres to the District. The District also agreed to commit a minimum of \$1,500,000 to perform upland restoration on a portion of the Rood property, owned by the District.

In FY2016, the District was appropriated \$2,750,000 by the Florida Legislature from the Land Acquisition Trust Fund (LATF) for land management activities, including restoration projects. Of this appropriation, \$1,500,000 was approved by the Governing Board to perform the Rood Upland Restoration project as part of the property exchange agreement with the Hillsborough County.

Benefits/Costs:

The recommended action will reallocate funding sources which will allow for an expedited spend down of the FY2016 LATF funds. Since the upland restoration project will be phased over several years, District staff is requesting the Governing Board to expedite the use of the \$1,500,000 by funding qualified land management and maintenance activities with LATF funds which are currently funded with ad valorem dollars and sequentially revising the funding source of the Rood Upland Restoration project from LATF to ad valorem dollars.

Staff Recommendation:

Transfer and encumber \$1,500,000 from land management and maintenance activities funded by ad valorem dollars to the Rood Upland Restoration project.

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

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

September 26, 2017

Consent Agenda

Scope of Work Change from Lake Tarpon (S-551) Gate Refurbishment Project (B67R) to Lake Keystone Water Conservation Structure Project (B67R) for Engineering and Construction of Repairs

Purpose:

The purpose of this item is to request the Governing Board approve the change of scope of work from the budgeted Gate Refurbishment Project at the Lake Tarpon structure to repairing Lake Keystone water conservation structure due to the potential failure of the structure.

Background/History:

Funds were originally approved for refurbishing two of the four gates at the Lake Tarpon structure. Work included removing gates, sandblasting, replacing bearing surfaces, rebuilding the lift cylinder, and replacing cables. This work could not be completed this fiscal year due to staffing /resource constraints and will be budgeted in FY19.

In April 2017 water was found to be leaking under the Keystone structure and culverts, allowing water to flow from Lake Keystone into Island Ford Lake. This suspect leak was initially noticed when the Keystone lake level was decreasing while the Island Ford lake level was increasing. A dye test was performed to determine the source of the leak and structure operations staff filmed results with underwater video during a dive inspection. The source of the leak was determined to be a hole under the concrete floor of the structure and culvert. A budget transfer, at the limit provided for in Board policy, was initiated to begin a detailed engineering investigation, design, and preparation of construction documents. The engineering is currently underway. The remaining \$200,000 being requested in this action will complete the engineering phase and potentially fund the repairs. Unused funds would be allowed to lapse, if additional funds are necessary, then a future budget transfer may be requested.

Benefits/Costs:

The change in scope will allow the use of current funds from a non-high priority project to repair the Keystone structure damage, which is a priority but not budgeted.

Staff Recommendation:

Approve the change in scope of work from refurbishing two gates at the Lake Tarpon structure to repairing the Lake Keystone water conservation structure.

Presenter: Jerry Mallams, Operations and Land Management Bureau Chief

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

September 26, 2017

Consent Agenda

Regional Observation Monitor-Well Program and Central Florida Water Initiative Well Construction Services Board Encumbrance

Purpose

Request approval to encumber an amount not to exceed \$1,607,988 of current year funds for contracted well construction services and materials in support of the District's Regional Observation Monitor-well Program (C007) and to carry forward into FY2018 for Lower Floridan aquifer site ROMP 88 - Rock Ridge, Lower Floridan aquifer site ROMP 88.5 - Northeast Polk, and various lake and wetland well sites in accordance with the Central Florida Water Initiative (CFWI) Data, Monitoring and Investigations Team (DMIT) Hydrogeologic Update Work Plan for FY2016-FY2020 (DMIT Work Plan).

Background/History

Estimated contracted well construction services and materials in the amount of \$1,607,988 were budgeted in FY2017 in accordance with the DMIT Work Plan. These included wells at two Lower Floridan aquifer sites including ROMP 88 - Rock Ridge and ROMP 88.5 - Northeast Polk, as well as several lake and wetland sites in Polk County. Well construction could not occur at ROMP 88 - Rock Ridge since coring information necessary to design the wells is still ongoing. ROMP 88.5 - Northeast Polk well construction is in the scheduling and planning stage as the site was only recently acquired. Construction of the lake and wetland wells in Polk County are delayed as acquisition is still in the process.

Staff Recommendation:

Approve the encumbrance of an amount not to exceed \$1,607,988 from FY2017 funds for contracted well construction services and materials (C007) to carry forward into FY2018 for Lower Floridan aquifer site ROMP 88 - Rock Ridge, Lower Floridan aquifer site ROMP 88.5 - Northeast Polk, and lake and wetland monitor well sites in Polk County.

Presenter: Sandie Will, P.G., Geohydrologic Data Manager

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

September 26, 2017

Consent Agenda

Management Agreement with Florida Fish and Wildlife Conservation Commission for Jack Creek Preserve, SWF Parcel Number 20-033-133X

Purpose:

The purpose of this item is to recommend the Governing Board approve a no cost management agreement with the Florida Fish and Wildlife Conservation Commission (FWC) for District-owned, 1,349 acres, Jack Creek Preserve (Preserve) in Highlands County. The management agreement, included as Exhibit 1, will transfer all land management activities of the Preserve to be managed by FWC in cooperation with the Lake Wales Ridge Wildlife Environmental Area (LWRWEA), which is adjacent to Jack Creek. A general location map of the Preserve is included as Exhibit 2. This management agreement is the result of an efficiency exercise conducted by the District to determine if District lands could be more efficiently managed by another agency. Jack Creek is the District's most remote property, contributing to the high cost of management. Resources currently utilized on Jack Creek will be reallocated throughout the District to help achieve desired metrics in a more cost-effective manner.

Background/History:

Jack Creek was acquired in 1989 for flood control, water quality protection and natural systems preservation. Approximately 389 acres of the property are within the 100-year floodplain of Jack and Josephine Creeks. The property is primarily scrubby flatwoods and is within the Lake Wales Ridge ecosystem that is recognized as one of the most unique and imperiled habitats in Florida. The FWC manages the LWRWEA, located in Polk and Highlands counties, which consist of 19 individual tracts, totaling 15,923 acres, scattered along 75 miles of the Lake Wales Ridge. The FWC is the lead management authority committed to conserving and protecting the environmental area.

District staff and FWC believe that it is in the best interest of both agencies and the Preserve to incorporate the property into the regional and statewide preservation strategy of the LWRWEA. Both parties have prepared a management agreement that describes the responsibilities of the parties, and that FWC will manage the property consistent with the District's Jack Creek Land Use and Management Plan until the property is formally incorporated LWRWEA and managed pursuant to the existing plan for that area.

Upon the District's Governing Board approval of this item, FWC will prepare an executive order to incorporate Jack Creek Preserve into the LWRWEA pursuant to FWC Rule 68A-14.

Benefits/Costs:

- The continued partnership between the District and FWC will provide enhanced protection of the property consistent with other FWC managed lands included in the LWRWEA
- The FWC will manage the use, recreation and land at no cost to the District
- The District will save an average cost of \$18,211 per year in management costs
- The partnership implements a more efficient and cost-effective approach to management of critical conservation lands

Item 17

Staff Recommendation:

Approve the Management Agreement with the Florida Fish and Wildlife Conservation Commission for Jack Creek Preserve, SWF Parcel Number 20-033-133X.

Presenter: Colleen Kruk, Operations and Land Management, Lead Land Use Specialist

**MANAGEMENT AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND THE
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
FOR MANAGEMENT OF JACK CREEK PRESERVE**

This Management Agreement ("Agreement") is made and entered into between the Southwest Florida Water Management District ("District"), a public corporation, having a mailing address of 2379 Broad Street, Brooksville, Florida 34604-6899, and the Florida Fish and Wildlife Conservation Commission ("Commission"), an agency of the State of Florida, having a mailing address of 620 South Meridian Street, Tallahassee, Florida 32399-1600, collectively referred to as the "Parties."

WHEREAS, the District is the owner in fee simple of certain real property located in Highlands County, Florida known as the Jack Creek Preserve, more particularly described in Exhibit "A" attached hereto and hereinafter referred to as the "Property," and

WHEREAS, the District acquired the Property for the protection of water resources and to ensure the conservation, preservation and restoration of the Property's natural systems; and

WHEREAS, the District is authorized by Sections 373.1391 and 373.1401, Florida Statutes ("F. S."), to enter into contracts with state agencies and other entities to provide for the coordinated and cost-effective management of District-owned lands; and

WHEREAS, the Commission is responsible for the regulation, management, protection, and conservation of Florida's wild animal life and fresh water aquatic life and manages the Lake Wales Ridge Wildlife and Environmental Area, more specifically described in Exhibit "B" attached hereto, that adjoins the Property; and

WHEREAS, the District and the Commission agree that management of the Property for the purposes of environmental and water preservation and protection is consistent with management objectives pursued by the Commission on adjoining state lands; and

WHEREAS, the Parties desire to enter into this Agreement in order to clarify the rights and responsibilities of each party from this point forward, and for the Commission to incorporate the Property into its management plan for the Lake Wales Ridge Wildlife and Environmental Area.

Exhibit 1

NOW THEREFORE, the Parties, for good and valuable consideration of the mutual terms, covenants and conditions set forth herein, agree as follows:

1. Purpose: The Parties enter into this Agreement to set forth their respective rights and responsibilities with respect to their joint use and management of the Property.

2. Term and Renewal: The term of this Agreement will be for a period of twenty-five (25) years from the Effective Date, as described in Paragraph 26 herein. To extend this Agreement beyond the initial 25-year term, the Parties are required to execute a written amendment to this Management Agreement or execute a new Management Agreement.

3. Operation, Management and Maintenance of the Property:

a. The Commission has the right, during the term of this Agreement, to enter upon the Property for the purposes of operating, managing, and maintaining the Property under the terms set forth herein. The Commission will maintain their own lock system in concert with District locks

b. The Commission will be solely responsible for all costs and expenses associated with the operation, management, and maintenance of the Property. The Commission acknowledges that it will receive no funding from the District for operation, management, or maintenance expenses for the Property. The Commission agrees to operate, manage, and maintain the Property in a good, clean, attractive, and safe condition, suitable for the use and enjoyment of the general public. The Commission agrees to operate, manage, and maintain the Property in such a way as to further a balance between public access, nature-based recreational use, and restoration and protection of the Property's natural state and condition. The Parties agree that they will not cause nor authorize the destruction or degradation of any natural systems or habitats on the Property.

c. The Commission agrees to manage the Property consistent with the District's approved August 2005 Jack Creek Land Use and Management Plan until the Commission incorporates the Property into the Lake Wales Ridge Wildlife and Environmental Area Management Plan and that plan will be incorporated into this Agreement thereafter. The Management Plan is scheduled for update in 2025. The Commission will provide the District a copy of the updated plan to review and provide comments on management actions for the Property prior to its adoption by the Commission. The District will provide comments to the Commission within sixty (60) days

Exhibit 1

of receipt of the updated plan otherwise the Commission may deem the plan approved by the District.

d. At least thirty (30) days prior to any construction of new improvements on the Property, the Commission will notify the District in writing of the proposed construction and will provide one set of draft construction plans to the District for review and approval to proceed with construction. The District's review and approval of the draft construction plans will only be regarding the proposed location, use, aesthetics, and its consistency with the overall management objectives of the Property as stated herein, and does not constitute a representation or warranty that the District has verified the architectural, engineering, mechanical, electrical, or other components of the construction plans and documents, or that such plans and documents are in compliance with District rules and regulations or any other applicable rules, regulations, or laws.

e. The Commission will be responsible for maintenance of fences along the Property boundaries and in coordination with the District may install new fencing as necessary and appropriate. The Commission will post the Property boundaries with signage consistent with other boundary signage posted throughout the Lake Wales Ridge Wildlife and Environmental Area to discourage illegal dumping, degradation of natural habitats, and any other unauthorized use of the Property.

f. The Commission will not store on the Property any equipment, supplies, or materials not directly related to the maintenance of the Property. The Commission, through its agents and employees, will also, to the best of its ability prevent any use of the Property that is not in conformance with this Agreement.

g. The District and the Commission will mutually agree in writing when to close all or part of the Property, except when conditions warrant an immediate closure.

h. The District, as the landowner of the Property will cooperate with the Commission, if required, in any governmental approval process and in the execution of documents associated with any permit, funding or similar application; any grant funding application and agreement; and any request or approval necessary to conduct any activities set forth in the Management Plan and this Agreement.

4. Archaeological and Historical Sites: This Agreement does not affect either of the Parties' obligations pursuant to Chapter 267, F.S. The collection of artifacts or the disturbance of archaeological or historical sites on the Property is prohibited unless prior authorization has been obtained from the Division of Historical Resources of the Florida Department of State. The Commission will implement all reasonable measures to locate,

Exhibit 1

identify, protect, and preserve any known or discovered archaeological and historic sites on the Property.

5. Assignment: Neither party may assign any of its rights or delegate any of its obligations under this Agreement, in whole or in part, without the prior written approval of the other party. Any attempted assignment in violation of this provision is void.

6. District's Right to Inspect and Use: The District will have the right to enter upon and travel through and across the Property at any time for inspection, construction, maintenance, use, or for any purpose pursuant to the District's ownership of the Property, which rights the Parties acknowledge are paramount and superior to the uses authorized by this Agreement. The District or its duly authorized agents will have the right at all times to inspect and audit the books and financial records of the Commission and any of its agents as they pertain to the operation, maintenance, and management of the Property.

7. Resource Impacts: Any improvements made to the Property will be designed and implemented by the Commission to minimize the impact on natural systems or any water resources. The Commission will obtain any permits required by law for any improvements made to the Property.

8. Property Damage: The Commission, to the best of its abilities, will not do, or suffer to be done, in, on, or upon the Property any act that may result in damage or depreciation of value to the Property or any part thereof. This includes but is not limited to generating, storing, producing, placing, treating, releasing, or discharging any contaminants, pollutants or pollution, including, but not limited to, hazardous or toxic substances, chemicals or other agents, on, into, or from the Property or any adjacent lands or waters in any manner not permitted by law. For the purposes of this Agreement, "hazardous substances" will mean and include those elements or compounds defined by the Comprehensive Environmental Resource Compensation and Liability Act, 42 U.S.C. §§ 9601 et. seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et. seq., or by any Florida Statute defining hazardous materials or which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency ("EPA") and the list of toxic pollutants designated by the United States Congress or the EPA or defined by any other federal, state, or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous waste, substance, material, pollutant or contaminant. "Pollutants" and "pollution" will mean those products or substances defined in Chapters 376 and 403, F.S., and the rules promulgated there under, all as amended or updated from time to time. The Commission will, at its sole cost

and expense, promptly commence and diligently pursue any legally required closure, investigation, assessment, cleanup, decontamination, remediation, restoration and monitoring of (1) the Property, and (2) all off-site ground and surface waters and lands affected by the Commission's failure to comply, as may be necessary to bring the Property and affected off-site waters and lands into full compliance with all applicable federal, state or local statutes, laws, ordinances, codes, rules, regulations, orders and decrees, and to restore the damaged Property to the condition existing immediately prior to the occurrence which caused the damage. The Commission to the extent allowed by law and subject to the provisions of Section 768.28, F.S., will be responsible for any and all claims, loss, damage and expense, including attorney fees and costs and attorney fees and costs on appeal, arising from any failure of the Commission to comply with this paragraph. The Commission's obligations set forth in this paragraph will survive the termination or expiration of this Agreement.

9. Public Entrances and Signage: Public informational signage will be located at all public entrances to inform the public of the cooperation between the Parties and advise the public of all recreational opportunities available on the Property and the location of such opportunities through an information map. Additionally, the Commission will post appropriate signage in the interior of the Property to mark and designate trails, parking areas, restrooms, if any, and all prohibited activities.

10. Unauthorized Use of the Property: The Commission will, to the best of its ability, through its agents and employees, prevent the unauthorized use of the Property or any use of the Property not in conformance with this Agreement, including but not limited to the possession or consumption of any unlawful drugs or substances by anyone within or on the Property or the use of any alcoholic beverage without the appropriate authorization.

11. District Resource Management Activities: The District reserves the right to conduct or perform any resource management activity that, in its sole discretion, may be required to protect and save the integrity of the Property, including but not limited to, controlled burns, wildfire suppression and exotics control. In the event the District plans to commence any of these activities, it will provide the Commission with thirty (30) days written notice.

12. Taxes and Assessments: If any ad valorem taxes, intangible property taxes, personal property taxes, or other taxes or assessments of any kind are assessed or levied lawfully on the Property or any structures or improvements located thereon, as a result of the Commission's use and management during the term of this Agreement, the Commission will pay such taxes within thirty (30) days after receiving written notice thereof from the District. In the event the Commission fails to pay any such taxes,

assessments, or fees within thirty (30) days after receiving written notice thereof from the District, the District may, at its sole option, pay the taxes, assessments or fees subject to immediate reimbursement thereof in full by the Commission, together with any interest thereon at the maximum rate allowed by law, and any administrative costs incurred by the District, including reasonable attorney's fees. The Commission shall reserve the right to contest the obligation to pay any taxes, assessments or fees.

13. Fees and Revenue:

a. The Commission may implement other revenue producing initiatives consistent with the Management Plan to offset the costs incurred by the Commission to manage the Property.

b. Nothing in this Agreement will prohibit the Commission from seeking funding from federal agencies, state agencies, or other non-governmental organizations through grants or other sources to assist with its operation, maintenance, and management responsibilities herein.

14. Discrimination: The Commission will not discriminate against any individual because of race, color, religion, gender, national origin, age, physical disability or marital status in the course of the Commission's use and management of the Property.

15. Unauthorized Uses: The Commission, through its agents and employees, will not authorize any use of the Property that is not in conformance with this Agreement and the Interim Management Plan.

16. Law Compliance: The Commission, its employees, subcontractors or assigns, will comply with all applicable federal, state and local laws, rules, regulations and guidelines, including those of the District, related to performance under this Agreement.

17. Default and Termination:

a. Either party may terminate this Agreement at any time for convenience upon ninety (90) days prior written notice to the other party. Any such termination will be effected by delivery to the other party of a Notice of Termination specifying the extent to which performance of work under the Agreement is terminated, and the date upon which such termination becomes effective.

b. Either party may terminate this Agreement upon the other party's failure to comply with any term or condition of this Agreement, as long as the terminating party is not also in default of any term or condition of this Agreement. To initiate termination, the

Exhibit 1

terminating party must provide the defaulting party with a written "Notice of Termination" stating its intent to terminate and describing all terms and conditions with which the defaulting party has failed to comply. If the defaulting party has not remedied its default within ninety (90) days after receiving the Notice of Termination, this Agreement will automatically terminate. All equipment, buildings, facilities, or other permanent fixtures or structures present on the Property will become the property of the District upon termination unless otherwise agreed to by the Parties in writing. Upon termination of this Agreement, all obligations of the Parties under this Agreement will cease and the Parties will have no further obligations to each other pursuant to this Agreement. Should the District elect to terminate for default in accordance with this provision, the District will be entitled to any damages the District may have incurred as a result of default on the part of the Commission, including attorneys' fees and costs, in addition to all other remedies under law or equity.

18. Recreational Immunity: The Parties agree that nothing contained herein will be construed or interpreted as a waiver of limitations of liability provided in sections 375.251 and 373.1395, F. S. The Commission will not take any action that would have the effect of abrogating the District's immunity under section 373.1395, F. S.

19. Liability: Each party hereto agrees to be responsible, to the extent allowed under Section 768.28, F.S., for all claims, loss, damage and expense, including attorneys' fees and costs and attorneys' fees and costs on appeal, arising from the negligent acts or omissions of its officers, employees, contractors and agents related to the performance under this Agreement. Should the Commission choose to charge any fees pursuant to Paragraph 15 herein, the Commission will bear the sole responsibility for any and all claims for personal injuries or property damage arising from, or incidental to, the Commission's use, occupation, or possession of the Property and any improvements or structures located thereon during the term of this agreement. This provision does not constitute a waiver of either the Commission's or the District's sovereign immunity under or extend the limits of liability beyond the limits established in Section 768.28, F.S. This provision will survive the expiration or termination of this Agreement.

20. Documents: The following documents are attached and made a part of this Agreement: Exhibits A and B. In the event of a conflict of contract terminology, priority will first be given to the language contained in the body of this Agreement.

21. Insurance: The Commission is a public corporation/political subdivision of the State of Florida and is insured under the State Risk Management Trust Fund ("Fund") for general liability, vehicle liability and workers' compensation pursuant to Chapter 284, F.S. Within ten (10) days of the effective date of this Agreement, the Commission will submit to the District a copy of its certificate of insurance from the Fund.

Exhibit 1

22. Public Records: Each party will allow public access to all project documents and materials related to this Agreement in accordance with the provisions of Chapter 119, F. S. Should either Party assert an exemption to the requirements of Chapter 119, F. S., and related statutes, the burden of establishing such exemption, by way of injunctive or other relief as provided by law, will be upon the party asserting the exemption.

23. Notices: Any and all notices, requests or other communications relating to this Agreement or the performance of the Parties hereto will be deemed to have been duly given if in writing and if transmitted by hand delivery with receipt therefore, overnight delivery or by registered mail posted prior to the expiration date for such notice, return receipt requested and first class postage prepaid. Such written notice will be addressed as follows:

To the District: Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604-6899
Attention: Land Resources Manager

To the Commission: Florida Fish & Wildlife Conservation Commission
Southwest Region
3900 Drane Field Road
Lakeland, Florida 33811
Attention: Regional Director

Copy to Florida Fish and Wildlife Conservation Commission
HSC/WHM Section Leader
620 South Meridian Street
Tallahassee, Florida 32399-1600

24. Effective Date: This Agreement will be effective upon the date of approval of both the Commission and the Governing Board of the Southwest Florida Water Management District, whichever is later.

25. Binding Effect: This Agreement will be binding and inure to the benefit of the Parties hereto, and their successors and assigns.

26. Amendment: This Agreement may be amended in writing by mutual consent of the District and the Commission. Any amendment not in compliance with this provision will be void.

27. Law Compliance: Each party will comply with all applicable federal, state and local laws, rules, regulations and guidelines, related to performance under this

Agreement.

28. Media Releases: The Commission will notify the District in writing prior to initiation of discussions with the public or news media regarding this Agreement or its performance under this Agreement. The Commission will also notify the District before releasing information to the news media regarding activities occurring on the Property.

29. Waiver and Nonwaiver: No waiver of any of the provisions of this Agreement will be binding unless it is reduced to writing and signed by both Parties. The failure of either Party to insist on the strict enforcement of any provision of this Agreement will not constitute a waiver of any provision. No provision, term or condition of this Agreement will be construed as a waiver by the Parties of any rights provided for by any provision of law, including but not limited to Section 768.28, F.S.

30. Severability: If any term, covenant, or condition of this Agreement or the application thereof to any person or circumstances will, to any extent, be deemed lawfully invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, will not be effected thereby and each term, covenant, and condition of this Agreement will be valid and enforced to the fullest extent permitted by law.

31. Survivability: Any term, condition, or obligation that requires performance by either party subsequent to the termination of this Agreement will remain enforceable against such party subsequent to termination.

32. Headings: The headings used in this Agreement are for convenience only and are not intended to imply or restrict application.

33. Attorney's Fees: In connection with any dispute or any litigation arising out of, or relating to this Agreement, each Party will be responsible for its own legal and attorneys' fees, costs and expenses, including attorneys' fees, costs and expenses on appeal, except in accordance with Paragraphs 19 and 21 herein.

34. Availability of Funds: The obligations of the Commission under this Agreement are subject to the availability of funds lawfully appropriated for such purposes by the Florida Legislature or the availability of funds through contract or grant programs. In the event that such funds are not appropriated or are terminated during the term of this Agreement, the District or the Commission will have the option of terminating this Agreement and all covenants and obligations hereunder by providing ninety (90) days written notice to the other party.

35. Surrender of Improvements: Upon termination or expiration of this Agreement, the Commission will surrender the Property to the District. Upon termination or expiration of this Agreement, all improvements, including both physical structures and modifications to the Property deemed by the Commission and the District as “permanent,” will become the property of the District. All improvements, including both physical structures and modifications to the Property deemed by the Commission and the District to be “temporary,” will be removed at the discretion of the District and expense of the Commission. The District will give written notice to the Commission of its intent to remove such temporary improvements prior to the termination of this Agreement. The remaining improvements will become the property of the District, unless the District gives written notice to the Commission to remove any or all such “temporary” improvements at the expense of the Commission. Prior to surrender of all or any part of the Property, the District’s representatives will perform an onsite inspection and the keys to any buildings or gates on the Property will be turned over to the District. If the Property and improvements located thereon do not meet all conditions set forth in Paragraph 3.b. herein, the Commission will pay all costs necessary to meet the prescribed conditions.

36. Entire Agreement: This Agreement and the attached exhibits constitute the entire agreement between the parties and, unless otherwise provided herein, may be amended only in writing, signed by all parties to this Agreement. In the event of a conflict of contract terminology between the attached exhibits and the body of this Agreement, priority will first be given to the language in the body of this Agreement.

37. Time is of the Essence: The Parties agree that time is of the essence in the performance of each obligation under this Agreement.

(The remainder of this page is intentionally blank)

Exhibit 1

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

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION

By: _____
Nick Wiley, Executive Director

Date: _____

Approved as to form and legality:

FWC Attorney

Approved by the Governing Board of the SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT this _____ day of _____, 2017.

[Seal]

By: _____
Randall S. Maggard, Chair

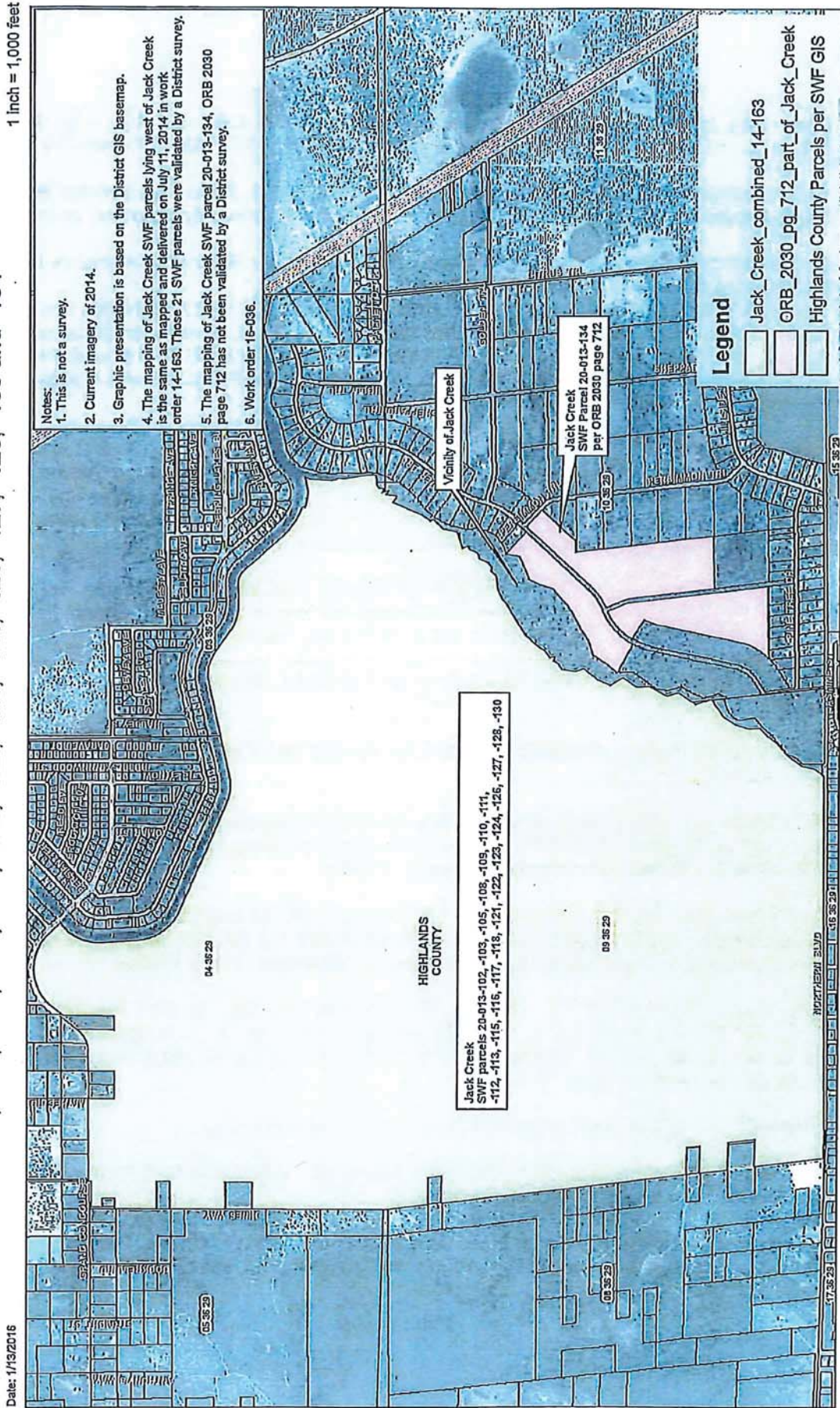
By: _____
Bryan K. Beswick, Secretary

APPROVED BY:	INITIALS	DATE
Attorney	<u> <i>NW</i> </u>	<u> 9/5/17 </u>
Manager	_____	_____
Bureau Chief	_____	_____
Division Director	_____	_____



Graphic Presentation of Jack Creek, SWF Parcels 20-013-102, -103, -105, -108, -109, -110, -111, -112, -113, -115, -116, -117, -118, -121, -122, -123, -124, -126, -127, -128, -130 and -134

Date: 1/13/2016



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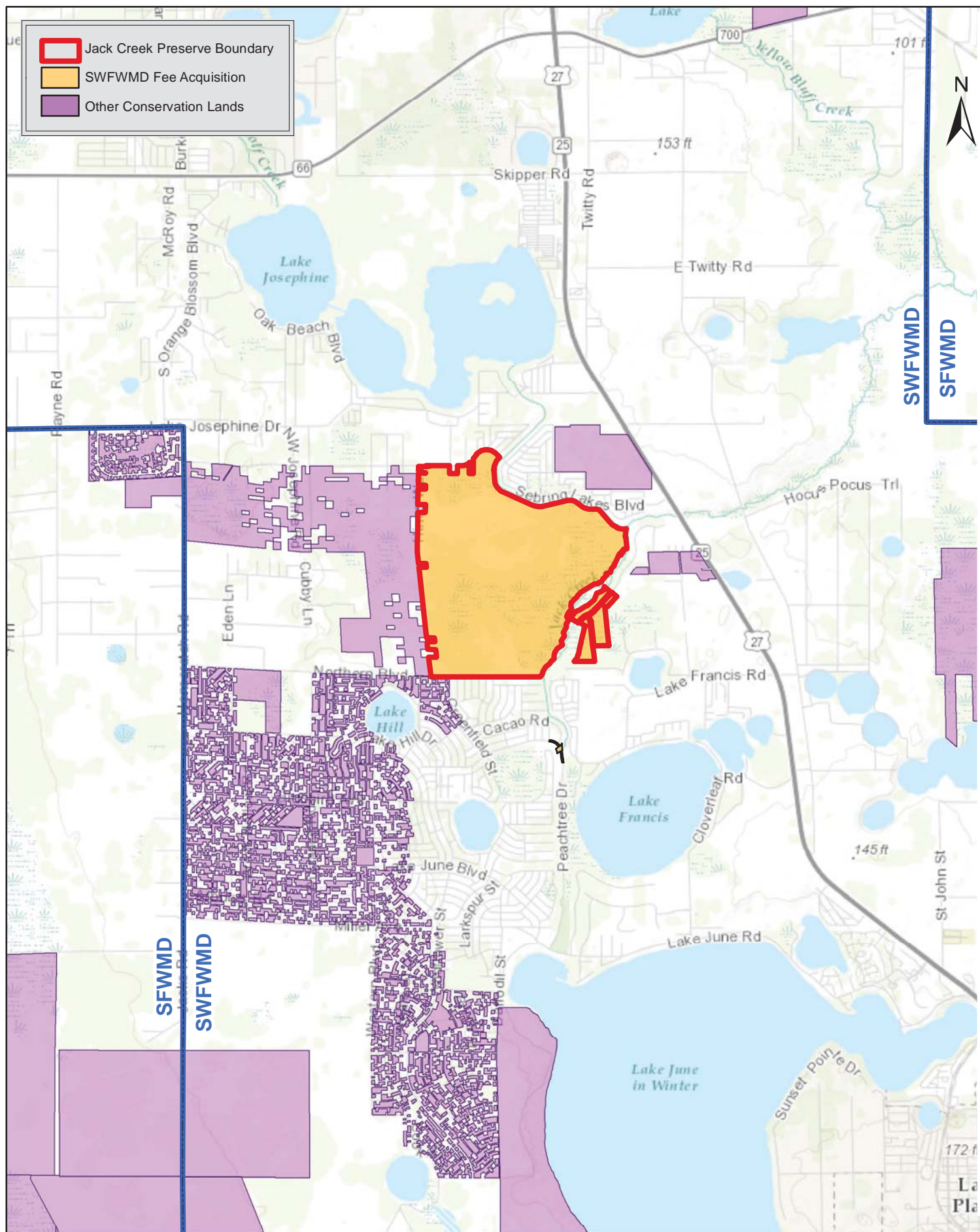
EXHIBIT

"B"

1 page

A detailed map of the Lake Wales Ridge Watershed Enhancement Area (WEA) and surrounding regions in Highlands County, Florida. The map uses color coding to identify different land types: red for the Lake Wales Ridge WEA, green for other managed areas, blue for major water bodies, and hatched patterns for wetlands. Major highways are shown as solid black lines with route numbers. A legend in the bottom left corner explains these symbols. A scale bar indicates distances up to 4 miles, and a north arrow is also present. Various geographical features like 'Lake Wales Ridge' and 'Highlands County' are labeled throughout the map.

Exhibit 2 Jack Creek Preserve



REGULATION COMMITTEE

September 26, 2017

Consent Agenda

WUP No. 20004091.015 - Bentley-Brahman Ranch, Inc. / Bentley-Brahman Ranch, Inc. (Hardee County)

This is a new water use permit for agricultural use. The applicant did not file a timely renewal application. The quantities have decreased from those authorized by the expired permit. The permit authorizes an Annual Average quantity of 1,586,700 gallons per day (gpd), a Drought Annual Average quantity of 2,241,800 gpd, and a Peak Month quantity of 7,845,900 gpd. The permit also authorizes a Crop Protection quantity of 80,266,100 gpd. The water use is to meet the irrigation demand for 1,474 acres of existing citrus, 181.6 acres of proposed citrus, 50 acres of existing blueberries, and 60 acres of proposed blueberries. There are no changes in Use Type from the expired permit. Quantities are based on the District's irrigation allotment calculation program, AGMOD, and information supplied by the applicant. This permit uses Alternative Water Supply (AWS) sources to supply 115,400 gpd of surface water for the irrigation of blueberries, 9,036,400 gpd of freeze protection for blueberries, and 12,096,000 gpd of freeze protection for citrus. This water use permit is located within the Southern Water Use Caution Area.

Special conditions include those that require the Permittee to record and report monthly flow meter readings, submit a caliper/video/geophysical log of DID No. 1 if the pump assembly is ever removed, implement the District-approved water conservation report, submit a reclaimed water feasibility report upon District request, submit annual crop reports, submit meter accuracy test reports every five (5) years, submit an overpumpage report upon District request, adhere to the SWUCA Recovery Strategy, and implement irrigation and best water management practices.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

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

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 004091.015

PERMIT ISSUE DATE: September 26, 2017

EXPIRATION DATE: September 26, 2037

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

TYPE OF APPLICATION: New (Expired)
GRANTED TO: Bentley-Brahman Ranch, Inc.
Post Office Box 747
Winter Haven, FL 33882

PROJECT NAME: Bentley-Brahman Ranch
WATER USE CAUTION AREA(S): SOUTHERN WATER USE CAUTION AREA
COUNTY: Hardee

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

ANNUAL AVERAGE	1,586,700 gpd
PEAK MONTH ¹	7,845,900 gpd
DROUGHT ANNUAL AVERAGE ²	2,241,800 gpd

1. Peak Month: Average daily use during the highest water use month.
2. Drought Annual Average: Annual average limit when less than historical average rainfall if sufficient Water Conservation credits exist in the Permittee's account.
3. Crop Protection/Maximum: Maximum use allowed any 24-hour period/Frost and Freeze protection of crops.

ABSTRACT:

This is a new water use permit for agricultural use. The applicant did not file a timely renewal application. The quantities have decreased from those authorized by the expired permit. The permit authorizes an Annual Average quantity of 1,586,700 gallons per day (gpd), a Drought Annual Average quantity of 2,241,800 gpd, and a Peak Month quantity of 7,845,900 gpd. The permit also authorizes a Crop Protection quantity of 80,266,100 gpd. The water use is to meet the irrigation demand for 1,474 acres of existing citrus, 181.6 acres of proposed citrus, 50 acres of existing blueberries, and 60 acres of proposed blueberries. There are no changes in Use Type from the expired permit. Quantities are based on the District's irrigation allotment calculation program, AGMOD, and information supplied by the applicant. This permit uses Alternative Water Supply (AWS) sources to supply 115,400 gpd of surface water for the irrigation of blueberries, 9,036,400 gpd of freeze protection for blueberries, and 12,096,000 gpd of freeze protection for citrus. This water use permit is located within the Southern Water Use Caution Area.

Attachment: Sep17 WUP 4091_015 Recap Permit (3310 : WUP No. 20004091.015)

Special conditions include those that require the Permittee to record and report monthly flow meter readings, submit a caliper/video/geophysical log of DID No. 1 if the pump assembly is ever removed, implement the District-approved water conservation report, submit a reclaimed water feasibility report upon District request, submit annual crop reports, submit meter accuracy test reports every five (5) years, submit an overpumpage report upon District request, adhere to the SWUCA Recovery Strategy, and implement irrigation and best water management practices.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>	<u>CROP PROTECTION /MAXIMUM</u>
Agricultural	1,586,700	7,845,900	2,241,800	80,266,100

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Blueberries				
Blueberries	110.1	Drip Without Plastic	31.00"/yr.	36.88"/yr.
Citrus				
Citrus	1,563.50	Low Volume Spray	12.30"/yr.	18.48"/yr.
Spray Mix For Crops				

Attachment: Sep17 WUP 4091_015 Recap Permit (3310 : WUP No. 20004091.015)

WITHDRAWAL POINT QUANTITY TABLE

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

I.D. NO. PERMITTEE/ DISTRICT	DIAM (in.)	DEPTH TTL./CSD.FT. (feet bls)	USE DESCRIPTION	AVERAGE (gpd)	PEAK MONTH (gpd)	CROP PROTECTION (gpd)
17 / 2	12	288 / 223	General Agricultural	9,400	14,600	N/A
7 / 3	10	1,304 / 457	Irrigation	72,800	500,000	1,897,900
5 / 4	12	314 / 233	Irrigation	96,900	141,700	2,972,200
2 / 5	16	1,356 / 600	Irrigation	58,700	457,100	2,972,200
3 / 6	16	1,440 / 410	Irrigation	109,400	851,900	4,148,600
4 / 7	16	1,500 / 430	Irrigation	64,100	499,100	4,148,600
6 / 8	16	1,300 / 185	Irrigation	72,800	106,500	4,148,500
8 / 9	16	1,380 / 500	Irrigation	69,800	543,600	4,148,600
9 / 10	16	1,380 / 175	Irrigation	69,800	543,600	4,148,600
10 / 11	16	1,375 / 168	Irrigation	88,600	689,800	4,148,600
11 / 12	16	1,370 / 425	Irrigation	59,700	464,700	4,148,600
12 / 13	16	1,350 / 420	Irrigation	35,600	277,200	3,139,700
13 / 14	16	1,210 / 520	Irrigation	58,100	452,000	4,148,600
16 / 15	12	1,230 / 525	Irrigation	64,800	94,700	2,972,200
15 / 16	12	1,240 / 525	Irrigation	37,900	55,400	2,972,200
14 / 17	12	1,260 / 540	Irrigation	38,000	55,500	2,972,200
18 / 18	16	1,300 / 450	Irrigation	106,100	155,200	N/A
26 / 19	16	1,300 / 450	Irrigation	110,200	161,200	N/A
22 / 22	16	1,300 / 450	Irrigation	138,600	537,200	N/A
18a / 23	14	1,300 / 450	Irrigation	48,700	378,900	4,148,600
19 / 28	10	1,494 / 252	Irrigation	51,900	403,700	1,897,900
Blue Spray / 32	6	800 / 440	General Agricultural	9,400	14,600	N/A
Blue SW / 33	14	N/A / N/A	Irrigation	57,700	223,800	2,443,900
Blue SW 2 / 34	14	N/A / N/A	Irrigation	57,700	223,900	2,443,800
Citrus SW-1 / 35	12	N/A / N/A	Irrigation	N/A	N/A	3,024,000
Citrus SW-2 / 36	12	N/A / N/A	Irrigation	N/A	N/A	3,024,000
SM-1 / 37		N/A / N/A	Irrigation	N/A	N/A	2,074,300
Citrus SW-3 / 38	12	N/A / N/A	Irrigation	N/A	N/A	3,024,000
Citrus SW-4 / 39	12	N/A / N/A	Irrigation	N/A	N/A	3,024,000
SM-2 / 40		N/A / N/A	Irrigation	N/A	N/A	2,074,300

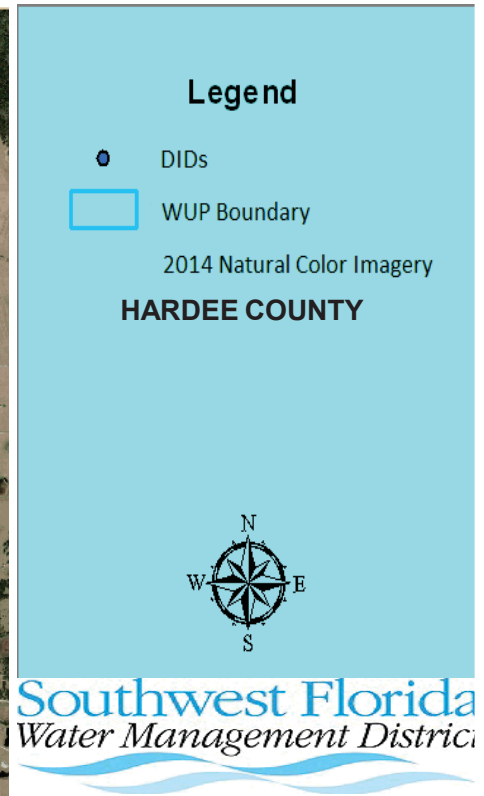
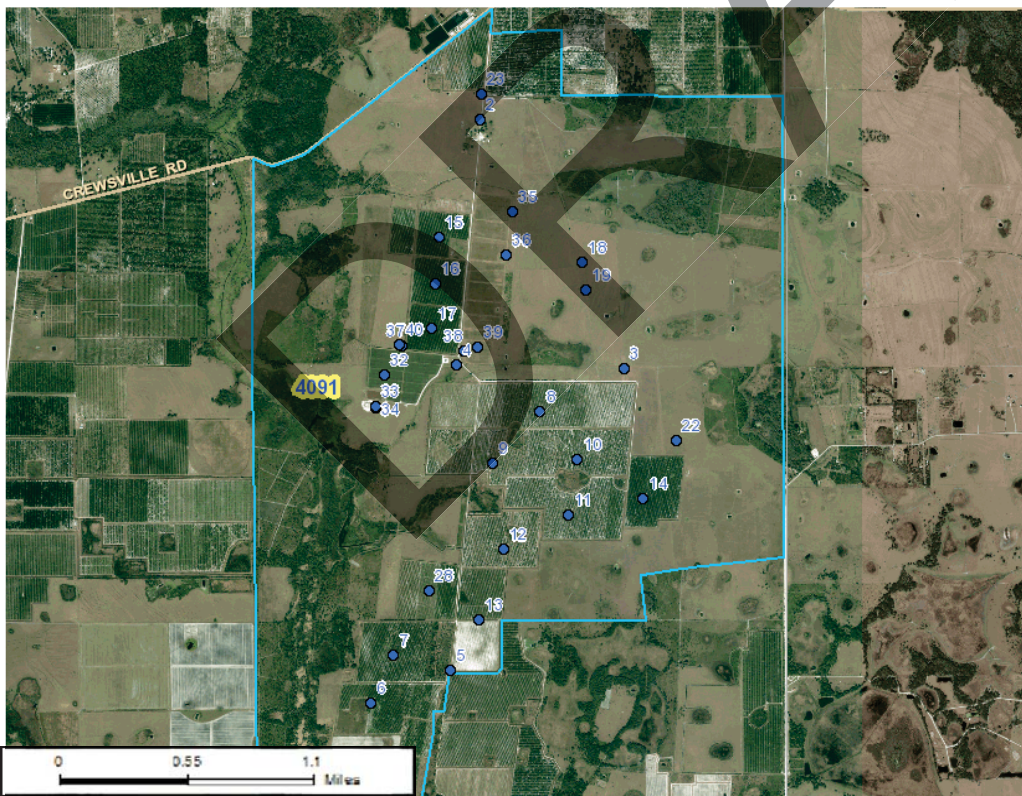
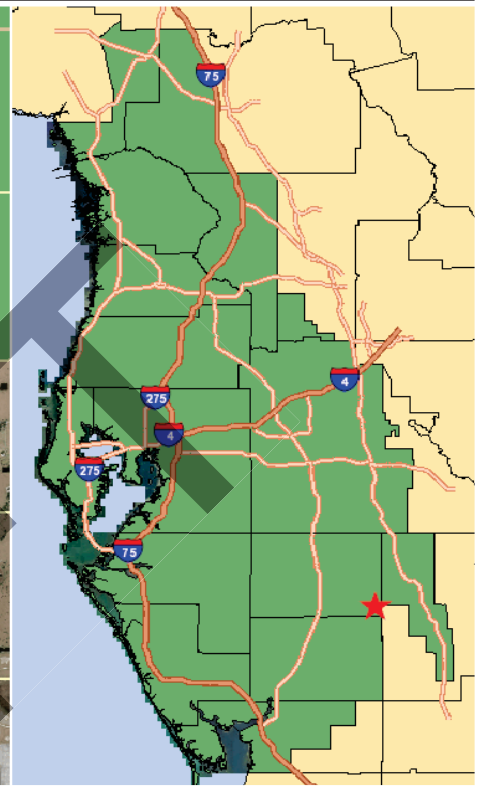
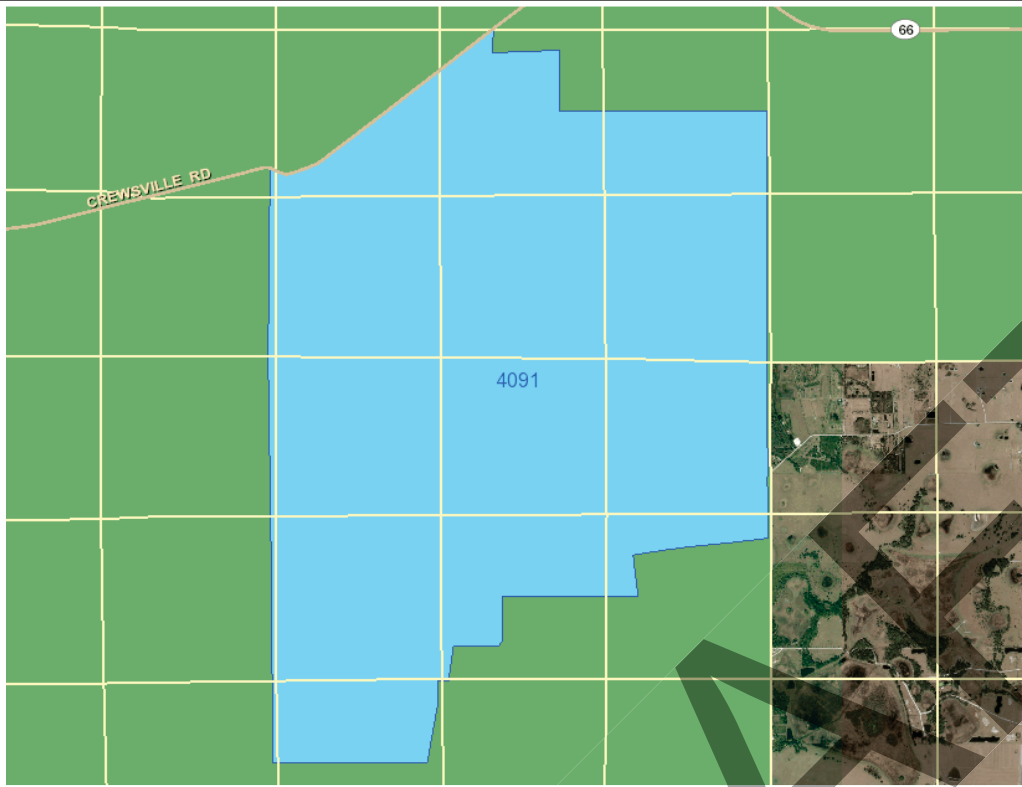
Attachment: Sep17 WUP 4091_015 Recap Permit (3310 : WUP No. 20004091.015)

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
2	27° 24' 12.20"/81° 35' 31.52"
3	27° 22' 59.23"/81° 34' 43.90"
4	27° 23' 00.28"/81° 35' 39.86"
5	27° 21' 30.67"/81° 35' 42.22"
6	27° 21' 21.43"/81° 36' 08.69"
7	27° 21' 35.13"/81° 36' 01.11"
8	27° 22' 46.58"/81° 35' 11.85"
9	27° 22' 31.45"/81° 35' 27.84"
10	27° 22' 32.51"/81° 34' 59.50"
11	27° 22' 16.21"/81° 35' 02.50"
12	27° 22' 06.20"/81° 35' 24.40"
13	27° 21' 45.51"/81° 35' 32.60"
14	27° 22' 21.00"/81° 34' 37.60"
15	27° 23' 37.70"/81° 35' 45.48"
16	27° 23' 24.13"/81° 35' 46.80"
17	27° 23' 11.00"/81° 35' 47.98"
18	27° 23' 30.20"/81° 34' 57.78"
19	27° 23' 22.10"/81° 34' 56.45"
22	27° 22' 37.96"/81° 34' 26.46"
23	27° 24' 19.69"/81° 35' 31.37"
28	27° 21' 54.23"/81° 35' 49.17"
32	27° 22' 57.51"/81° 36' 03.85"
33	27° 22' 48.41"/81° 36' 06.87"
34	27° 22' 47.99"/81° 36' 06.94"
35	27° 23' 45.15"/81° 35' 20.94"
36	27° 23' 32.36"/81° 35' 23.02"
37	27° 23' 06.15"/81° 35' 58.09"
38	27° 23' 04.47"/81° 35' 37.18"
39	27° 23' 05.41"/81° 35' 32.63"
40	27° 23' 06.47"/81° 35' 58.95"

Attachment: Sep17 WUP 4091_015 Recap Permit (3310 : WUP No. 20004091.015)

Location Map
Bentley-Brahman Ranch, Inc.
WUP No. 20 004091.015



Attachment: Sep17 WUP 4091_015 Recap Permit (3310 : WUP No. 20004091.015)

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

2. The Permittee shall document and report on District forms, the beginning and ending hours and dates of operation of each withdrawal point used for the protection of crops from frost, freeze or heat damage. The report shall include the gallons per day pumped from each withdrawal point based on irrigation system capacity, or if available, totalizing flow meter readings. This report shall be submitted by the 10th day of the month following irrigation for crop protection. The crop protection daily quantities specified in this permit are solely for the purpose of crop protection, and do not apply to routine irrigation practices. Irrigation for crop protection shall not exceed the crop protection daily quantity listed on the permit and shall not cause water to go to waste.
(1)

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

District ID Nos. 19, 22, and 32, Permittee ID Nos. 26, 22, and Blue Spray, having a surface diameter of 16 inches, 16 inches, and 6 inches, respectively, with a minimum casing depth of 450 feet, and estimated total depth of 1,300 feet, 1,300 feet, and 800 feet, respectively.
(240)

4. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)

5. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
6. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
7. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)
8. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
9. The Permittee shall geophysically (caliper) or video log District ID Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 13, 14, 15, 16, 17, and 28, Permittee ID Nos. 17, 7, 5, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 16, 15, 14, and 19, if the pump assembly is removed for maintenance or replacement within the term of this permit. If the Permittee does not have to remove the pump assembly during the term of this permit, he or she shall notify the District in writing upon submittal of their application to renew their water use permit (WUP). Such notification will not prejudice the Permittee's application. The District does not require the Permittee to remove the well assembly for the single purpose of logging the well.

The geophysical or video log must clearly show the diameter and total depth of each well, and the casing depth and casing continuity in each well. If a video log is made of the well, it shall clearly show the WUP number, Permittee name, and well identification number on the tape itself. One copy of the log shall be submitted to the District within 30 days of the logging event. Upon sufficient notice (approximately two to three weeks), the District can caliper log the well(s) at no cost to the Permittee; however, the Permittee shall remove the pump assembly at their own cost and prior to the arrival of the District logging vehicle on location.

Until such time as the logging is performed, the District shall continue to assess withdrawal impacts, and credit existing use per aquifer based on the assumption that multiple aquifers are open in the well bore. If an analysis of the log with respect to geology or hydrogeology is made, the report must be signed and sealed by a Professional Geologist who is registered and in good standing with the Florida Department of Business and Professional Regulation.
(408)

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

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

11. The Permittee shall investigate alleged loss of reliable access to legal, existing withdrawal of ground water, damage to the ground water wells, or to pumps used to access legal, existing withdrawal of water, within the five (5) feet or greater drawdown cone of depression, as delineated as Exhibit C,

attached to and made part of this permit, that may have been caused by the Permittee's ground water withdrawals during a Crop Protection event(s). Instructions for the complaint handling and possible mitigation procedure are given in Exhibit B, Well Complaint Instructions, attached to and made part of this permit. (443)

12. The Permittee shall immediately implement the District-approved water conservation plan that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted August 1, 2027. (449)
13. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water. (458)
14. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for annual crops for each permitted irrigation withdrawal point, District ID. Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 28, 33, and 34, Permittee ID Nos. 7, 5, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 16, 15, 14, 18, 26, 22, 18a, 19, Blue SW, and Blue SW 2:
 1. Crop type,
 2. Irrigated acres,
 3. Irrigation method (NTBWUCA only),
 4. Dominant soil type per crop or the number of acres per crop on that dominant soil type, and
 5. If used, quantities used for crop protection.
 This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year. (474)
15. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C. (568)
16. The Permittee shall submit a copy of the well completion reports to the District's Water Use Permit Bureau, within 30 days of each well completion. (583)
17. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit. (651)
18. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules. (652)

19. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID Nos. 19, 22, 32, 35, 36, 37, 38, 39, and 40, Permittee ID Nos. 26, 22, Blue Spray, Citrus SW-1, Citrus SW-2, SM-1, Citrus SW-3, Citrus SW-4, and SM-2. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)
20. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 28, 33, and 34, Permittee ID Nos. 17, 7, 5, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 16, 15, 14, 18, 18a, 19, Blue SW, and Blue SW 2. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)

DRAFT

Attachment: Sep17 WUP 4091_015 Recap Permit (3310 : WUP No. 20004091.015)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

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

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

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

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

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

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

WELL COMPLAINT INSTRUCTIONS

The permittee shall adhere to the following process for handling water resource, surface or ground water withdrawal point impact, dewatering complaints, or discharge/seepage of water from their property:

1. Within 48 hours of a complaint received by the Permittee related to their withdrawal or use of water or dewatering activity, the Permittee shall notify the District, perform a preliminary investigation to determine whether the Permittee's pumpage, dewatering activity, or discharge/seepage from their property may have caused the problem.
2. If this preliminary assessment indicates that the Permittee may be responsible, the Permittee shall, within 72 hours of complaint receipt, supply the complainant with any water necessary for health and safety purposes, such as drinking water.
3. If the resulting investigation determines that the Permittee was not responsible for the well problem, the Permittee shall document the reasons for this determination.
4. If the detailed investigation confirms that the complainant's problem was caused by the Permittee's pumpage, dewatering, or discharge or water impoundment activities:
 - A. The complainant's problem shall be fully corrected within 15 days of complaint receipt.
 - B. Impacts to wells: Full correction shall be restoration of the complainant's well to pre-impact condition or better, including the aspects of pressure levels, discharge quantity, and water quality. This detailed investigation shall include, but not be limited to, an analysis of water levels and pumpage impacts at the time of the complainant's problem, well and pump characteristics including depths, capacity, pump curves, and irrigation system requirements.
5. The Permittee shall file a report of the complaint, the findings of facts, appropriate technical data, and any mitigating action taken or to be taken by the Permittee, to the Water Use Permit Bureau Chief, for review and approval within 20 days of the receipt of any complaint. The report shall include:
 - A. The name and address of each complainant;
 - B. The date and nature of the complaint;
 - C. A summary of the Permittee's investigation;
 - D. A summary of the Permittee's determination, including details of any mitigation activities; and
 - E. Cost of mitigation activity for each complaint.
6. A copy of the report shall be sent to the complainant within 20 days of complaint receipt.

WELL CONSTRUCTION INSTRUCTIONS

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

1. All well casing (including liners and/or pipe) must be sealed to the depth specified in the permit condition.
2. The proposed well(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.
3. A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells and all wells

- (6) inches or more in diameter.
4. Any variation from estimated, maximum or minimum total depths; maximum or minimum casing depths; well location or casing diameter specified in the condition requires advanced approval by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.
 5. The Permittee is notified that a proposal to significantly change any of these well construction specifications may require permit modification if the District determines that such a change would result in significantly greater withdrawal impacts than those considered for this Permit.
 6. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.

Authorized Signature
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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

GENERAL COUNSEL'S REPORT

September 26, 2017

Consent Agenda

Board Designated Encumbrance - Expert Testimony/Analysis and Administrative Law Judge Costs

Purpose

The purpose of this request is to encumber the remaining FY2016-17 contract funds for Consulting Services in an amount not to exceed \$54,313 for expert testimony/analysis and Other Contractual Services in the amount not to exceed \$25,000 for administrative law judge costs for use during FY2017-18.

Background

The Office of General Counsel anticipates that it may handle an above-average caseload during FY2017-18, including potential permit or rule challenges before the Division of Administrative Hearings. The FY2016-17 funds in the amount of \$79,313 will be added to the previously encumbered funds in the amount of \$66,216, which will provide a total of \$145,529 designated for anticipated increase in litigation for the upcoming fiscal year.

Benefits/Costs

The Office of General Counsel may need to utilize outside law firms and/or consultants in FY2017-18 with specialized knowledge or experience to assist the District in protecting the District's interests, defending the District's position in rulemaking, enforcement, litigation, or to carry out the District's statutory responsibilities.

Staff Recommendation:

Approve the encumbrance of up to \$79,313 of FY2016-17 funds to be added to prior year funds currently encumbered, providing a total of up to \$145,529 for use in FY2017-18 for expert testimony/analysis and administrative law judge costs.

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

September 26, 2017

Consent Agenda

Contractor Suspension Determination (Chapter 40D-7, F.A.C.) - Applied Drilling Engineering, Inc.

Information will be provided under a separate cover.

Staff Recommendation:

Presenter: Mary Beth McNeil, Assistant General Counsel

EXECUTIVE DIRECTOR'S REPORT

September 26, 2017

Consent Agenda

Approve Governing Board Minutes - August 29, 2017

Please see attached.

Staff Recommendation:

Approve minutes as presented.

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

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

AUGUST 29, 2017

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 11:45 a.m., on August 29, 2017, at the Brooksville Office. The following persons were present:

Board Members Present

Randall S. Maggard, Chair
Jeffrey M. Adams, Vice Chair
Bryan Beswick, Secretary
Ed Armstrong, Treasurer
H. Paul Senft, Member
Michael A. Babb, Member
Kelly S. Rice, Member
John Henslick, Member
Michelle Williamson, Member
Mark Taylor, Member
Joel Schleicher, Member
Rebecca Smith, Member
James G. Murphy, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive 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
Michael Molligan, Division Director

Board's Administrative Support

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

Board Members Absent

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 website (www.WaterMatters.org).

PUBLIC HEARING (Audio – 00:00)

1. Call to Order

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

2. Invocation and Pledge of Allegiance

Vice Chair Adams 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

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may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

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.

3. Oath of Office for Appointed or Reappointed Board Members

Ms. Cara Martin, Board and Executive Services Manager, administered the Oath of Office for Board Member James Murphy.

4. 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: Theresa Mulroney, Ron Basso, Melisa Lowe, Cliff Zimmerer, Steve Dicks, Mike Ames and Dwayne Williams.

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

5. Additions/Deletions to Agenda

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

Resource Management Committee

36. FARMS – Berry Patches, Inc. (H761), Hillsborough County

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

Chair Maggard stated he received one Request to Speak card.

Mr. David Ballard Geddis, Jr., spoke regarding concern for a water crisis.

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.

Board Member Schleicher asked for the following items to be moved to discussion:

8. Board Encumbrance to the Network Storage Replacement Fund

13. FARMS – J.R. Paul Properties, Inc – Doe Hill Citrus Phase 2 (H758), DeSoto County

17. Addendum to Memorandum of Agreement Between Southwest Florida Water Management District and Pasco County

Finance/Outreach & Planning Committee

7. Fiscal Year (FY) 2017 Board Designated Encumbrance Request

Staff recommended the Board approve the encumbrance of \$1 million from FY2017 Salary and Benefits appropriation to carry forward into FY2018 for recommended salary adjustments for positions identified in the recently completed salary survey and staff merit increases.

8. Board Encumbrance to the Network Storage Replacement Fund

Staff recommended the Board encumber \$240,000 of funds budgeted in FY2017 to procure computer hardware and software via the Network Storage Replacement Fund reserve account.

9. NuView Contract Cancellation

Staff recommended the Board direct staff not to include funds in the FY2018 budget for the NuView Systems Inc. Maintenance, Support, and Hosting Terms and Conditions agreement, and to provide notice to NuView Systems Inc. of the cancellation of the agreement.

10. Budget Transfer Report

Staff recommended the Board's approval of the Budget Transfer Report covering all budget transfers for July 2017.

Resource Management Committee

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

Staff recommended the Board:

- A. Accept the report entitled, "Minimum and Guidance Levels for Lake Easy in Polk County, Florida," dated June 28, 2017.
- 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 include the proposed Minimum and Guidance Levels for Lake Easy in Polk County as shown in the exhibit.

12. Citrus County Meadowcrest to Crystal River/Duke Reclaimed Project Scope Clarification (P130)

Staff recommended the Board approve the revision of the project evaluation clarifying the Measurable Benefit to explicitly require the utilization of 0.44 mgd of reclaimed water.

13. FARMS – J.R. Paul Properties, Inc – Doe Hill Citrus Phase 2 (H758), DeSoto County

Staff recommended the Board:

- 1) ~~Approve the J.R. Paul Properties, Inc. project for a not to exceed reimbursement of \$262,000, with \$262,000 provided by the Governing Board;~~
- 2) ~~Authorize the transfer of \$262,000 from fund 010 H017 Governing Board FARMS fund to the H758 J.R. Paul Properties, Inc. project fund;~~
- 3) ~~Authorize the Assistant Executive Director to sign the agreement.~~

14. FARMS – DeSoto Excavating, Inc. – (H759), DeSoto County

Staff recommended the Board:

- 1) Approve the DeSoto Excavating, Inc. project for a not-to-exceed project reimbursement of \$200,000, with \$200,000 provided by the Governing Board;
- 2) Authorize the transfer of \$200,000 from fund 010 H017 Governing Board FARMS Fund to the H759 DeSoto Excavating, Inc. project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

15. Easement Donation – Central Florida Water Initiative (CFWI) Project, Lake Clinch, SWF Parcel No. 20-020-143

Staff recommended the Board accept the donation of a perpetual easement from the City of Frostproof for the CFWI Project.

16. Addendum to Memorandum of Agreement Between Southwest Florida Water Management District and Pasco County

Staff recommended the Board approve and execute the proposed Addendum.

Regulation Committee

17. Board Encumbrance for the Flow Meter Installation Reimbursement Program in the Dover/Plant City Water Use Caution Area

Staff recommended the Board approve the encumbrance of up to \$310,000 of FY2017 funds to be added to the currently budgeted FY2018 funds of \$250,000 to provide a total of up to \$560,000 for use in FY2018 to complete those FY2017 and the FY2018 flow meter program installations in support of the Flow Meter and Automatic Meter Reading Equipment Implementation Program within the Dover/Plant City Water Use Caution Area.

18. Individual Water Use Permits Referred to the Governing Board – None

General Counsel's Report

19. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval - None

20. Rulemaking - None

Executive Director's Report

21. Approve Governing Board Meeting Minutes - July 25, 2017

Staff recommended the Board approve the minutes as presented.

22. Annual Calendar of Fiscal Year 2017-18 Meeting Dates

Staff recommended the Board approve the calendar as presented.

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 00:09:55)

A motion was made and seconded to approve the Consent Agenda as amended. Motion carried unanimously. (Audio 00:10:17)

Chair Maggard relinquished the gavel to the Finance/Outreach and Planning Committee Chair Armstrong who called the meeting to order. (Audio 00:10:35)

Finance/Outreach & Planning Committee

Discussion

23. Consent Item(s) Moved for Discussion

8. Board Encumbrance to the Network Storage Replacement Fund

Board Member Schleicher stated he would like to see the District do routine updated analysis regarding network storage (cloud services) used by the District.

Mr. Steve Dicks, information technology bureau chief, explained a study was completed in 2016 that showed the District could provide network storage at a lower cost than outside vendors. He explained that this is evaluated on an annual basis.

Board Member Schleicher expressed concerns regarding establishing reserves for this type of service.

It was agreed this item would be presented at the September 26 Governing Board meeting. In the interim, Board Member Schleicher will meet with District staff to address this issue.

Staff recommended this item be presented at the September 26, 2017 Governing Board Meeting.

A motion was made and seconded to approve the staff recommendation. Motion carried unanimously. (Audio 00:20:19)

24. Springs Community Partner Award

Ms. Robyn Felix, public affairs bureau chief, presented a springs community partner award in posthumous to Mr. Bob Mercer. Ms. Phillis Rosetti-Mercer was in attendance to accept the award.

Ms. Felix stated that Mr. Mercer was extremely active in the Crystal River community, serving on the City of Crystal River Planning Commission for more than 11 years. He co-founded Save Crystal River in 2010 and served as its president until 2015. In addition to his work with Save Crystal River, he was active in the Kings Bay Rotary Club's "One Rake at a Time" project to remove *Lyngbya* algae from Kings Bay. Mr. Mercer also served on the Citrus/Hernando Waterways Restoration Council, the Three Sisters Springs Community Working Group, and the Springs Coast Technical Advisory Group. He was named Crystal River Citizen of the Year in 2016.

A video was presented regarding Mr. Mercer's efforts to improve the Crystal River/Kings Bay spring system.

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

25. Fiscal Year (FY) 2018 Budget Development

Mr. John Campbell, management services director, provided a presentation that included: the budget development calendar, expenditure goals and outcomes, summary of expenditure budget changes, expenditures by category, expenditures by program, summary of revenue budget changes and revenues by source.

Mr. Campbell stated the FY2018 budget totals \$183.7 million dollars. He indicated this is an increase of \$3.6 million dollars or two percent compared to FY2017.

Mr. Campbell stated there was one change to the expenditure budget since the July Board meeting due to the allocation of the Florida Department of Environmental Protection (FDEP) Springs Initiative funding by the Governor. A total of \$9.25 million dollars was awarded for four projects. Three of the four, totaling five-million dollars, will not come through the District as FDEP will work directly with the local governments. The remaining \$4.25 million dollars was awarded to the District's Crews Lake Natural Systems Restoration Cooperative Funding Initiative (CFI) project. The Crews Lake project funding received from the state of Florida, increased the CFI funding expenditure category by two million dollars from \$59.8 million dollars to \$61.9 million dollars under the project budget.

Mr. Campbell provided a pie chart that showed a comparison of the FY2017 and FY2018 budgets. He stated the FY2018 budget was allocated similarly to the FY2017 budget with over one-half of the budget allocated to land acquisition, restoration and public works, which included capital projects for water resource development, water supply development assistance and surface water restoration. The expenditure change mentioned increased land acquisition, restoration and public works by \$2.1 million dollars to \$100.3 million dollars.

Mr. Campbell stated there were two revenue changes that have occurred since the July 25 Board meeting. The first was an increase in state funding of \$4,248,885 from the FDEP Springs Initiative for the Crews Lake Natural Systems Restoration CFI project. The second was a reduction of \$2,124,443 in reserves being utilized to balance the budget.

Staff recommended the Board approve the changes to the FY2018 budget that have been made since the July 25, 2017 Governing Board meeting.

A motion was made and seconded to approve the staff recommendation. Motion carried unanimously. (Audio 00:30:17)

26. Inspector General Charter

Mr. Kurt Fritsch, inspector general, provided a presentation that outlined the changes related to the inspector general charter. Changes were made as indicated below in italics:

- Change 1 – Standards (located on page 5 of 7)
5.D. 6. Monitor the implementation of the District's response to any report on the District issued by the Auditor General (AG) or by the Office of Program Policy Analysis and Government Accountability (OPPAGA) *and ensure the District meets any reporting deadlines related to those external reports.*
- Change 2 – Standards (located on page 5 of 7)
6. Approach . . . In keeping with the collaborative work environment the District fosters, the Governing Board emphasizes that risk-based office consulting services ~~are generally preferable to assurance audits unless an assurance audit is determined to be the best method for obtaining required information.~~ *are to be balanced with assurance audits to optimize overall effectiveness.*
- Change 3 – purpose (located on page 1 of 7)
Function ...The Office of Inspector General provides the internal auditing function for the District. Internal Auditing is an independent and objective assurance and consulting activity that is guided by an overriding philosophy of adding value to improve the operations of the District. The office assists the accomplishment of District objectives by bringing a systematic and disciplined approach to evaluate and or improve *the effectiveness of the District's risk management, control processes, and governance.* –
 - ~~Operational effectiveness and efficiency~~
 - ~~Financial and nonfinancial reporting~~
 - ~~Compliance with appropriate laws, rules, policies, procedures, and contracts~~
 - ~~Safeguarding of assets~~

Board Member Smith asked if the District has received the auditor general report. Mr. Fritsch responded in the negative. Chair Maggard stated this item is separate from the pending report. Ms. West, General Counsel, explained why the language was edited.

Staff recommended the Board approve the draft policy as presented.

A motion was made to delay the vote on this item and present it at the September 26 Board meeting. This motion was seconded and motion carried unanimously. (Audio 00:45:46)

Submit & File Reports

27. Disaster Recovery Test: Internet Fail-Over

28. Florida 1B-26 FAC Compliance: Groundwater Modeling Program

Routine Reports

29. Treasurer's Report and Payment Register

30. Monthly Financial Statement

31. Monthly Cash Balances by Fiscal Year

32. Comprehensive Plan Amendment and Related Reviews Report

33. Development of Regional Impact Activity Report

Committee Chair Armstrong relinquished the gavel to the Resource Management Committee Chair Babb who called the meeting to order. (Audio 00:46:06)

Resource Management Committee

Discussion

34. Consent Item(s) Moved for Discussion

13. FARMS – J.R. Paul Properties, Inc – Doe Hill Citrus Phase 2 (H758), DeSoto County

Board Member Schleicher expressed concerns with the use of District funding that he interprets as “subsidizing” Facilitating Agricultural Resource Management Systems (FARMS) projects. Board Member Schleicher clarified that his concern was not related to this specific project.

Board Member Beswick respectfully disagreed. He stated that the FARMS program in the southern region provide opportunities and partnerships to facilitate alternate water supplies that impact groundwater drawdown in that region.

Chair Maggard, Board Member Henslick and Board Member Williamson expressed support for the FARMS program. Board Member Williamson stated that under the FARMS program, the cost to the farmer may not be financially beneficial. She explained that FARMS partnerships are beneficial for water conservation.

Mr. Hammond, director of resource management, provided a history of the FARMS program. He provided information regarding this specific project.

Board Member Schleicher stated that he would like to have staff provide him with more information on future FARMS projects.

Staff recommended the Board:

- 1) Approve the J.R. Paul Properties, Inc. project for a not-to-exceed reimbursement of \$262,000, with \$262,000 provided by the Governing Board;
- 2) Authorize the transfer of \$262,000 from fund 010 H017 Governing Board FARMS fund to the H758 J.R.Paul Properties, Inc. project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve the staff recommendation. Motion carried unanimously. (Audio 00:58:13)

35. Homosassa River and Chassahowitzka River Surface Water Improvement and Management (SWIM) Plans (WH01 and WC01)

Dr. Chris Anastasiou, natural system & restoration chief scientist, provided a presentation that outlined the Surface Water Improvement Management (SWIM) plans for the Homosassa and Chassahowitzka Rivers. Dr. Anastasiou stated that these plans complete the SWIM plans for the five first-magnitude springs. Dr. Anastasiou provided a history on the SWIM program.

Dr. Anastasiou explained these plans are key strategies for the protection and management of the springs systems. He provided an overview for the Springs Coast Steering Committee (SCSC), Springs Coast Management Committee (SCMC) and the Springs Technical Working Group.

Dr. Anastasiou provided an overview that included: the SWIM plan process, focus areas, primary issues associated with springs system, quantifiable objectives, priority management actions, and projects and initiatives associated with these plans.

Dr. Anastasiou outlined proposed future items for the SCSC and the SCMC.

Staff recommended the Board approve the Homosassa River and Chassahowitzka River SWIM Plans in accordance with Section 373.453, F.S.

A motion was made and seconded to approve the staff recommendation. Motion carried unanimously. (Audio 01:10:49)

36. FARMS – Berry Patches, Inc. (H761), Hillsborough County

Staff recommended the Board:

- 1) ~~Approve the Berry Patches, Inc. project for a not to exceed project reimbursement of \$45,807 with \$45,807 provided by the Governing Board;~~
- 2) ~~Authorize the transfer of \$45,807 from fund 010 H017 Governing Board FARMS Fund to the H761 Berry Patches, Inc. project fund;~~
- 3) ~~Authorize the Division Director to sign the agreement.~~

Submit & File Reports

37. Minimum Flows and Levels Priority List and Schedule Update

Routine Reports

38. Minimum Flows and Levels Status Report

39. Significant Water Resource and Development Projects

Committee Chair Babb relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Chair Beswick who called the meeting to order. (Audio 01:11:08)

Operations, Lands & Resource Monitoring Committee

Discussion

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

41. Hydrologic Conditions Report

Mr. Granville Kinsman, hydrologic data manager, provided a presentation on the hydrologic conditions. Mr. Kinsman stated rainfall for July and August has been below normal. He indicated that recovery is slow but the 12-month rainfall has improved.

Mr. Kinsman stated groundwater levels in the northern counties have improved slightly but are in the low-normal range. Groundwater levels in the central and southern counties are within the normal range.

Lake levels in the northern lakes have improved but are still below normal. Tampa Bay and Polk Upland lakes are within the normal range, but the Lake Wales Ridge lake levels are below normal.

The Withlacoochee River is in the extreme-low range. The Hillsborough River is in the normal range and the City of Tampa Reservoir is full. The Alafia River is in the normal range, and the Bill Young Reservoir is being refilled. The Peace River is in the above normal range, and the reservoir and Aquifer Storage and Recovery supplies are being refilled.

The climate forecast, although uncertain, but predicting near normal conditions for September. The rainfall forecast is uncertain through the spring of next year.

Hurricane season forecast indicates 14-19 storms, 5-9 hurricanes and 2-5 major category storms. September is the height of hurricane season.

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

Submit & File Reports - None

Routine Reports

42. Surplus Lands Update

43. Structure Operations

44. Significant Activities

Committee Chair Beswick relinquished the gavel to the Regulation Committee Chair Adams who called the meeting to order. (Audio 01:21:28)

Regulation Committee

Discussion

45. Consent Item(s) Moved for Discussion

17. Board Encumbrance for the Flow Meter Installation Reimbursement Program in the Dover/Plant City Water Use Caution Area

Board Member Schleicher stated that although he was briefed by staff on this item, he still had concerns and would be voting against it.

Mr. Darrin Herbst, water use permitting manager, provided historical information on the 2010 freeze event that occurred in the Dover/Plant City areas.

Mr. Herbst provided an overview of the flow meter reimbursement program. This included: rule language reference, assistance for improving the allocation of well mitigation responsibilities among permit holders, identifying permit compliance issues during a freeze event, assistance in improving the modeling of impacts resulting from pumping during freeze events, monitoring of performance and tracking the progress of management actions implemented and providing for overall assessment of the recovery strategy over time.

Ms. Alba Mas, Regulation director, provided information regarding the development of the rule associated with this program. Discussion ensued regarding compliance associated with this program.

Staff recommended the Board approve the encumbrance of up to \$310,000 of FY2017 funds to be added to the currently budgeted FY2018 funds of \$250,000 to provide a total of up to \$560,000 for use in FY2018 to complete those FY2017 and the FY2018 flow meter program installations in support of the Flow Meter and Automatic Meter Reading Equipment Implementation Program within the Dover/Plant City Water Use Caution Area.

A motion was made and seconded to approve the staff recommendation. Motion carried with 12 votes in favor and one against. (Audio 01:44:56)

46. Consider Water Shortage Order(s) as Necessary

No recommendations were presented.

47. Update on the U.S. Army Corps of Engineers (USACE) Coordination and Delegation – Environmental Resource Permitting (ERP)

Ms. Michelle Hopkins, environmental resource permitting bureau chief, provided a presentation regarding the ERP coordination and delegation with the USACE. This presentation provided an update of the existing USACE/DEP/SWFWMD operating agreement, the existing USACE/SWFWMD State Programmatic General Permit (SPGP) agreement and the expansion of the federal delegation. Ms. Hopkins stated that the USACE has decided to discontinue use of the joint application process after September 2017. She stated applicants will submit directly to the USACE.

She stated the USACE/SWFWMD SPGP coordination agreement, which provides federal verification in conjunction with state authorization for minor low risk activities, is in effect until 2021 and statewide coordination is ongoing for expanded federal delegation.

Board Member Henslick asked how applicants will know to submit to the USACE. Ms. Mas stated the District is notifying consultants during pre-application meetings and when they apply and the USACE will be holding public hearings.

Board Member Henslick asked if the state is delegated Section 404 by the Environmental Protection Agency (EPA), would this be an expenditure for the District. Ms. Hopkins responded that has not been determined.

Mr. Armstrong, executive director, clarified that the USACE's decision to discontinue the ERP joint application process, and delegate Section 404, was due to work force allocation.

This item was provided for information only and no action was required.

48. Denials Referred to the Governing Board

None were presented.

Submit & File Reports - None

Routine Reports

49. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR)

Equipment Implementation Program

51. Individual Permits Issued by District Staff

Committee Chair Adams relinquished the gavel to Chair Maggard. (02:00:43)

General Counsel's Report

Discussion

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

Submit & File Reports - None

Routine Reports

53. August 2017-Litigation Report

54. August 2017-Rulemaking Update

Committee/Liaison Reports

55. Other Committee/Liaison Report

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Executive Director's Report

56. Executive Director's Report

Mr. Armstrong, executive director, informed the Board of 12 awards the District received in two statewide competitions. These awards were received from the Florida Public Relations Association (FPRA) and the Public Relations Society of America (PRSA). These awards recognized the Flatford Swamp outreach, Rock Ponds Ecosystem Restoration dedication, the District's WaterMatters Blog, the District's Careers video, the District's Your Health Matters wellness initiative, and the District's semi-annual employee meetings. Mr. Armstrong stated the Polk County Regional Water Cooperative (PRWC) was awarded the FPRA Judges Award, the Golden Image Award and the Dick Pope All Florida Golden Image Award.

Mr. Armstrong introduced Ms. Katie Kelly, legislative affairs program manager.

Mr. Armstrong reminded the Board this was Mr. Mark Hammond's last Board meeting. He thanked Mr. Hammond for his service to the District.

Chair's Report

57. Chair's Report

The Fiscal Year 2018 Tentative Budget meeting will be in the Tampa Office on September 12 at 5:01 p.m. The September 26 Governing Board meeting will be in the Tampa Office and the October 24 Governing Board meeting will be held in the Brooksville Office.

58. Other

59. Employee Milestones

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

The meeting was adjourned at 1:56 p.m.

Attest:

Chair

Secretary

**Governing Board Meeting
September 26, 2017**

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

22. Consent Item(s) Moved for Discussion

Submit & File Reports - None

Routine Reports

23. Minimum Flows and Levels Status Report	72
24. Significant Water Resource and Development Projects	74

RESOURCE MANAGEMENT COMMITTEE

September 26, 2017

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Eric DeHaven, P.G., Assistant Division Director, Resource Management

RESOURCE MANAGEMENT COMMITTEE**September 26, 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 analyses and draft MFLs report). No Internal draft MFLs reports were completed during the past month. Phase 2 activities are complete for thirty-two 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) No Public workshops were held during the past month. Public meetings have been completed for twenty-five of the eighty-five systems scheduled for adoption/reevaluation by 2026.
- d) Final MFLs reports for lakes Round and Saddleback were submitted to the Board this month. A total of twenty-five of the eighty-five 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 fourteen systems, eleven systems do not need a recovery strategy, and it has not been

Item 23

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 rules for Lake Easy during the August meeting, and for lakes Round and Saddleback during the September meeting, Board approval of rulemaking for adoption or reevaluation of MFLs has been completed for twenty-five 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 Ghile, Senior Environmental Scientist, Springs and Environmental Flows

RESOURCE MANAGEMENT COMMITTEE

September 26, 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, but determined unfeasible. Staff is researching an injection option at Flatford for the excess water to recharge the aquifer and discussed the need for more information on the Avon Park formation at the swamp. A pre-application meeting with Florida Department of Environmental Protection (FDEP) was held on February 25, 2016. Draft Class V, Group 2 Injection Well permit application was issued by FDEP approximately a year later. The feasibility study memorandum is complete. Staff 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. Staff has presented to the Agricultural\Green Industry, Environmental, Well Drillers and Public Supply Advisory Committees. Also, staff had outreach presentations to the Manatee Chamber Environmental Committee, Myakka River Coordinating Council, and the Florida Groundwater Association Board. Governing Board approved at their April meeting to proceed with the test well project. ***New Activities Since Last Meeting:*** The successful consultant from the Request for Proposal for the test well project was the Jones Edmunds & Associates team. Staff will start contract development and negotiations. The pre-bid meeting for the drilling of the test recharge well and monitor wells was held on August 25, 2017. *Project Manager: Lisann Morris*

Lower Hillsborough River MFLs Recovery Strategy - Implementation

At its August 2007 meeting, the Governing Board established minimum flows and approved a recovery strategy for the lower Hillsborough River (LHR). The recovery strategy was adopted as required by statute, because flows in the LHR were below the established minimum flows. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flows. Projects planned under the recovery strategy 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 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. 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 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. An amendment to the TWA for the Sulphur Springs Algal Assessment has been routed to extend the contract period in order to allow for the pilot algae removal to occur in April and June of 2018. The District and the COT are still working on an access agreement to allow work for this project. The dissolve oxygen study of the LHR is ongoing and is scheduled to be completed in August 2017. Vegetation monitoring for 2017 for the WUP for Morris Bridge Sink has been completed. A TWA for biological monitoring and the five-year assessment has been executed. The Blue Sink pump station demo testing procedure has been conducted. A leak in the transmission main was discovered that is currently preventing water being pumped to the dam. Currently 1 mgd is being pumped to the adjacent storm water pond that is eventually pumped to the river. In July 2017, the Governing Board approved a change in scope to N492 that eliminated a new pump station at the S-161 structure from the scope and the modification of the City of Tampa's Hillsborough River Dam to replace the siphon structure with a control gate. At the July 2017 meeting, the Governing Board also approved a request to enter into an agreement with the COT to convey the temporary pump station at the S-161 structure with an easement to the City for \$75,000 and approved entering into an agreement with the COT for the COT operation, maintenance and management of the temporary pump. **New Activities Since Last Meeting:** The leak in the transmission line at the Blue sink pump station has been repaired. The COT has received and is reviewing bids for the control gate for the S-161 structure. *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 cost-effectiveness 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 2015-2017 with reclaimed water before the full project expansion is complete in late 2017. **Additional Information:** In order to utilize the reclaimed water, the project includes advanced treatment (filtration and membranes) which

is necessary to reduce dissolved solids to an acceptable level. The membrane reject water (concentrate by-product) is mixed with other Polk Power Station discharge water and pumped to two new deep injection wells for final disposal. 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 with construction anticipated to start in September of 2017; 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 receipt of the easement for the Polk SW transmission segment was delayed until July, however, it only delayed the project's overall completion/on-line date by one month to December 8, 2017 (prior to the existing Agreement termination date of December 31, 2018). *Project Manager: Anthony Andrade*

· **Aquifer Recharge Projects:** In 2009, the District funded a recharge study (H076) as part of the Regional Reclaimed Water Partnership Initiative to assess the feasibility of using highly treated reclaimed water to recharge the Upper Floridan aquifer (UFA) in the southern Hillsborough and Polk county areas. Findings from the study indicate that it is possible to develop direct and indirect aquifer recharge projects to improve UFA water levels and provide opportunities for additional groundwater withdrawals. MWH Americas, Inc., completed the Feasibility of Using Reclaimed Water for Direct and Indirect Aquifer Recharge in the Tampa Bay Area Study and a total of \$481,149 in District FY2008 funding was reimbursed. The costs associated with developing these projects were found to be comparable to costs of other planned alternative water supply projects. Since completing the study, several local governments have expressed interest in assessing the applicability of aquifer recharge in their areas. District staff is working with these entities to develop and implement project plans to assess the site-specific feasibilities of implementing aquifer recharge projects to address their individual needs (Hillsborough County SHARP Project N287, Tampa TAP Project N751, and Plant City Projects N601 and N755). Prior to initiating work, District staff also reviews project tasks to avoid as much duplicative efforts as possible between cooperators. The District project managers are researching active recharge projects to identify positive results or issues requiring further investigation.

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

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

This is an ongoing project which previously completed work on a pilot test of Clearwater's reclaimed water purification treatment system and one groundwater recharge injection site. Results from the water purification plant tests and injection well testing demonstrated that this project would be successful in allowing the City to increase their reclaimed water utilization, reducing surface discharges, improving groundwater levels in the 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 scheduled for April 2021. Third Party Review of the Preliminary 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 questions/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:*** Final design for the Advanced Water Purification Plant was received on August 10, 2017. A draft FDEP Permit Application for the Advanced Water Purification Plant is still with the Department for review. FDEP has not requested official submittal of the AWPP application at this time. The project has been delayed because of this. Site Development Permit Applications are with FDEP ERP, FDOT ROW Access, the City and the County. *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, 2016. Construction began as of mid-June 2016, and is progressing on or ahead of schedule. A groundbreaking ceremony took place on October 24, 2016, including tours of the existing construction so far, and television press. A field trip for District staff took place on February 2, 2017. Most earthwork and pipe installation is complete. Construction is ongoing and is on schedule. Planting is ongoing through July. ***New Activities Since Last Meeting:*** As of August 16, nearly all construction has been completed, with only some adjustments to the data collection SCADA system still being adjusted. The final invoice is expected with a few weeks. *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 possibly slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. The County received a letter from FDEP on July 13, 2015 authorizing recharge operations to begin. ***New Activities Since Last Meeting:*** Operational recharge testing and monitoring continued during the month of July. Recharge rates averaged 1.5 mgd and as of August 22, 2017, the total recharge volume injected since the initiation of recharge activities was 1,387 MG. The County has requested a contract amendment to extend the recharge testing phase of the project prior to applying for an operation permit. The District is evaluating the request for a no cost change schedule amendment. *Project Manager: Don Ellison*

Staff Recommendation:

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

Presenter: Mandi Rice, P.E., Assistant Executive Director

Governing Board Meeting September 26, 2017

FINANCE/OUTREACH & PLANNING COMMITTEE

Discussion Items

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FINANCE/OUTREACH & PLANNING COMMITTEE

September 26, 2017

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Michael Molligan, Division Director, Employee and External Relations

FINANCE/OUTREACH & PLANNING COMMITTEE

September 26, 2017

Discussion Item

Board Encumbrance to the Network Storage Replacement Fund

Purpose

The purpose of this item is to request the encumbrance of budgeted funds to support future upgrades and eventual replacement of the Storage Area Network via the Network Storage Replacement Fund.

Background/History

Since its establishment in 1993, the Network Storage Replacement Fund has provided the District with a predictable funding source for large information technology investments while maintaining a level annual technology budget. The Network Storage Replacement Fund operates as follows:

- Annually the Information Technology Bureau (ITB) identifies items to be included in the fund and establishes a multi-year (minimum of five) contribution and drawdown plan for the fund.
- The proposed computer replacement fund is approved by the Information Technology and Data Governance Committee and included in the Information Technology Plan.
- Contributions to the fund are included in the annual ITB budget.
- Governing Board approval is required to transfer money from the fund into the appropriate operating budget lines necessary to procure equipment in each year. Money can be transferred to include all costs associated with replacing/upgrading equipment, including, but limited to hardware, software, maintenance and consulting services for implementation.

The primary planned significant investments are in the incremental expansion, and eventual replacement, of the District's Storage Area Network (SAN) and computing server environments. The SAN provides the data storage and backup infrastructure for all District systems supporting permitting, scientific data management and back-office business processes. The computing servers are required to run business, modeling and scientific data applications.

An annual appropriation of \$240,000 was approved in the FY2017 budget. In December 2016, the Governing Board approved a budget transfer of \$165,375 from the FY2017 Network Storage Replacement Fund to procure hardware, software, warranty and services associated with the expansion of the District's enterprise network storage infrastructure.

Governing Board approval is requested to encumber and re-appropriate the remaining FY2017 funds in the Network Storage Replacement Fund as part of the FY2018 budget. The anticipated encumbrance of \$76,625 FY2017 funds for use in a future year was included as part of ITB planning budget.

Benefits/Costs

The Network Storage Replacement Fund provides a predictable funding source for large information technology infrastructure items such as the SAN and computing servers. As

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technology equipment ages, these items must be replaced to ensure a recoverable and consistently available computing environment supported by the computer manufacturer. These large expenditures are budgeted over several years in the Network Storage Replacement Fund. The current expenditure plan includes \$1,750,000 to replace the system in FY2019/20.

	FISCAL YEAR				
	FY2016	FY2017	FY2018	FY2019	FY2020
Accumulated from Prior Year	\$776,451	\$958,451	\$1,035,076	\$1,275,076	\$1,515,076
Annual Appropriation	\$182,000	\$240,000	\$240,000	\$240,000	\$240,000
Expenditures	\$-	\$163,375	\$-	\$-	\$1,750,000
Balance	\$958,451	\$1,035,076	\$1,275,076	\$1,515,076	\$5,076

Staff Recommendation:

Staff recommends the Governing Board encumber \$76,625 of funds budgeted in FY2017 to procure computer hardware and software via the Network Storage Replacement Fund reserve account.

Presenter: Thomas Hughes, Bureau Chief, Information Technology Bureau

FINANCE/OUTREACH & PLANNING COMMITTEE

September 26, 2017

Discussion Item

Follow Up from August 29, 2017 Governing Board Planning Workshop

Purpose

Provide a summary and recommendations for the following discussion topics from the August 29, 2017 Governing Board Planning Workshop that are expected to lead to future Board actions:

- A. Target Reserve Balance and Associated Timing
- B. Annual Project Spending
- C. Board Strategic Priorities

Background

A Board planning workshop was conducted on August 29, 2017 at 9:00 a.m. in the Brooksville Headquarters. The workshop agenda was as follows:

- 1. Introduction and Objectives
- 2. Strategic Plan and Budget Process
- 3. Background Presentation on Accomplishments, Priorities and Reserves
- 4. Chairman's Comments
- 5. Governing Board Discussion
- 6. Public Input

Discussion

A. Target Reserve Balance and Associated Timing

Board member preferences for minimum reserve balances were indicated to be two, four or six months of operating costs. The associated amounts would be approximately \$24 million, \$48 million or \$72 million. Staff will present 20-year projections that correlate to these three scenarios. Staff will also provide a description of project reserves, economic stabilization reserves, and associated restrictions. Based on the assumptions used to create the projections, staff recommends a goal of maintaining a minimum reserve balance of four months of operating costs. Staff will update the projection annually to allow budgeting decisions that will impact the rate of reserve spending.

Future Board Action:

A target reserve balance amount will be submitted for Governing Board approval as part of the FY2019 Budget Assumptions presentation on October 24, 2017.

B. Annual Project Spending

Consensus of Board member discussion was support for continuing a strong project spending program. Total project spending of \$70 million to \$90 million, to include Cooperative Funding Initiative (CFI) spending of \$50 million to \$60 million, is sustainable

under the rollback millage model with monitored reserve spending. Consensus of discussion also favored no accumulation of debt.

Future Board Action:

Board Regional Subcommittees will provide recommendations to the full Governing Board on funding of the FY2019 CFI projects in April 2018.

CFI projects will be incorporated into the FY2019 budget for Board action in June 2018 and through budget adoption in September 2018.

C. **Board Strategic Priorities**

Four topics were discussed that could have economic impact to District project spending within the 20-year projection period. Board discussion confirmed these four topics are priorities of the Board.

1. **Stormwater** - A robust watershed management plan development program, combined with flooding in recent years, has led to an increased number of stormwater management project funding requests. These projects are expected to be mainly focused in the Tampa Bay Region, but may increase in other regions over time.

Future Board Action:

A priority for intermediate and regional stormwater improvement projects will be identified in the Strategic Plan update scheduled for Board approval on December 12, 2017.

2. **Direct and Indirect Potable Reuse** - Implementation of these projects is necessary to meet our strategic goal of 75 percent beneficial reuse by 2040. Active projects are currently focused in the Tampa Bay Region.

Future Board Action:

A priority for direct and indirect potable reuse projects being implemented by regional entities will be identified within the Strategic Plan update scheduled for Board approval on December 12, 2017.

3. **Polk Regional Water Cooperative (PRWC)** - The Board set aside \$40 million for the PRWC over the last four budget cycles based on Resolution 15-07. The Board approved use of \$11.5 million of those funds for Phase One of three PRWC projects. The Board would like to prioritize implementation of Phase Two of one or more of the projects.

Future Board Action:

Staff will work with the PRWC to develop a follow-on resolution that will identify timing, annual amounts to be set aside, and milestones required for each annual allocation. Board approval of the resolution will be requested by May 2018 so that it can be incorporated into the FY2019 Budget to be approved by the Board in June 2018. Implementation of Phase Two will also be identified as a priority in the Strategic Plan updated scheduled for Board approval on December 12, 2017.

4. **Septic Projects within the Five First-Magnitude Springs Areas** - Conversion of septic systems to sewer collection and treatment systems has been identified as a critical action in the restoration of springs. The Board prioritized combining District

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funds with state and local funds in an efficient manner that incentivizes these projects. The Board also identified the need to protect District investment by ensuring controls are put in place to prevent additional pollution from new septic systems. Staff will work with participants (local governments, DEP, DOH, Springs Coast Steering Committee) to identify roles and responsibilities, develop policy to ensure investment protection (ordinances, enforcement, statutes, etc.), participate in studies that develop prioritization of projects to get the most benefit of initial and future spending, and negotiate the terms of the District's involvement.

Future Board Action:

Staff will develop a revision to the Cooperative Funding Initiative Policy (130-4) to define the District role and controls required for involvement in these projects. A request for Board action on the revised policy is expected in the Spring of 2018.

Staff Recommendation:

This item is presented for the Board's information and no action is requested today. Staff will incorporate any additional Board discussion or direction into the future Board action items described above.

Presenter: Amanda Rice, P.E., Assistant Executive Director

FINANCE/OUTREACH & PLANNING COMMITTEE

September 26, 2017

Submit and File Report

Florida 1B-26 FAC Compliance: Laboratory Information Management System

In accordance with the District's Office of Inspector General Annual Audit Plan, staff have completed a Process Improvement Engagement involving the District's Laboratory Information Management System. The engagement was designed to achieve two objectives:

1. Develop, document, and communicate the District's procedures for storing, accessing, and changing laboratory test results.
2. Provide assurance that the processes meet compliance requirements established under Florida 1B-26 FAC, which identifies District responsibilities for developing and maintaining electronic documents.

The Office of Inspector General's summary report (see exhibit) is submitted for acceptance and filing in the District's official records.

Staff Recommendation:

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

Presenter: Kurt P. Fritsch, Inspector General

**Laboratory Information Management System
Chapter 1B-26, Florida Administrative Code Compliance
September 26, 2017**

Background Staff have completed the Chapter 1B-26, Florida Administrative Code (F.A.C.) compliance project for the District's Laboratory Information Management System called Lab Vantage. The selection of the project was based on the District's Annual Risk Assessment project. Staff identified opportunities to address succession risks, compliance risks, and information risks. The project was requested by executive management and OIG work was completed under the Discretionary Assistance portion of the 2017 Annual Audit Plan approved by the Governing Board.

Management intends to address every mission critical system and data set during the upcoming three years. District staff conducted the engagement in accordance with the *International Professional Practices Framework* advocated by the Institute of Internal Auditors (IIA).

Purpose Chapter 1B-26, establishes the requirements the District must meet to use an electronic record as the "official" record. If the District is not compliant with 1B-26, the District must retain official records in other formats including paper which is costlier to maintain long-term. The District uses Lab Vantage to electronically manage all aspects of Laboratory sample test results, reagents, instruments, and associated statistics. Lab Vantage allows users to manually or automatically, by schedule, create samples with tasks associated to specific laboratory test methods. Lab Vantage will also track the sample from collection to ultimate destruction, including all quality control associated with test results along with reagent and instrument logs pertinent to the tests. Finally, the system provides an audit trail to track changes for master data template objects and instantiated data. The audit trail component tracks all changes by user with a date and time stamp for compliance with internal and external laboratory audits.

Laboratory data managed through Lab Vantage are used for 1) monitoring the health of the District's water resources; 2) assisting the DEP with establishing total maximum daily loads (TMDLs) for all significant water bodies in the District; and 3) designing projects and subsequently assessing project success for all regional projects completed to improve water quality. Annually, the laboratory conducts over 40,000 tests. The goal of this process improvement engagement is to make sure that all Lab Vantage controlled tests and data are archived in protected storage for later access.

Project Scope The executive management team established a multi-divisional project team to –

- Develop a plan to address any records that may be non-compliant with Chapter 1B-26 and any deficiencies in existing processes, policies, and other authoritative guides
- Validate the District's Lab Vantage's compliance with Chapter 1B-26, F.A.C. for electronic records management

Members of the team included staff from the General Services, Information Technology, Water Resources Bureaus, as well as the Office of General Counsel. District staff conducted the engagement in accordance with the *International Professional Practices Framework* advocated by the Institute of Internal Auditors (IIA).

Observations After completing the project, the District's creation and management of electronic records in the Lab Vantage system are compliant with Chapter 1B-26, F.A.C. starting August 11, 2017.

Recommendations As part of project finalization, staff recommended the following:

- Review and update of the Chemistry Laboratory's existing retention schedule to reflect any modifications identified from this effort.
- Review of the Chemistry Laboratory's development and management of scanned documents which may be managed completely electronically moving forward.

- Annual analysis of records maintained in the District's electronic records management system to ensure continued ISO-9000 compliance.

The annual analysis of the electronic records management system to ensure continued ISO-9000 compliance is a significant action and will be monitored by the Office of Inspector General annually.

Acknowledgements

Following are the District staff who led the project efforts:

General Services

Earl Rich, Bureau Chief

Peggy Meinhardt, Records Manager

Dianna Burdick, Project Manager (now working in the IT Bureau)

Information Technology

Steve Dicks, Bureau Chief

Mark Keck, Enterprise Infrastructure Manager

Kim Cash, Project Manager for the 1B26 compliance effort (new systems)

Office of General Counsel

Karen West, General Counsel

Erica Richards, Senior Attorney

Resource Data Bureau

Roberta Starks, Bureau Chief

Catharine Wolden, Water Quality Monitoring Program Manager

Matt Jablonski, Chemistry Laboratory Supervisor

FINANCE/OUTREACH & PLANNING COMMITTEE

September 26, 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 August 31, 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).

Exhibit to be provided under separate cover.

Staff Recommendation:

These items are presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

September 26, 2017

Routine Report

Monthly Financial Statement

Background

In accordance with Sections 373.536(4)(e) and 215.985(11), 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 Eleventh Month Ended August 31, 2017."

Exhibit to be provided under separate cover.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

September 26, 2017

Routine Report

Monthly Cash Balances by Fiscal Year

Background

This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves are utilized for projects.

Exhibit to be provided under separate cover.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

**E. Operations,
Lands & Resource
Monitoring**

**Governing Board Meeting
September 26, 2017**

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
--

Discussion Items

32. Consent Item(s) Moved for Discussion

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34. Surplus Lands Biennial Assessment(15 minutes) ...95

35. Hydrologic Conditions Report(10 minutes) ...131

Submit & File Reports - None

Routine Reports

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37. Significant Activities136

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

September 26, 2017

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Ken Frink, P.E., Division Director, Operations Lands and Resource Monitoring

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

September 26, 2017

Discussion Item

Hurricane Irma Response

The purpose of this item is to update the Governing Board on the District's response and activities associated with Hurricane Irma.

Staff Recommendation:

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

Presenter: Ken Frink, Operations, Lands and Resource Monitoring Director and Jerry Mallams,
Operations and Land Management Bureau Chief

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**September 26, 2017*****Discussion Item*****Surplus Lands Biennial Assessment*****Purpose:***

The purpose of this item is to request Governing Board approval, by two-thirds majority vote of the surplus designation for lands identified as no longer needed for conservation; that may be conserved with less-than-fee ownership, transfer of fee ownership to a public entity that currently manages a property, or sold for the highest price obtainable. Staff is recommending that 8 parcels totaling 733 acres be deemed surplus by the Governing Board and disposed of accordingly. Exhibit 1 includes details for each parcel recommended for surplus or transfer, along with evaluation forms, maps of each parcel, and specific recommendations for disposal.

Background:

Governing Board Policy 610-4, Sale Exchange or Conveyance of Interest in Land by the District (Policy), requires that on a biennial basis, the Governing Board will review the District's landholdings to identify lands that may be appropriate to surplus. Consideration may also be given to retaining a less-than-fee interest in conservation lands that are inherently inefficient for the District to manage due to circumstances such as, but not limited to, size, location or lack of access and upon a determination that continued fee ownership is no longer necessary to satisfy the conservation purposes for which the land was originally acquired.

Accordingly, in March 2017 staff undertook the third biennial review of all District fee landholdings to preliminarily identify lands that may no longer meet the original acquisition purposes, including substantive water resource benefits, such as flood control, recharge, water storage, water management, conservation and protection of water resources, water resource and water supply development, or preservation of springs, wetlands, streams and lakes. Lands not providing a significant benefit to these areas could be sold and placed back on the tax role. Per Florida Statutes and District Policy, the proceeds of the sale of surplus lands will be used to purchase lands or interests in land with significant contributions to flood protection, water supply, water quality and natural systems.

Assessment Process:

During the first of three public meetings, District fee landholdings were assessed using an environmentally sensitive lands tool for a coarse review to assess the environmental sensitivity of District lands regarding the District's four Areas of Responsibilities (AORs): water supply, water quality, flood protection and natural systems. Landholdings were further evaluated to determine if they could be sold and conserved with a less-than-fee interest, or transferred to a public entity currently managing a property, creating an management efficiency.

The candidate parcels were then reviewed by District Subject Matter Experts (SMEs) who performed a detailed evaluation to thoroughly evaluate whether the parcels provide substantial water resource benefits, were a cultural resource, were a conservation corridor, provide significant recreational opportunities and if they were marketable.

All parcels identified for potential surplus and the SME reviews were then presented to the District's Environmental Advisory Committee (EAC) for input. The EAC requested SME opinions weigh heavily on the decision of the District, and consider retaining wetlands, lands that are part of an identified corridor, or are contiguous with existing conservation lands.

The process and parcels under consideration were also posted to the District's website to inform the public and receive questions, comments and/or concerns. No public comments were received.

At the third public meeting staff reviewed the SME evaluations and EAC comments for all identified parcels to formulate staff's recommendation to the Governing Board. A recommendation was made on each parcel to either move the parcel forward for Governing Board review or to retain. A detailed summary of the parcels recommended for surplus or transfer, along with recommended actions for each is included as Exhibit 1.

Staff Recommendation:

- Accept the District's 2017 Surplus Lands Biennial Assessment conducted in accordance with Governing Board Policy 610-4.
- Approve the surplus of properties identified through the assessment process that are no longer needed for conservation purposes. Such properties are identified in Exhibit 1 and may continue to be conserved through less-than-fee ownership; transfer of fee ownership to a public entity that currently manages the property through an agreement with the District; or sold for the highest price obtainable. A two-thirds majority vote of the Governing Board is required to surplus property held by the District for conservation purposes.
- Set a minimum price at 5 percent above appraised value for five surplus parcels as listed in Exhibit 1.

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

September 26, 2017

Surplus Lands

BIENNIAL ASSESSMENT

Southwest Florida
Water Management District



Surplus Lands Biennial Assessment -- Parcels Identified for Review 7/27/2017

Property	Surplus ID	County	Acres	Original Funding Source*	Recommended Actions
Cliff Stephens Park	CSPK-1	Pinellas	43	Ad Valorem	Determine that the property is no longer needed for conservation or District purposes transfer at no cost to City of Clearwater with reverter
Flying Eagle Preserve	FE-1	Citrus	478	WMLTF (State)	Determine that the property is no longer needed for conservation or District purposes surplus/retain CE and pursue exchange for CI over adjoining property; if unsuccessful, offer for public sale
Flying Eagle Preserve	FE-21	Citrus	44	WMLTF (State)	Determine that the property is no longer needed for conservation or District purposes surplus/retain CE with one entitlement and re subdivision; minimum asking price 5% above appraised value
Jerry Lake	JL-1	Pinellas	80	Ad Valorem	Determine that the property is no longer needed for conservation or District purposes transfer at no cost City of Dunedin or Pinella County with reverter
Lake Panasoffkee	LP-2	Sumter	63	WMLTF (State)	Determine that the property is no longer needed for conservation or District purposes surplus; minimum asking price 5% above appraised value
Panasoffkee-Outlet	PO-3	Sumter	23	WMLTF and Florida Forever (State)	Determine that the property is no longer needed for conservation or District purposes surplus; minimum asking price 5% above appraised value
Tampa Bypass Canal	TBC-21	Hillsborough	1	Ad Valorem	Determine that the property is no longer needed for conservation or District purposes surplus; minimum asking price 5% above appraised value
Tampa Bypass Canal	TBC-23	Hillsborough	1	Ad Valorem	Determine that the property is no longer needed for conservation or District purposes surplus; minimum asking price 5% above appraised value
Total			733		

*WMLTF = Water Management Lands Trust Fund

Attachment: Surplus Assessment GB Packet 9-26-17 rev (3316 : Biennial Surplus Assessment)

Potential Surplus Parcel Review

REVIEW FOR TRANSFER TO CITY OF CLEARWATER

PARCEL INFORMATION			
SWF Surplus Parcel ID:	CSPK-1	SWF Parent Parcel(s):	16-044-101, 16-044-106
Acres:	43	Funding Source(s):	Ad Valorem
County:	Pinellas	Date(s) Acquired:	TBD

PLEASE ONLY ANSWER THOSE AREAS RELATED TO YOUR SPECIFIC AREA OF EXPERTISE. FOR WATER SUPPLY, FLOOD PROTECTION, WATER QUALITY AND NATURAL SYSTEMS PUT YOUR ANSWER IN A FORM AS IF YOU WERE ANSWERING THESE QUESTIONS: "IF THE DISTRICT WERE OFFERED TO PURCHASE THIS PARCEL AND YOU WERE GIVING A PROFESSIONAL OPINION TO THE GOVERNING BOARD RELATED TO YOUR AREA OF EXPERTISE REGARDING THE PURCHASE OF THIS PARCEL, WHAT WOULD IT BE?" "WOULD YOU RECOMMEND THAT THE PARCEL BE PURCHASED TO SUPPORT THAT OPINION?"

Water Supply (Joe Quinn, Robert Peterson)	The three parcels that comprise this property have limited potential to provide water supply benefits (i.e., recharge, buffer, etc.) or for use in water supply project development options.
Flood Protection (Jamison Janke, Mark Fulkerson)	Parcel is located within the Alligator Creek Watershed Management Plan which was completed May 2014. Alligator Creek runs through the center of the parcel. Majority of the parcel (75.8%) is within the effective 100-yr FEMA floodplain.
Water Quality (Janie Hagberg, Chris Anastasiou)	The Cliff Stephens Park property is the location of a stormwater retrofit project completed under the Alligator Creek Water Quality Management Plan, a cooperative effort between the District and the City of Clearwater. Agreement number 93CON000204 identifies the City as the maintenance entity. Provided the City cannot alter the project site to reduce or diminish the water quality benefits of the project, transfer of the property to the City of Clearwater is a logical option.
Natural Systems (Will VanGelder, Aaron Brown)	Property consists of three distinct parcels all connected by Alligator Creek. Aquatic habitats include freshwater marshes, swamps (streams and lake swamps) and open water. Alligator Creek drains into Alligator Lake where District-led FDOT mitigation has occurred and eventually into Tampa Bay, a SWIM priority water body. Based on the natural systems and the ability to manage the natural systems for water quality improvements of a SWIM priority water body, the Natural Systems Team would support the acquisition of these parcels if offered to the District. For efficiency purposes, the District should seek a local management entity based on size and location.
Describe any of the parcel's current management issues (Surplus 3.0 Core Team, Jeff Hagberg, Brian Nelson)	The site is currently managed by the city of Clearwater through Parks and Recreation. The District would have no concerns with management issues if conveyed to the City. No maintenance by Field Operations. Not managed by the Vegetation Management Section.
Describe any of the parcel's current access issues and/or issues created if the parcel is surplus (Surplus 3.0 Core team, Jeff Hagberg)	Most of the subject parcel has road frontage on Park Trail Lane. If this parcel was conveyed to Clearwater, it would not limit access to other District land-based assets. None for Field Operations.
Describe the parcel's significance to linkage of conservation corridors (Will VanGelder)	This parcel does not represent a significant linkage of a conservation corridor. This is not part of a conservation corridor at the state level.
Identify any current agreements that would be impacted if this parcel were surplus (Colleen Kruk)	City of Clearwater has been managing property as parks site since 1981 via license agreement for flood protection management of Alligator Creek and recreational amenities. City purchased the section between District's parcels in 2016 so this would be contiguous to their ownership. If transferred, deed should require that the property continue to be used for flood control purposes in

Describe the parcel's significance to cultural resources (Colleen Kruk)	There are no documented sites within the boundaries of the management area.
Is parcel within a Wildlife Management Area? If so, how many acres? (Debbie Gillett)	No
Identify any data collection sites on the parcel, or any issues that would be created if surplus (Margit Crowell)	<ul style="list-style-type: none"> 1 active continuous USGS-operated surface-water site on easternmost parcel: <i>Alligator Creek at Kapok Park</i> (site ID 756392). Data collected by USGS, but not part of USGS-District cooperative data collection program. Contact USGS if property to be surplus. No survey control points/benchmarks on property.
Describe the parcel's marketability if surplus (Steve Blaschka)	This property provides drainage/flood protection and is improved with an active park in a suburban area. There is an active CSX Railway along the northern boundary line. The property is bisected by Alligator Creek. The western parts of the property are bisected by Fairwood Avenue, which is a paved. The eastern parcel is accessed at the terminus of Glen Oak Avenue, which is a paved and goes into a parking lot for Kapok Park. Because the property protects Alligator Creek and is improved as a public park the most likely candidate to acquire ownership would be the City. The western portions of the property would offer some development potential, the eastern parcel does not.
Identify the parcel's current zoning & Future Land Use designation (Trisha Neasman)	Recreation/Open Space (western parcels) Residential Low, Recreation/Open Space and Preservation (eastern parcel)

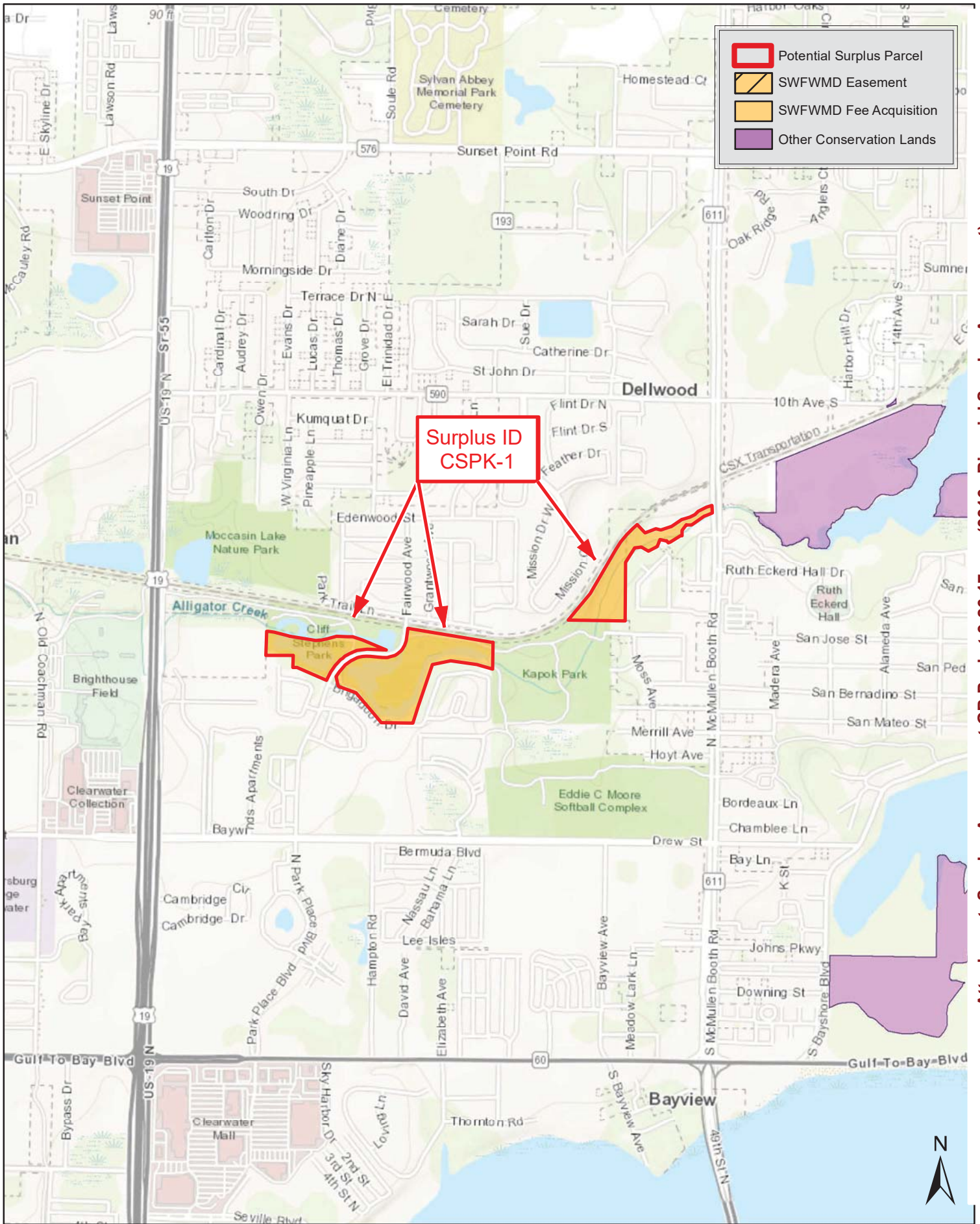
THE QUESTIONS BELOW WILL BE ANSWERED BY THE SURPLUS 3.0 CORE TEAM AT THE SECOND PUBLIC MEETING

Is it recommended to present the parcel to the Governing Board for surplus?	No
If parcel recommended for surplus, list conditions such as retaining conservation or access easements; list any conditions specific to this parcel	N/A
If parcel is not recommended for surplus, is it recommend that fee title and/or management responsibilities be transferred to another governmental entity? [If yes, why and which entity(ies)?]	Recommend no cost transfer of fee title to City of Clearwater with reverter protecting the District's financial investment, data collection sites and management/protection of the property for its current uses.

THE BLOCKS BELOW WILL BE FILLED IN BEFORE PRESENTATION TO THE GOVERNING BOARD

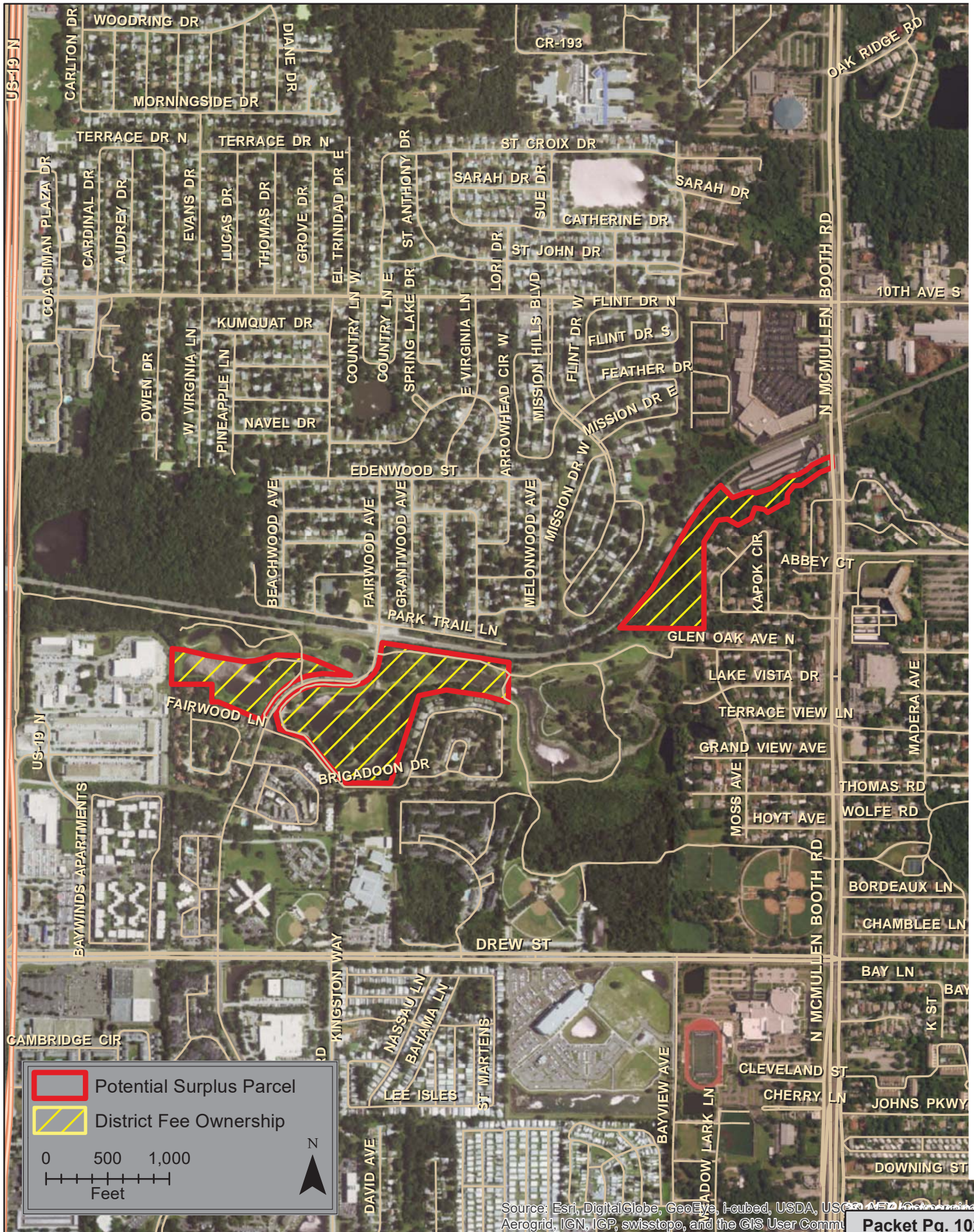
Environmental Advisory Committee comments from July 11, 2017 meeting	Recommend that the subject matter experts' opinions weigh heavily on the decision of the District, and consider retaining wetlands, lands that are part of an identified corridor, or are contiguous with existing conservation lands.
Public comments	None

Cliff Stephens Park (Surplus ID CSPK-1)



Attachment: Surplus Assessment GB Packet 9-26-17 rev (3316 : Biennial Surplus Assessment)

Cliff Stephens Park (Surplus ID CSPK-1)



Potential Surplus Parcel Review

PARCEL INFORMATION			
SWF Surplus Parcel ID:	FE-1	SWF Parent Parcel(s):	19-334-124
Acres:	478 (including sovereign lands)	Funding Source(s):	Water Management Lands Trust Fund
County:	Citrus	Date(s) Acquired:	3/1/1999

PLEASE ONLY ANSWER THOSE AREAS RELATED TO YOUR SPECIFIC AREA OF EXPERTISE. FOR WATER SUPPLY, FLOOD PROTECTION, WATER QUALITY AND NATURAL SYSTEMS PUT YOUR ANSWER IN A FORM AS IF YOU WERE ANSWERING THESE QUESTIONS: "IF THE DISTRICT WERE OFFERED TO PURCHASE THIS PARCEL AND YOU WERE GIVING A PROFESSIONAL OPINION TO THE GOVERNING BOARD RELATED TO YOUR AREA OF EXPERTISE REGARDING THE PURCHASE OF THIS PARCEL, WHAT WOULD IT BE?" "WOULD YOU RECOMMEND THAT THE PARCEL BE PURCHASED TO SUPPORT THAT OPINION?"	
Water Supply (Joe Quinn, Robert Peterson)	Given the larger size of this parcel, it serves a moderate role as buffer and recharge area to the Withlacoochee River, which is identified as a potential surface water source in the District and WRSA regional water supply plans.
Flood Protection (Jamison Janke, Mark Fulkerson)	Parcel is located within the limits of the Withlacoochee River Watershed Initiative which was completed September 2015. Majority of the parcel (64.5%) is within the effective 100-yr FEMA floodplain. Parcel also includes portions of the Orange State and Leslie Heifner Canals which are used by the District to convey water into the Tsala Apopka chain-of-lakes and for related structure operations. The land also provides flood protection for the residents of Tsala Apopka during high water events.
Water Quality (Janie Hagberg, Chris Anastasiou)	Water quality core criteria for seven categories are represented for this parcel, therefore the parcel would be recommended for purchase in consideration of the water quality benefits.
Natural Systems (Will VanGelder, Aaron Brown)	Parcel is a combination of primarily intact xeric and mesic uplands, freshwater marshes, and swamps which drain to the Withlacoochee River. The ESL tool indicates the entirety of the property meeting three or four core missions. There is a hydrologic drainage between this parcel and the core Flying Eagle property draining into the Withlacoochee River. The Natural Systems Team would support the acquisition of this parcel if it was offered to the District.
Describe any of the parcel's current management issues (Surplus 3.0 Core Team, Jeff Hagberg, Brian Nelson)	Management issues for FE-1 would be the sparse development that has occurred in this area. Uplands are imbedded within marsh habitat. Active management must occur with consideration being given to historical sites. Field Operations has no management issues and maintains a fence line, annual fire line and three gate entrances along Trails End Road. Some upland invasive plant infestations have been identified on this parcel, but have not been treated recently.
Describe any of the parcel's current access issues and/or issues created if the parcel is surplus (Surplus 3.0 Core team, Jeff Hagberg)	Currently the property is accessed from Trails End Road. The surplus of this parcel would not impact the access to the core of the Flying Eagle property. None for Field Operations, but this parcel has access to the Orange State Canal that is used by Vegetation Management staff for loading and unloading airboats. Access is needed for the treatment and maintenance of these canal systems. Problematic aquatic plants are present in the District-owned portions of the Steam Boat Springs canals and they are treated to prevent the movement of the plants into privately owned sections of the canals.
Describe the parcel's significance to linkage of conservation corridors (Will VanGelder)	This parcel is part of a natural and hydrological connection between the Flying Eagle core property and the Withlacoochee River. An appropriate conservation easement would preserve this connection. This parcel is part of an identified conservation corridor at the state level.

Identify any current agreements that would be impacted if this parcel were surplus (Colleen Kruk)	There are no current agreements that impact the boundaries of this parcel.
Describe the parcel's significance to cultural resources (Colleen Kruk)	The Orange State Canal, a 19 th Century American cultural feature, is located along the western half of the property but its existence should not impact the parcel.
Is parcel within a Wildlife Management Area? If so, how many acres? (Debbie Gillett)	No
Identify any data collection sites on the parcel, or any issues that would be created if surplus (Margit Crowell)	<ul style="list-style-type: none"> • 2 active near-real-time data collection sites used for Structure Operations (Leslie Heifner Canal). • 1 active rainfall data collection site on eastern section of parcel. • District and NGS survey control points/benchmarks located in area.
Describe the parcel's marketability if surplus (Steve Blaschka)	The location and topography of this tract should make it very desirable and marketable. It has extensive frontage on Trails End Road which provides paved access. The surrounding properties are in agricultural use and the neighborhood appeared to be generally in good condition. The marketability will depend on the allowable uses, agricultural restrictions, such as cattle and the ability to clear/convert portions of this property.
Identify the parcel's current zoning & Future Land Use designation (Trisha Neasman)	Conservation

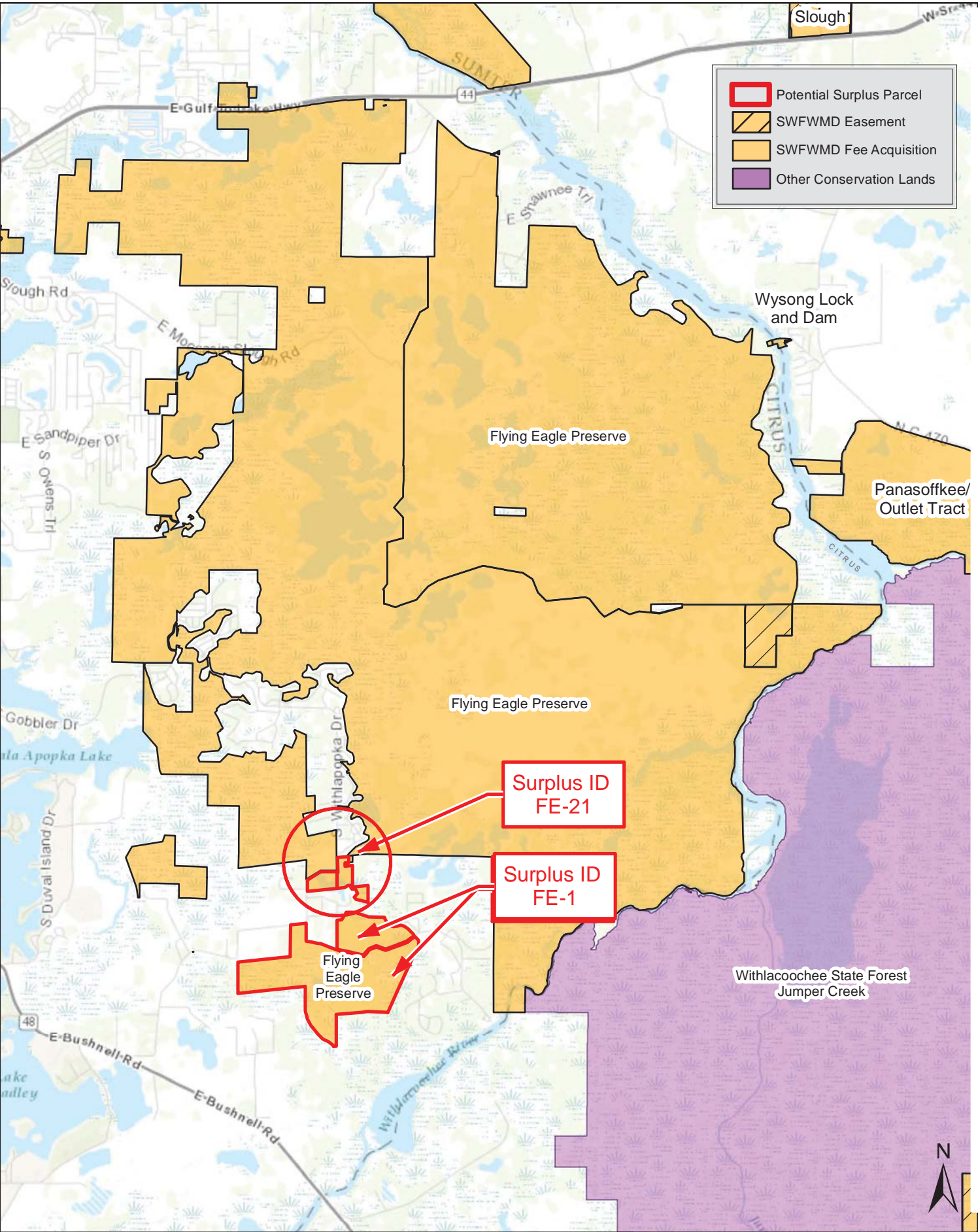
THE QUESTIONS BELOW WILL BE ANSWERED BY THE SURPLUS 3.0 CORE TEAM AT THE SECOND PUBLIC MEETING

Is it recommended to present the parcel to the Governing Board for surplus?	Yes
If parcel recommended for surplus, list conditions such as retaining conservation or access easements; list any conditions specific to this parcel	Recommend pursuing exchange with adjacent owner to the east which would provide contiguity between FE-1, FE-21 and the core of the Flying Eagle Preserve. The District would exchange the underlying fee ownership of the District's property for a conservation easement over their adjacent property and FE-1 and possibly FE-21. If the adjacent owner is not interested in an exchange, recommend property be sold with a reserved conservation easement.
If parcel is not recommended for surplus, is it recommend that fee title and/or management responsibilities be transferred to another governmental entity? [If yes, why and which entity(ies)?]	N/A

THE BLOCKS BELOW WILL BE FILLED IN BEFORE PRESENTATION TO THE GOVERNING BOARD

Environmental Advisory Committee comments from July 11, 2017 meeting	Recommend that the subject matter experts' opinions weigh heavily on the decision of the District, and consider retaining wetlands, lands that are part of an identified corridor, or are contiguous with existing conservation lands.
Public comments	None

Flying Eagle Preserve



Attachment: Surplus Assessment GB Packet 9-26-17 rev (3316 : Biennial Surplus Assessment)

Potential Surplus Parcel

District Fee Ownership

0 750 1,500
Feet

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Packet Pg. 106

Packet Pg. 106

Potential Surplus Parcel Review

PARCEL INFORMATION			
SWF Surplus Parcel ID:	FE-21	SWF Parent Parcel(s):	19-334-101, 19-334-124
Acres:	44 (including sovereign lands)	Funding Source(s):	Water Management Lands Trust Fund
County:	Citrus	Date(s) Acquired:	12/18/1986, 3/1/1999

PLEASE ONLY ANSWER THOSE AREAS RELATED TO YOUR SPECIFIC AREA OF EXPERTISE. FOR WATER SUPPLY, FLOOD PROTECTION, WATER QUALITY AND NATURAL SYSTEMS PUT YOUR ANSWER IN A FORM AS IF YOU WERE ANSWERING THESE QUESTIONS: "IF THE DISTRICT WERE OFFERED TO PURCHASE THIS PARCEL AND YOU WERE GIVING A PROFESSIONAL OPINION TO THE GOVERNING BOARD RELATED TO YOUR AREA OF EXPERTISE REGARDING THE PURCHASE OF THIS PARCEL, WHAT WOULD IT BE?" "WOULD YOU RECOMMEND THAT THE PARCEL BE PURCHASED TO SUPPORT THAT OPINION?"

Water Supply (Joe Quinn, Robert Peterson)	Given the relatively small size of this parcel, it serves a limited role as buffer and recharge area to the Withlacoochee River, which is identified as a potential surface water source in the District and WRSA regional water supply plans.
Flood Protection (Jamison Janke, Mark Fulkerson)	Parcel is located within the East Citrus Watershed Management Plan which was completed September 2015. A portion of the parcel (42.9%) is within the effective 100-yr FEMA floodplain. Parcel is directly adjacent to the wetlands of the Floral City Pool of the Tsala Apopka chain-of-lakes and helps provide flood protection for the residents of Tsala Apopka.
Water Quality (Janie Hagberg, Chris Anastasiou)	Water quality core criteria for 6 categories are represented for this parcel, therefore the parcel would be recommended for purchase in consideration of the water quality benefits.
Natural Systems (Will VanGelder, Aaron Brown)	Parcel consists of combination of hardwood/conifer mix, freshwater swamps and disturbed lands. If these three parcels were offered to the District, the Natural Systems Team would not support the acquisition based on the surrounding developed areas and management concerns.
Describe any of the parcel's current management issues (Surplus 3.0 Core Team, Jeff Hagberg, Brian Nelson)	The FE-21 parcels are surrounded by sparse development limiting the techniques available to managing land. None for Field Operations.
Describe any of the parcel's current access issues and/or issues created if the parcel is surplus (Surplus 3.0 Core team, Jeff Hagberg)	Access to these parcels is through S. Withlapopka Drive. The surplus of these parcels would not limit access to the remaining District lands. None for Field Operations. This parcel has not been managed by the Vegetation Management Section.
Describe the parcel's significance to linkage of conservation corridors (Will VanGelder)	These parcels do connect natural areas to the west to the core of Flying Eagle. This parcel is part of an identified conservation corridor at the state level.
Identify any current agreements that would be impacted if this parcel were surplus (Colleen Kruk)	There are no current agreements that impact the boundaries of this parcel.
Describe the parcel's significance to cultural resources (Colleen Kruk)	There are no documented sites within the boundaries of the management area.
Is parcel within a Wildlife Management Area (WMA)? If so, how many acres? (Debbie Gillett)	Yes (35 acres within WMA)

Identify any data collection sites on the parcel, or any issues that would be created if surplus (Margit Crowell)	<ul style="list-style-type: none"> • No District or USGS data collection assets on parcel. • No survey control points/benchmarks on parcel.
Describe the parcel's marketability if surplus (Steve Blaschka)	The location and topography of this tract should make it very desirable and marketable. It has good frontage and is bisected by S. Withlapopka Drive, a paved road. The surrounding properties are in predominantly rural residential with some agricultural uses. The property neighborhood appeared to be generally in good condition. The northern part of the site has a cleared area which appears to be subject to some illegal dumping that should be cleaned up. The marketability will depend on the allowable uses, agricultural restrictions, such as cattle and the ability to clear/convert portions of this property.
Identify the parcel's current zoning & Future Land Use designation (Trisha Neasman)	Conservation

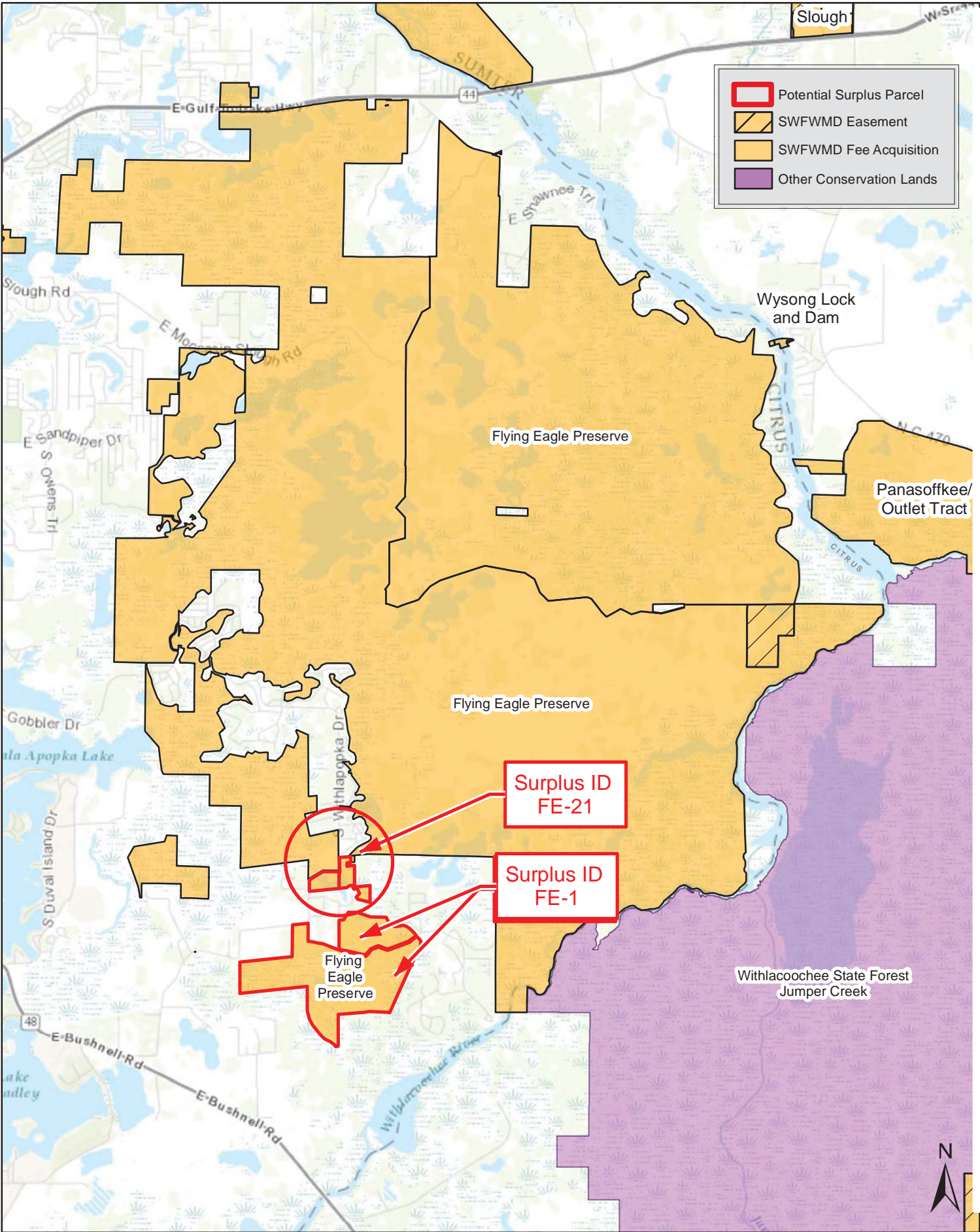
THE QUESTIONS BELOW WILL BE ANSWERED BY THE SURPLUS 3.0 CORE TEAM AT THE SECOND PUBLIC MEETING

Is it recommended to present the parcel to the Governing Board for surplus?	Recommend retaining the northern 35 acres and surplussing the remainder.
If parcel recommended for surplus, list conditions such as retaining conservation or access easements; list any conditions specific to this parcel	Consider offering an exchange to the adjacent owner to the east which would provide contiguity between FE-1, FE-21 and the core of the Flying Eagle Preserve. The District could exchange the underlying fee ownership of the District's property for a conservation easement over their adjacent property, FE-1 and FE-21. If the adjacent owner is not interested in an exchange, recommend property be sold with a reserved conservation easement.
If parcel is not recommended for surplus, is it recommend that fee title and/or management responsibilities be transferred to another governmental entity? [If yes, why and which entity(ies)?]	N/A

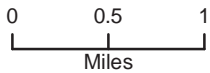
THE BLOCKS BELOW WILL BE FILLED IN BEFORE PRESENTATION TO THE GOVERNING BOARD

Environmental Advisory Committee comments from July 11, 2017 meeting	Recommend that the subject matter experts' opinions weigh heavily on the decision of the District, and consider retaining wetlands, lands that are part of an identified corridor, or are contiguous with existing conservation lands.
Public comments	None

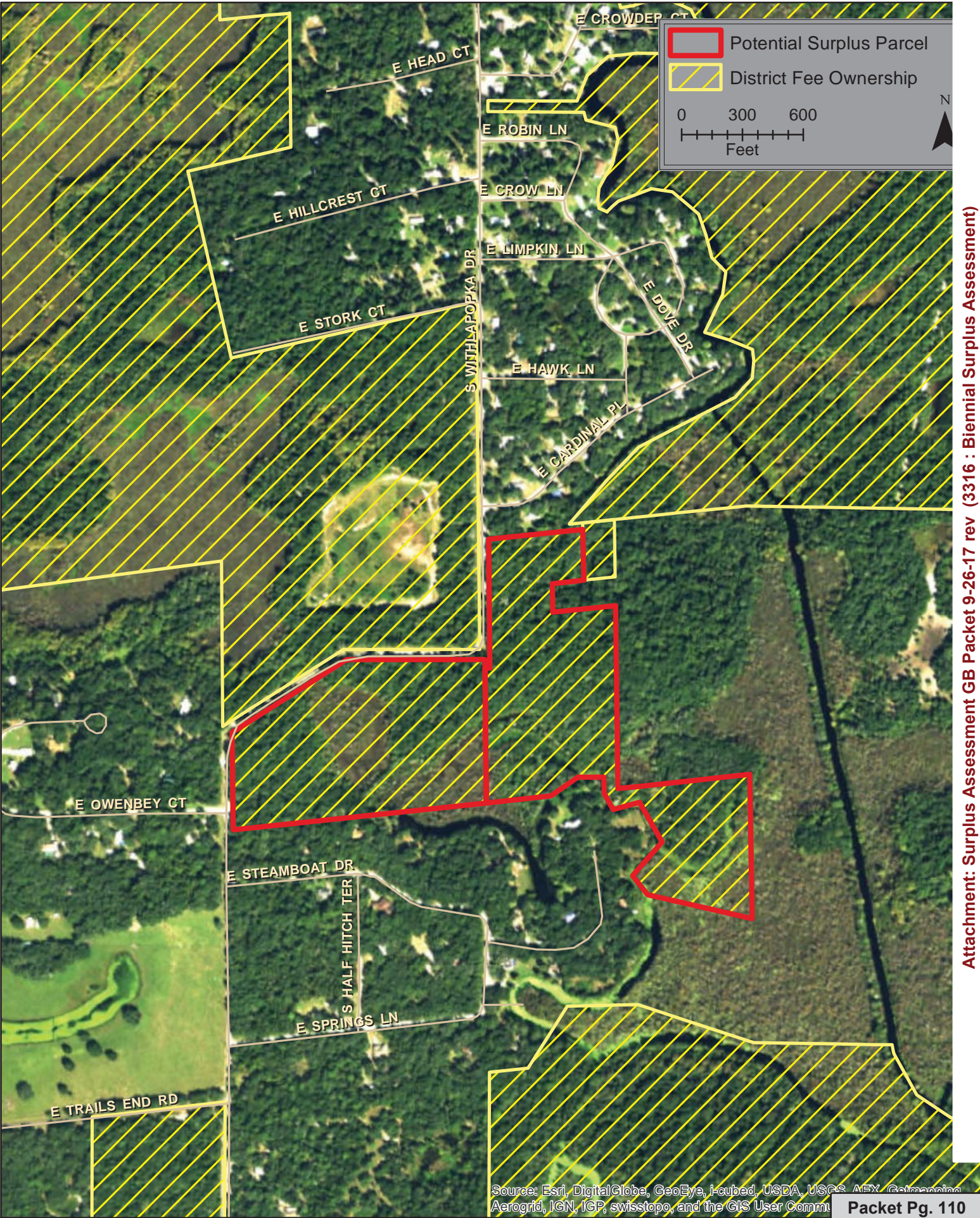
Flying Eagle Preserve



Attachment: Surplus Assessment GB Packet 9-26-17 rev (3316 : Biennial Surplus Assessment)



Flying Eagle Preserve (Surplus ID FE-21)



Potential Surplus Parcel Review

REVIEW FOR TRANSFER TO CITY OF DUNEDIN

PARCEL INFORMATION			
SWF Surplus Parcel ID:	JL-1	SWF Parent Parcel(s):	16-296-101, 16-296-106
Acres:	80	Funding Source(s):	Ad Valorem
County:	Pinellas	Date(s) Acquired:	1/18/1986

PLEASE ONLY ANSWER THOSE AREAS RELATED TO YOUR SPECIFIC AREA OF EXPERTISE. FOR WATER SUPPLY, FLOOD PROTECTION, WATER QUALITY AND NATURAL SYSTEMS PUT YOUR ANSWER IN A FORM AS IF YOU WERE ANSWERING THESE QUESTIONS: "IF THE DISTRICT WERE OFFERED TO PURCHASE THIS PARCEL AND YOU WERE GIVING A PROFESSIONAL OPINION TO THE GOVERNING BOARD RELATED TO YOUR AREA OF EXPERTISE REGARDING THE PURCHASE OF THIS PARCEL, WHAT WOULD IT BE?" "WOULD YOU RECOMMEND THAT THE PARCEL BE PURCHASED TO SUPPORT THAT OPINION?"

Water Supply (Joe Quinn, Robert Peterson)	This parcel has limited potential to provide water supply benefits (i.e., recharge, buffer, etc.) or for use in water supply project development options.
Flood Protection (Jamison Janke, Mark Fulkerson)	Nearly the entire parcel (97.4%) is within the effective 100-yr FEMA floodplain. Entire parcel consists of Jerry Lake and the surrounding wetlands.
Water Quality (Janie Hagberg, Chris Anastasiou)	This parcel exhibits four water quality core criteria developed for the assessment tool. It is comprised primarily of open water and wetland. Two City of Dunedin-owned parcels are adjacent to the subject parcel and therefore it is a logical candidate for transfer to the City of Dunedin with a conservation easement.
Natural Systems (Will VanGelder, Aaron Brown)	If this property were offered to the District for acquisition it would be supported by the Natural Systems Team, with the expectation that management would be conveyed to a local government.
Describe any of the parcel's current management issues (Surplus 3.0 Core Team, Jeff Hagberg, Brian Nelson)	Jerry Lake is entirely surrounded by development limiting the types of management techniques typically used on rural conservation lands. No routine maintenance by Field Operations. Vegetation Management treats water hyacinth on Jerry Lake three to four times per year.
Describe any of the parcel's current access issues and/or issues created if the parcel is surplus (Surplus 3.0 Core team, Jeff Hagberg)	This parcel currently has access issues and would not create access issues to additional District lands in the event it is surplus. No access for maintenance of Jerry Lake Creek east side of property. Airboat ramp for vegetation management of Jerry Lake has limited access. On several occasions acquired license agreements for access through private property to remove fallen trees in Jerry Lake Creek. None for Field Operations.
Describe the parcel's significance to linkage of conservation corridors (Will VanGelder)	Jerry Lake has minimal value as conservation corridors limited mostly to avian (bird) species. This is not part of a conservation corridor at the state level.
Identify any current agreements that would be impacted if this parcel were surplus (Colleen Kruk)	The District has an agreement with the seller for a life estate. This agreement is based on the warranty deed reservation. The District entered into a license agreement with Pinellas County for construction of a weir. This agreement needs to be assigned by purchaser.
Describe the parcel's significance to cultural resources (Colleen Kruk)	There are no documented sites within the boundaries of the parcel.

Is parcel within a Wildlife Management Area? If so, how many acres? (Debbie Gillett)	No
Identify any data collection sites on the parcel, or any issues that would be created if surplus (Margit Crowell)	<ul style="list-style-type: none"> • 1 inactive water-quality data collection site (LRV 7/1990); no other District or USGS data collection assets on parcel. • 1 inactive rainfall data collection site (LRV 5/2005) near eastern edge of parcel. • No survey control points/benchmarks on parcel.
Describe the parcel's marketability if surplus (Steve Blaschka)	This property is currently marketable to only the City or the holder of the life estate. Access is limited. Its only use besides fishing would be to provide drainage/flood protection.
Identify the parcel's current zoning & Future Land Use designation (Trisha Neasman)	Recreation/Open Space/Preservation

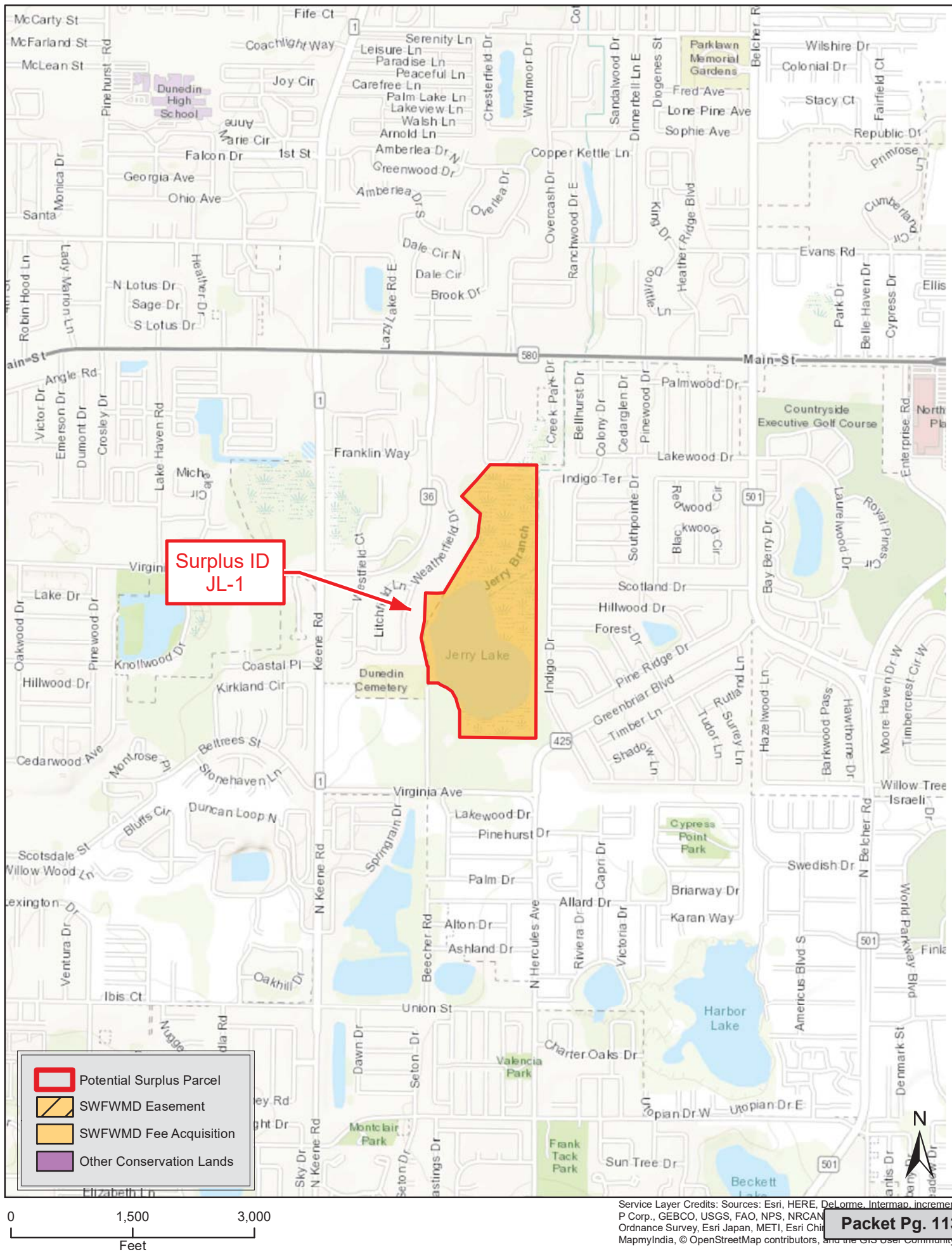
THE QUESTIONS BELOW WILL BE ANSWERED BY THE SURPLUS 3.0 CORE TEAM AT THE SECOND PUBLIC MEETING

Is it recommended to present the parcel to the Governing Board for surplus?	No
If parcel recommended for surplus, list conditions such as retaining conservation or access easements; list any conditions specific to this parcel	N/A
If parcel is not recommended for surplus, is it recommend that fee title and/or management responsibilities be transferred to another governmental entity? [If yes, why and which entity(ies)?]	Recommend no cost transfer of fee title property with reverter to the City of Dunedin or Pinellas County after review of the life estate by the Office of General Counsel to ensure there are no restrictions that would prohibit the transfer while the existing life estate is intact.

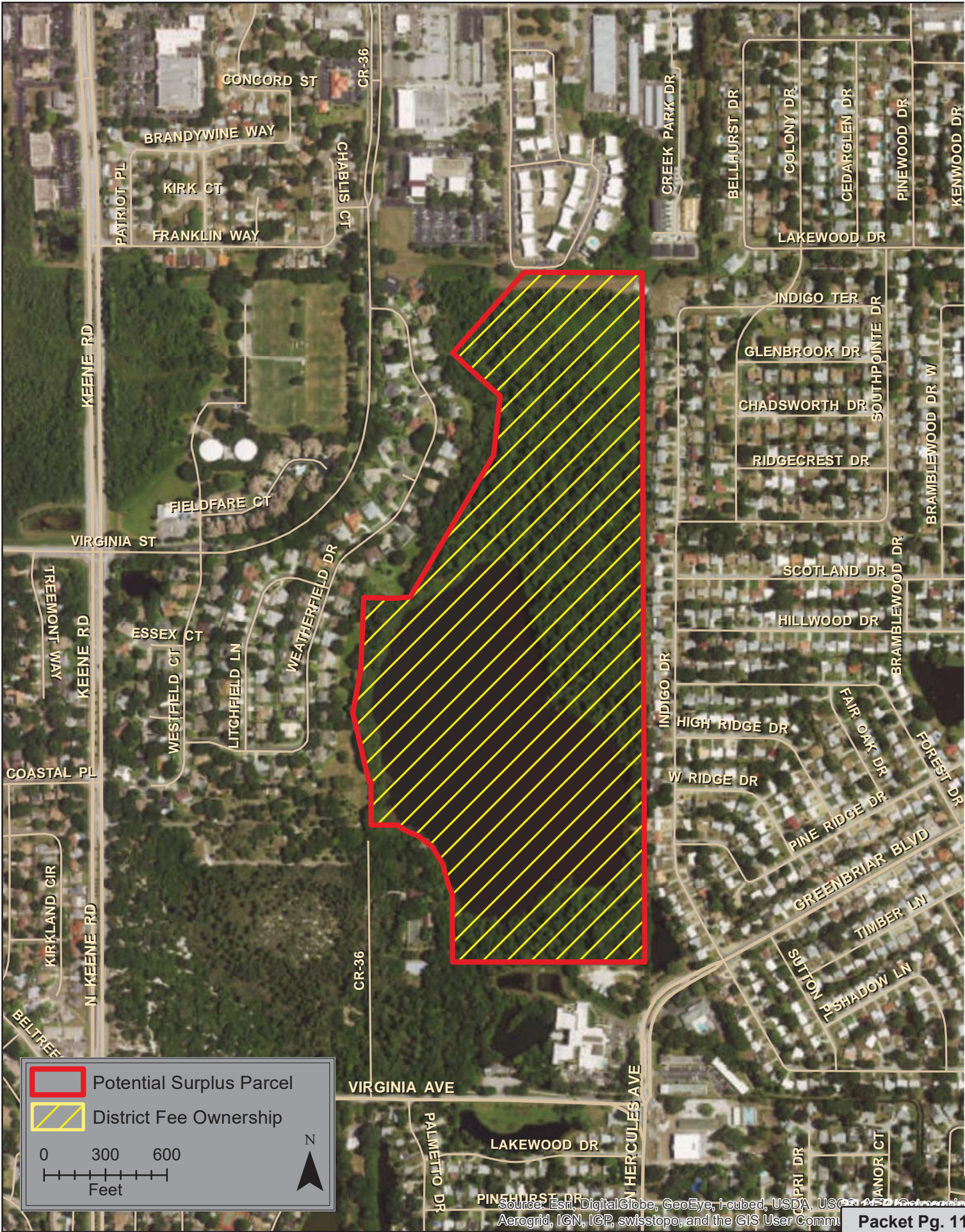
THE BLOCKS BELOW WILL BE FILLED IN BEFORE PRESENTATION TO THE GOVERNING BOARD

Environmental Advisory Committee comments from July 11, 2017 meeting	Recommend that the subject matter experts' opinions weigh heavily on the decision of the District, and consider retaining wetlands, lands that are part of an identified corridor, or are contiguous with existing conservation lands.
Public comments	None

Jerry Lake (Surplus ID JL-1)



Jerry Lake (Surplus ID JL-1)



Potential Surplus Parcel Review

PARCEL INFORMATION			
SWF Surplus Parcel ID:	LP-2	SWF Parent Parcel(s):	19-528-123, 19-528-124
Acres:	149 reviewed, reduced to 62	Funding Source(s):	Water Management Lands Trust Fund
County:	Sumter	Date(s) Acquired:	11/25/1996

PLEASE ONLY ANSWER THOSE AREAS RELATED TO YOUR SPECIFIC AREA OF EXPERTISE. FOR WATER SUPPLY, FLOOD PROTECTION, WATER QUALITY AND NATURAL SYSTEMS PUT YOUR ANSWER IN A FORM AS IF YOU WERE ANSWERING THESE QUESTIONS: "IF THE DISTRICT WERE OFFERED TO PURCHASE THIS PARCEL AND YOU WERE GIVING A PROFESSIONAL OPINION TO THE GOVERNING BOARD RELATED TO YOUR AREA OF EXPERTISE REGARDING THE PURCHASE OF THIS PARCEL, WHAT WOULD IT BE?" "WOULD YOU RECOMMEND THAT THE PARCEL BE PURCHASED TO SUPPORT THAT OPINION?"

Water Supply (Joe Quinn, Robert Peterson)	Given the relatively small size of this parcel, it provides minor benefits as buffer and recharge area to Lake Panasoffkee, a tributary to the Withlacoochee River, which is identified as a potential surface water source in the District and WRSA regional water supply plans.
Flood Protection (Jamison Janke, Mark Fulkerson)	Parcel is located within the limits of the Withlacoochee River Watershed Initiative which was completed September 2015. A portion of the parcel (43.5%) is within the effective 100-yr FEMA floodplain. Parcel is adjacent to Shady Brook, a 2 nd magnitude spring run and major tributary to Lake Panasoffkee, an Outstanding Florida Water.
Water Quality (Janie Hagberg, Chris Anastasiou)	Water quality core criteria for four categories are represented for this parcel, therefore the parcel would be recommended for purchase in consideration of the water quality benefits.
Natural Systems (Will VanGelder, Aaron Brown)	Property consists of natural hardwood/conifer uplands and forested freshwater wetlands. If this parcel was offered to the District for purchase, the Natural Systems Team would support the acquisition. Of lesser value but still supported by the Natural Systems Team, would be a configuration where the northern boundary of the subject parcel was moved to the south where the east side of the parcel transitions in an east/west direction.
Describe any of the parcel's current management issues (Surplus 3.0 Core Team, Jeff Hagberg, Brian Nelson)	Management issues on the LP-2 parcel would include I-75 to the west and sparse development surrounding the parcel. Much of the Lake Panasoffkee property east of I-75 would be floodplain swamp. This subject parcel being considered for surplus does contain some uplands that buffer the swamp from impacts due to more intensive uses, but has not received active management due to the limited amount of uplands and accessibility. Field Operations has no management issues and maintains a boundary fence, one gate entrance, and annual fire line. Invasive plants have not yet been assessed or managed on this parcel.
Describe any of the parcel's current access issues and/or issues created if the parcel is surplus (Surplus 3.0 Core team, Jeff Hagberg)	The parcel being considered for surplus contains the only access to the entire land holdings east of the interstate highway. None for Field Operations.
Describe the parcel's significance to linkage of conservation corridors (Will VanGelder)	Though the surplus piece contains the limited intact uplands, the corridor that exists eastward would be the limited habitat surrounding Shady Brook Creek, a natural spring run. This parcel is close to the Withlacoochee River Corridor identified by the state as a conservation corridor.
Identify any current agreements that would be impacted if this parcel were surplus (Colleen Kruk)	There are no current agreements that impact the boundaries of the parcel.

Describe the parcel's significance to cultural resources (Colleen Kruk)	There are no documented sites within the boundaries of the parcel.
Is parcel within a Wildlife Management Area? If so, how many acres? (Debbie Gillett)	No
Identify any data collection sites on the parcel, or any issues that would be created if surplus (Margit Crowell)	<ul style="list-style-type: none"> No active District or USGS data collection assets on parcel. NGS survey control points/benchmarks on lower part of parcel and on/near upper part of parcel along east side of I-75.
Describe the parcel's marketability if surplus (Steve Blaschka)	The location and topography of this tract is marketable. It has access via NE 14 Avenue at the north east corner of the property and it is paved. The surrounding properties are predominantly rural residential with agricultural uses. The property neighborhood appeared to be generally in good condition. The southern part of a the property is just north of Shady Brook which is part of the outfall for Fenney Spring, located to the north east. The marketability will depend on the allowable uses, agricultural restrictions, such as cattle and the ability to clear/convert portions of this property.
Identify the parcel's current zoning & Future Land Use designation (Trisha Neasman)	Agricultural

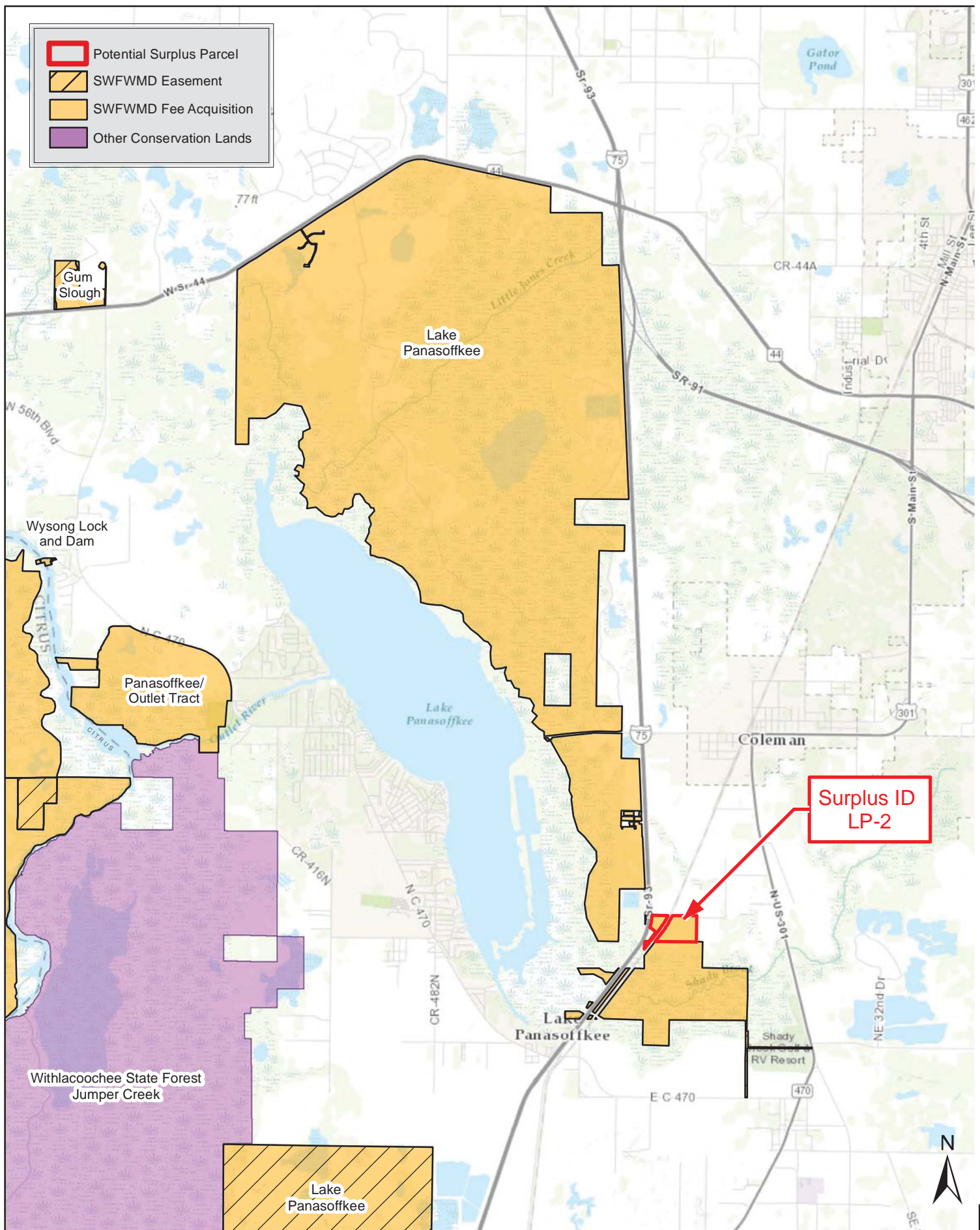
THE QUESTIONS BELOW WILL BE ANSWERED BY THE SURPLUS 3.0 CORE TEAM AT THE SECOND PUBLIC MEETING

Is it recommended to present the parcel to the Governing Board for surplus?	Recommend retaining the southern portion and surplus the northern portion.
If parcel recommended for surplus, list conditions such as retaining conservation or access easements; list any conditions specific to this parcel	Retain an ingress/egress easement off NE12th Avenue.
If parcel is not recommended for surplus, is it recommend that fee title and/or management responsibilities be transferred to another governmental entity? [If yes, why and which entity(ies)?]	N/A

THE BLOCKS BELOW WILL BE FILLED IN BEFORE PRESENTATION TO THE GOVERNING BOARD

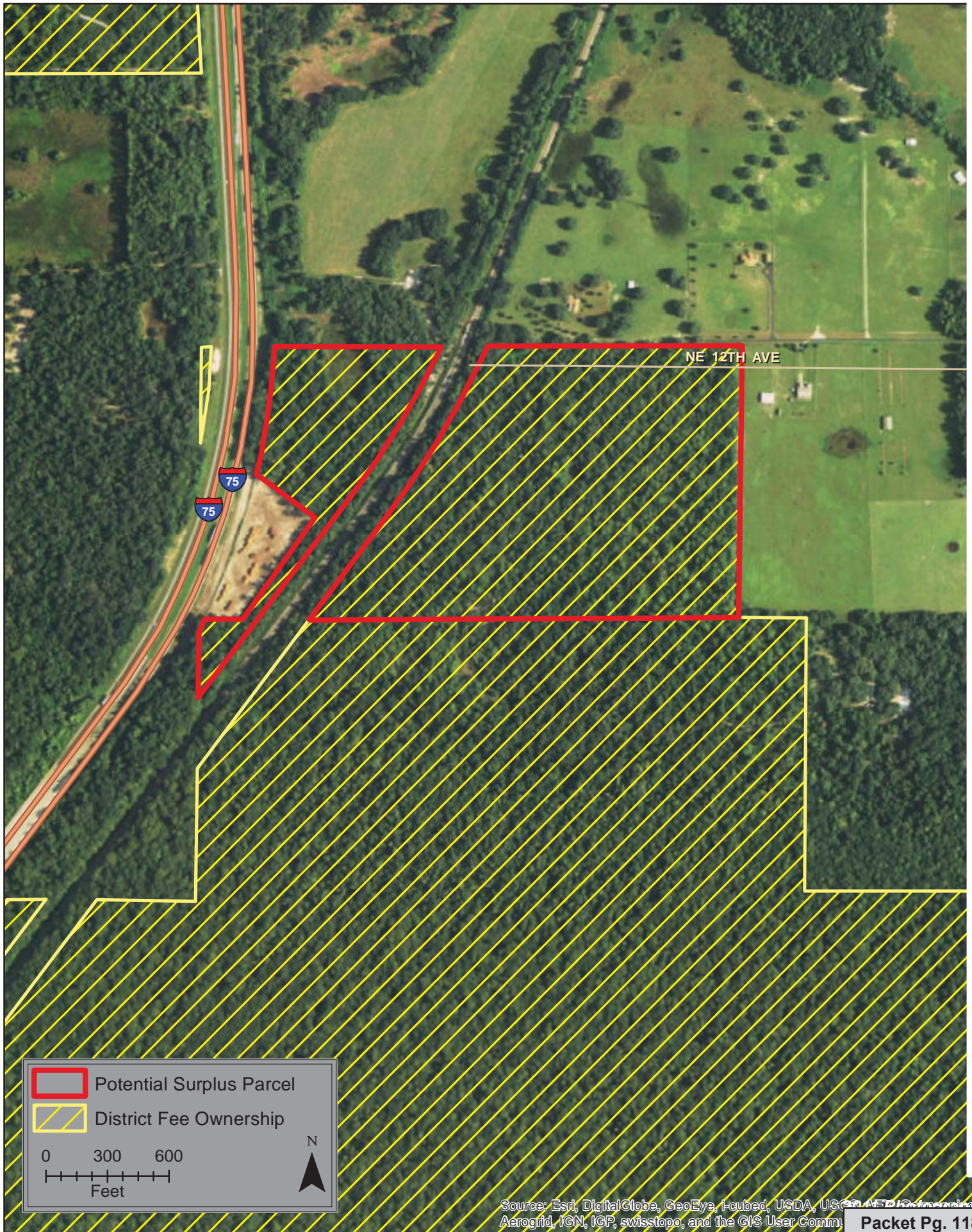
Environmental Advisory Committee comments from July 11, 2017 meeting	Recommend that the subject matter experts' opinions weigh heavily on the decision of the District, and consider retaining wetlands, lands that are part of an identified corridor, or are contiguous with existing conservation lands.
Public comments	None

Lake Panasoffkee (Surplus ID LP-2)



Attachment: Surplus Assessment GB Packet 9-26-17 rev (3316 : Biennial Surplus Assessment)

Lake Panasoffkee (Surplus ID LP-2)



Panasoffkee-Outlet Tract



Potential Surplus Parcel Review

PARCEL INFORMATION			
SWF Surplus Parcel ID:	PO-3	SWF Parent Parcel(s):	19-441-102, 19-441-105
Acres:	23	Funding Source(s):	Water Management Trust Fund, Florida Forever Trust Fund
County:	Sumter	Date(s) Acquired:	10/8/1993, 1/18/2001

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Water Supply (Joe Quinn, Robert Peterson)	While immediately adjacent to the Withlacoochee River, which is identified as a potential surface water source in the District and WRSA regional water supply plans, the small size of the parcel provides minor benefits as buffer and recharge area to the River.
Flood Protection (Jamison Janke, Mark Fulkerson)	Parcel is located within the limits of the Withlacoochee River Watershed Initiative which was completed September 2015. Majority of the parcel (75.6%) is within the effective 100-yr FEMA floodplain. Direct runoff into the Withlacoochee River (an Outstanding Florida Water and Impaired Water Body).
Water Quality (Janie Hagberg, Chris Anastasiou)	Water quality core criteria for four categories are represented for this parcel, therefore the parcel would be recommended for purchase in consideration of the water quality benefits.
Natural Systems (Will VanGelder, Aaron Brown)	If this parcel was offered to the District for acquisition, the Natural Systems Team would recognize the parcel for its intact hardwood/conifer uplands, freshwater marshes, swamps, and streams and waterways on the Withlacoochee River, but with the recognition that it would not receive management due to its size and adjacency to private lands.
Describe any of the parcel's current management issues (Surplus 3.0 Core Team, Jeff Hagberg, Brian Nelson)	Management issues with this parcel include the limited size and the surrounding rural development to the north and south. Limited access but no maintenance performed on this parcel by Field Operations.
Describe any of the parcel's current access issues and/or issues created if the parcel is surplus (Surplus 3.0 Core team, Jeff Hagberg)	This parcel has road frontage on CR-315. None for Field Operations. No issues identified by Vegetation Management Section.
Describe the parcel's significance to linkage of conservation corridors (Will VanGelder)	This parcel occurs on the Withlacoochee River Corridor. It does not sever connectivity, but based on it being on the actual corridor, it has significant value. This parcel is close to the Withlacoochee River Corridor identified by the state as a conservation corridor.
Identify any current agreements that would be impacted if this parcel were surplus (Colleen Kruk)	There are no current agreements that impact the boundaries of this parcel.
Describe the parcel's significance to cultural resources (Colleen Kruk)	There are no documented sites within the boundaries of this parcel.

Is parcel within a Wildlife Management Area? If so, how many acres? (Debbie Gillett)	No
Identify any data collection sites on the parcel, or any issues that would be created if surplused (Margit Crowell)	<ul style="list-style-type: none"> • No District or USGS data collection assets on parcel. • No survey control points/benchmarks on parcel.
Describe the parcel's marketability if surplused (Steve Blaschka)	The location is marketable and will depend on the topography of the tract. The property is located along the east side of the Withlacoochee River. Access is from CR-315, a paved road located along the east side of the property. The surrounding properties are predominantly rural residential with agricultural uses. The property neighborhood appeared to be generally in good condition. The marketability will depend on the allowable uses, agricultural restrictions and the ability to clear/convert portions of this property.
Identify the parcel's current zoning & Future Land Use designation (Trisha Neasman)	Conservation

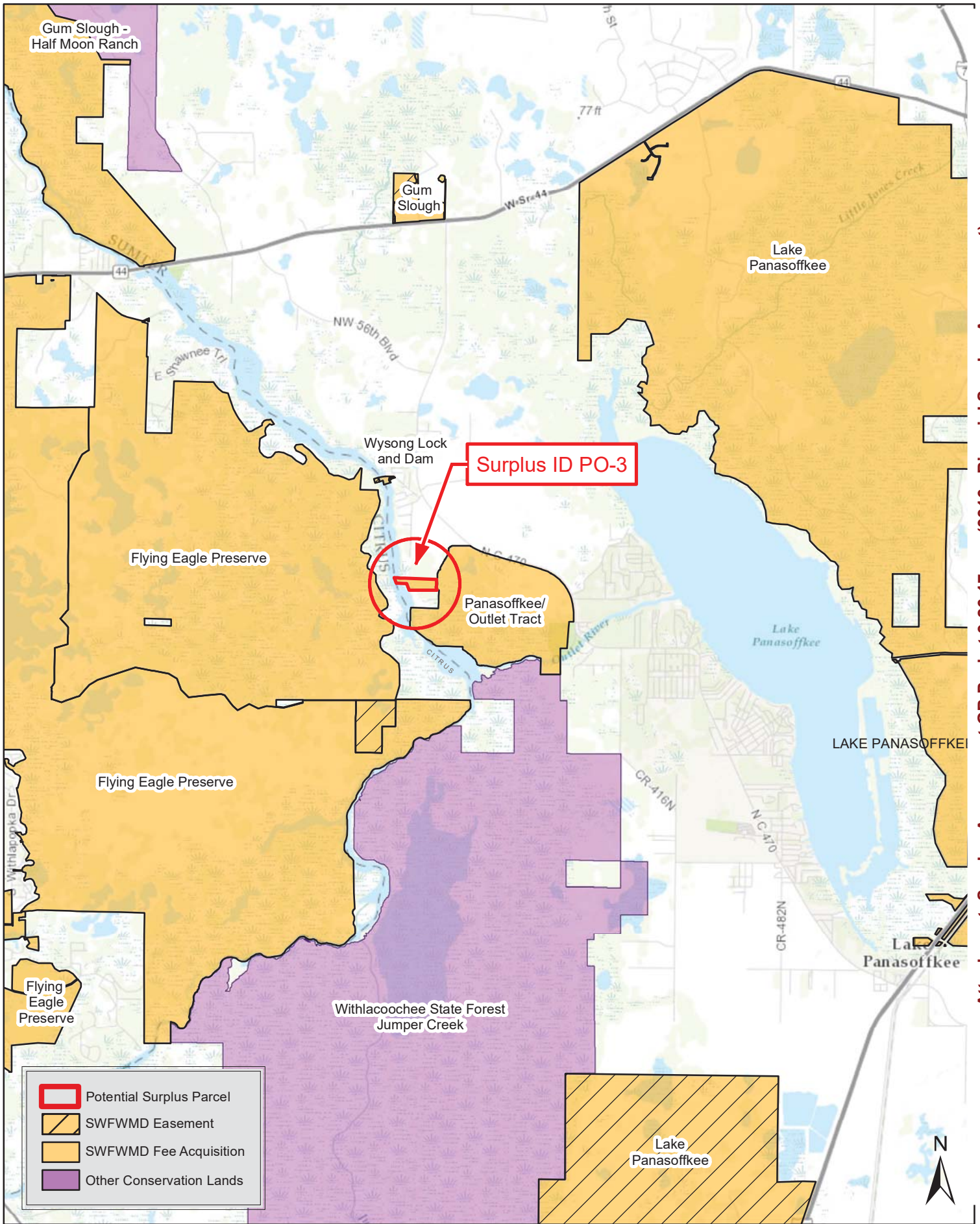
THE QUESTIONS BELOW WILL BE ANSWERED BY THE SURPLUS 3.0 CORE TEAM AT THE SECOND PUBLIC MEETING

Is it recommended to present the parcel to the Governing Board for surplus?	Yes
If parcel recommended for surplus, list conditions such as retaining conservation or access easements; list any conditions specific to this parcel	No
If parcel is not recommended for surplus, is it recommend that fee title and/or management responsibilities be transferred to another governmental entity? [If yes, why and which entity(ies)?]	N/A

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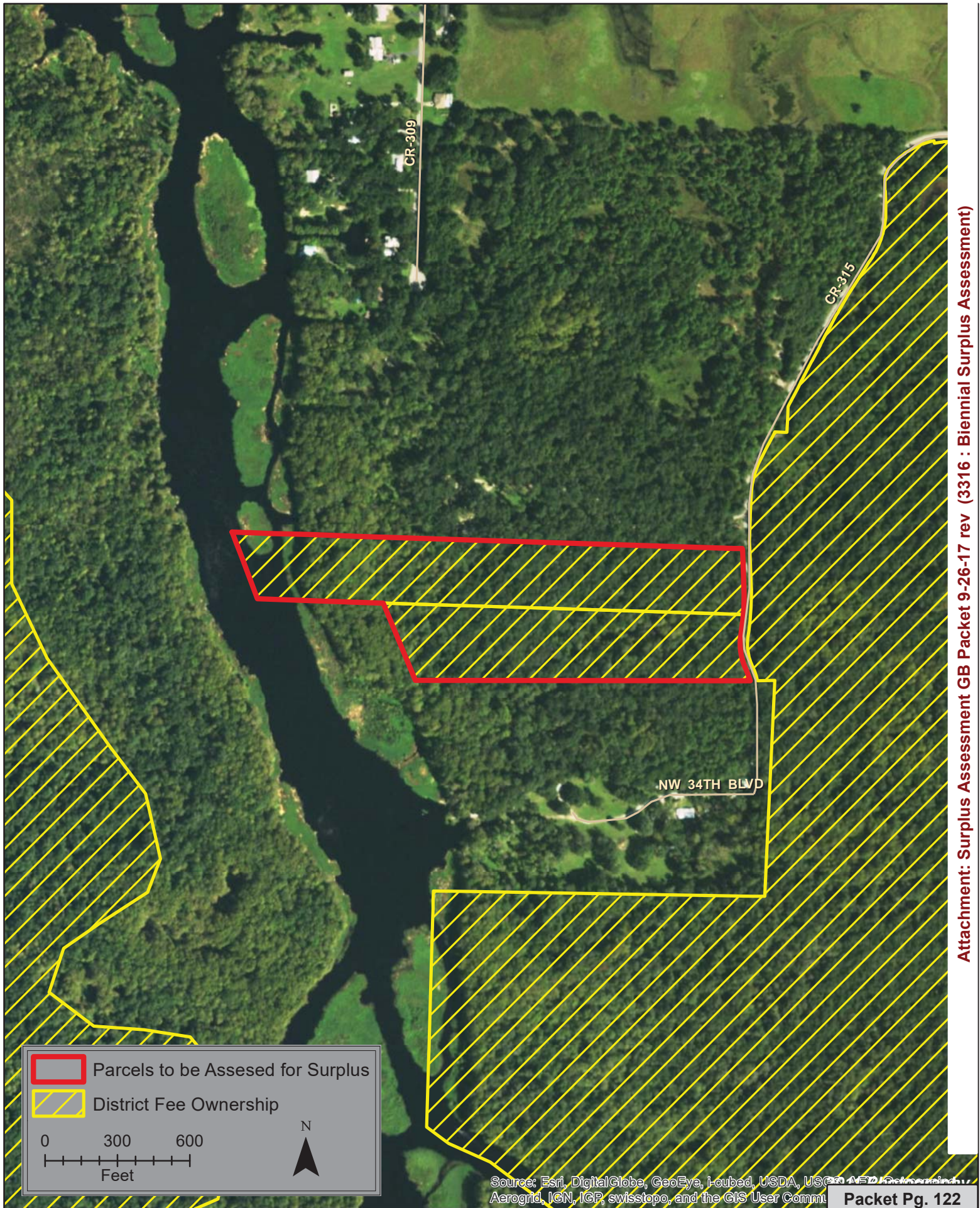
Environmental Advisory Committee comments from July 11, 2017 meeting	Recommend that the subject matter experts' opinions weigh heavily on the decision of the District, and consider retaining wetlands, lands that are part of an identified corridor, or are contiguous with existing conservation lands.
Public comments	None

Panasoffkee/Outlet Tract (Surplus ID PO-3)



Attachment: Surplus Assessment GB Packet 9-26-17 rev (3316 : Biennial Surplus Assessment)

Panasoffkee/Outlet Tract (Surplus ID PO-3)



Tampa Bypass Canal



Potential Surplus Parcel Review

PARCEL INFORMATION			
SWF Surplus Parcel ID:	TBC-21	SWF Parent Parcel(s):	13-004-131
Acres:	1	Funding Source(s):	Ad Valorem
County:	Hillsborough	Date(s) Acquired:	TBD

PLEASE ONLY ANSWER THOSE AREAS RELATED TO YOUR SPECIFIC AREA OF EXPERTISE. FOR WATER SUPPLY, FLOOD PROTECTION, WATER QUALITY AND NATURAL SYSTEMS PUT YOUR ANSWER IN A FORM AS IF YOU WERE ANSWERING THESE QUESTIONS: "IF THE DISTRICT WERE OFFERED TO PURCHASE THIS PARCEL AND YOU WERE GIVING A PROFESSIONAL OPINION TO THE GOVERNING BOARD RELATED TO YOUR AREA OF EXPERTISE REGARDING THE PURCHASE OF THIS PARCEL, WHAT WOULD IT BE?" "WOULD YOU RECOMMEND THAT THE PARCEL BE PURCHASED TO SUPPORT THAT OPINION?"

Water Supply (Joe Quinn, Robert Peterson)	This parcel has limited water supply benefits (i.e., recharge, buffer, etc.), but may have potential for future water supply development, transmission or reuse projects, such as accommodation of pipelines, pumps or discharge structures along the Tampa Bypass Canal.
Flood Protection (Jamison Janke, Mark Fulkerson)	Parcel is completely outside the effective 100-yr FEMA floodplain.
Water Quality (Janie Hagberg, Chris Anastasiou)	Water quality core criteria for three categories are represented for this parcel. It is questionable if this parcel could be recommended for stand-alone purchase given the small size of the parcel. However, this parcel is contiguous with adjacent District-owned parcels along the TBC and therefore, could be recommended for purchase.
Natural Systems (Will VanGelder, Aaron Brown)	The purchase of this parcel by the District would not be supported based on natural systems.
Describe any of the parcel's current management issues (Surplus 3.0 Core Team, Jeff Hagberg, Brian Nelson)	No management issues per Land Management. None for Field Operations. No issues for Vegetation Management Section.
Describe any of the parcel's current access issues and/or issues created if the parcel is surplus (Surplus 3.0 Core team, Jeff Hagberg)	Property accessed would not be compromised if subject parcel is surplus. No issues if surplus.
Describe the parcel's significance to linkage of conservation corridors (Will VanGelder)	The Tampa Bypass Canal is a long linear man made structure in a very urbanized setting resulting in minimal corridor consideration. This is not part of a conservation corridor at the state level.
Identify any current agreements that would be impacted if this parcel were surplus (Colleen Kruk)	There is a license agreement with FGT for a 40-inch natural gas pipeline that runs through the parcel.
Describe the parcel's significance to cultural resources (Colleen Kruk)	There are no documented sites within the boundaries of the parcel.
Is parcel within a Wildlife Management Area? If so, how many acres? (Debbie Gillett)	No

Attachment: Surplus Assessment GB Packet 9-26-17 rev (3316 : Biennial Surplus Assessment)

Identify any data collection sites on the parcel, or any issues that would be created if surplus (Margit Crowell)	<ul style="list-style-type: none"> • No District or USGS data collection assets on parcel. • No survey control points/benchmarks on parcel.
Describe the parcel's marketability if surplus (Steve Blaschka)	This is a marketable property located east of the Tampa Bypass Canal. The property has frontage on the west side of Jefferson Road, which is paved and provides access. The property appears suitable for residential uses like similar parcels along Jefferson Road to the south. The surrounding properties are predominantly residential and the neighborhood appeared to be generally in fair condition. The marketability will depend on the allowable uses, agricultural restrictions and the ability to clear/convert portions of this property.
Identify the parcel's current zoning & Future Land Use designation (Trisha Neasman)	Public/Quasi Public

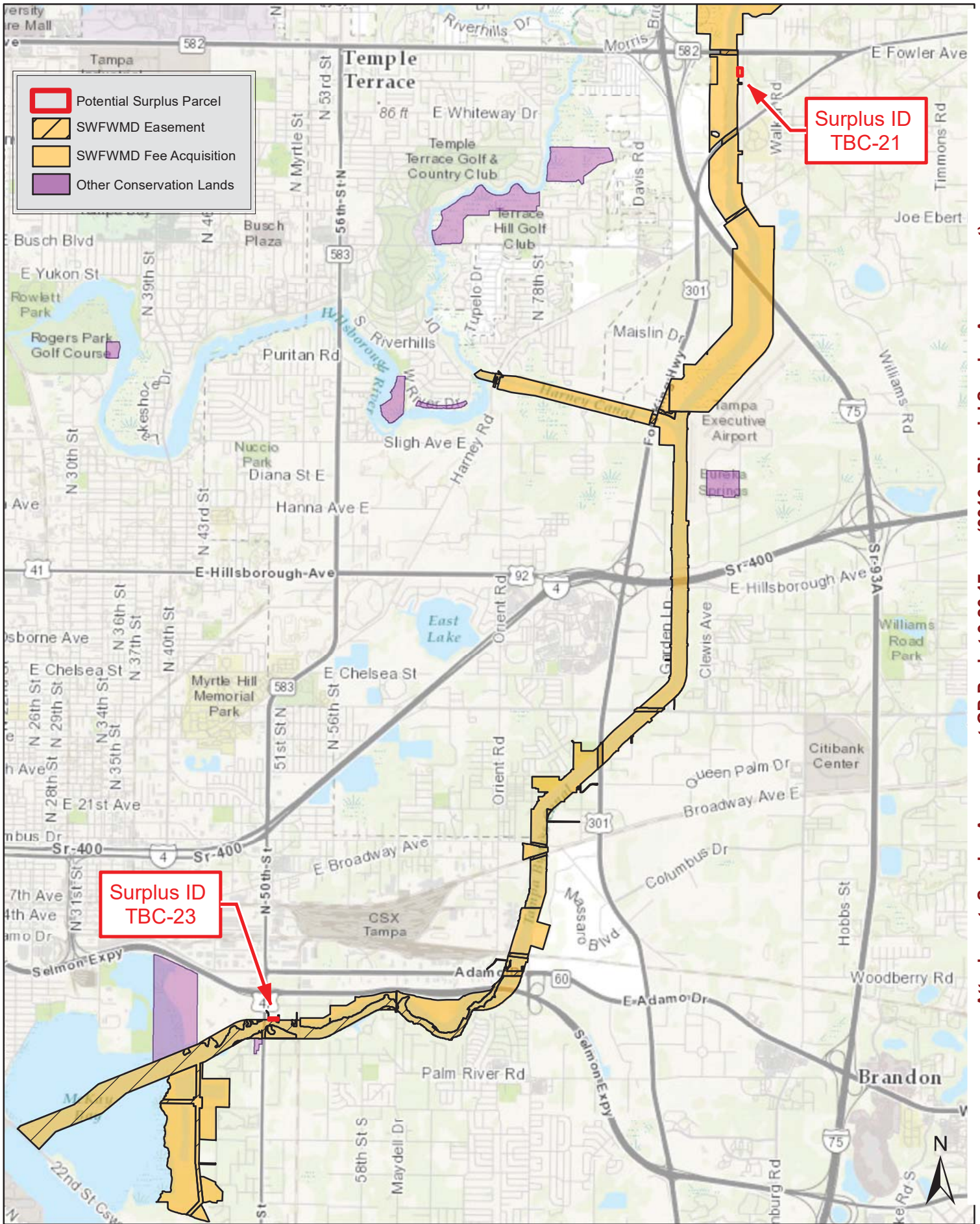
THE QUESTIONS BELOW WILL BE ANSWERED BY THE SURPLUS 3.0 CORE TEAM AT THE SECOND PUBLIC MEETING

Is it recommended to present the parcel to the Governing Board for surplus?	Yes
If parcel recommended for surplus, list conditions such as retaining conservation or access easements; list any conditions specific to this parcel	N/A
If parcel is not recommended for surplus, is it recommend that fee title and/or management responsibilities be transferred to another governmental entity? [If yes, why and which entity(ies)?]	No

THE BLOCKS BELOW WILL BE FILLED IN BEFORE PRESENTATION TO THE GOVERNING BOARD

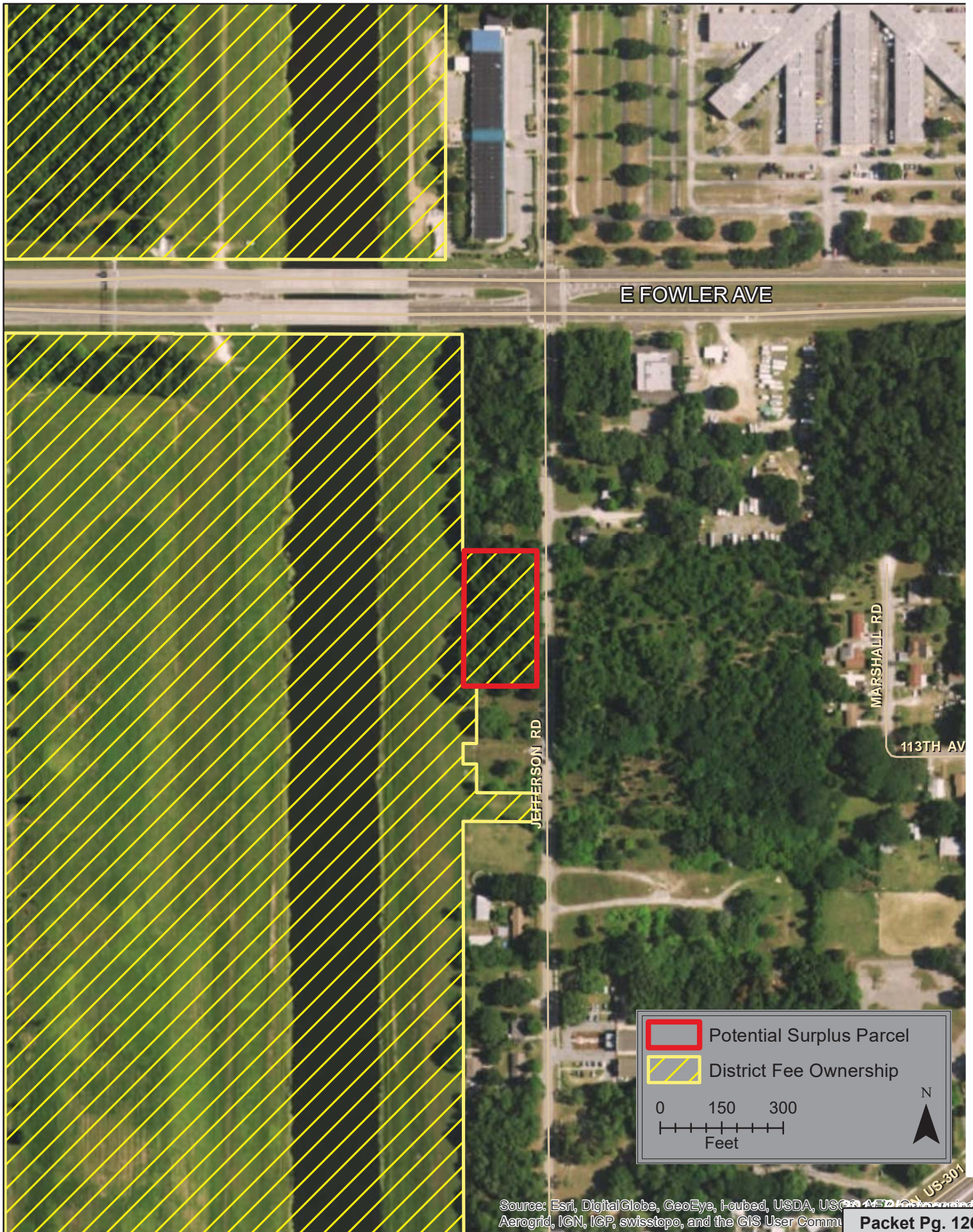
Environmental Advisory Committee comments from July 11, 2017 meeting	Recommend that the subject matter experts' opinions weigh heavily on the decision of the District, and consider retaining wetlands, lands that are part of an identified corridor, or are contiguous with existing conservation lands.
Public comments	None

Tampa Bypass Canal



Attachment: Surplus Assessment GB Packet 9-26-17 rev (3316 : Biennial Surplus Assessment)

Tampa Bypass Canal (Surplus ID TBC-21)



Tampa Bypass Canal



Potential Surplus Parcel Review

PARCEL INFORMATION			
SWF Surplus Parcel ID:	TBC-23	SWF Parent Parcel(s):	TBD
Acres:	1	Funding Source(s):	Ad Valorem
County:	Hillsborough	Date(s) Acquired:	TBD

PLEASE ONLY ANSWER THOSE AREAS RELATED TO YOUR SPECIFIC AREA OF EXPERTISE. FOR WATER SUPPLY, FLOOD PROTECTION, WATER QUALITY AND NATURAL SYSTEMS PUT YOUR ANSWER IN A FORM AS IF YOU WERE ANSWERING THESE QUESTIONS: "IF THE DISTRICT WERE OFFERED TO PURCHASE THIS PARCEL AND YOU WERE GIVING A PROFESSIONAL OPINION TO THE GOVERNING BOARD RELATED TO YOUR AREA OF EXPERTISE REGARDING THE PURCHASE OF THIS PARCEL, WHAT WOULD IT BE?" "WOULD YOU RECOMMEND THAT THE PARCEL BE PURCHASED TO SUPPORT THAT OPINION?"

Water Supply (Joe Quinn, Robert Peterson)	This parcel has limited water supply benefits (i.e., recharge, buffer, etc.) or future potential to accommodate water supply development, transmission or reuse projects.
Flood Protection (Jamison Janke, Mark Fulkerson)	Parcel is completely (100%) within the effective 100-yr FEMA floodplain. Parcel is adjacent to Palm River.
Water Quality (Janie Hagberg, Chris Anastasiou)	Water quality core criteria for two categories are represented for this parcel. The District-funded McKay Bay Water Quality Management Plan identifies the potential for a stormwater retrofit project in the 50 th Street Outfall basin that includes this parcel, as well as others that would need to be acquired. The surplus parcel is located at Project "P" on the included Palm River Map. As part of a potential SWIM project, this parcel would be recommended for purchase. Without acquisition of the additional land, this parcel would not be recommended for purchase.
Natural Systems (Will VanGelder, Aaron Brown)	Property consists of open land and a mangrove shoreline along Palm River. May be a candidate for surplus. The purchase of this parcel by the District would not be supported based on natural systems.
Describe any of the parcel's current management issues (Surplus 3.0 Core Team, Jeff Hagberg, Brian Nelson)	No management issues per Land Management. None for Field Operations. None for Vegetation Management Section.
Describe any of the parcel's current access issues and/or issues created if the parcel is surplus (Surplus 3.0 Core team, Jeff Hagberg)	Property accessed would not be compromised if subject parcel is surplus. No issues if surplus.
Describe the parcel's significance to linkage of conservation corridors (Will VanGelder)	The Tampa Bypass Canal is a long linear man made structure in a very urbanized setting resulting in minimal corridor consideration. This is not part of a conservation corridor at the state level.
Identify any current agreements that would be impacted if this parcel were surplus (Colleen Kruk)	There is a license agreement with Thorn Equities for construction of docks within the boundaries of the parcel.
Describe the parcel's significance to cultural resources (Colleen Kruk)	There are no documented sites within the boundaries of the parcel.

Is parcel within a Wildlife Management Area? If so, how many acres? (Debbie Gillett)	No
Identify any data collection sites on the parcel, or any issues that would be created if surplus (Margit Crowell)	<ul style="list-style-type: none"> • No District or USGS data collection assets on parcel. • No survey control points/benchmarks on parcel.
Describe the parcel's marketability if surplus (Steve Blaschka)	This property has limited marketability due to its location, legal and size constraints along the Palm River section the Tampa Bypass Canal. This is a waterfront property that does not have public road frontage or access. The property can be legally accessed by boat. The property has limited utility except to an adjoining owner or someone needing a mooring location. The surrounding properties are predominantly residential and the neighborhood appeared to be generally in fair condition. The marketability is limited to a specific user or a speculator.
Identify the parcel's current zoning & Future Land Use designation (Trisha Neasman)	Residential-9

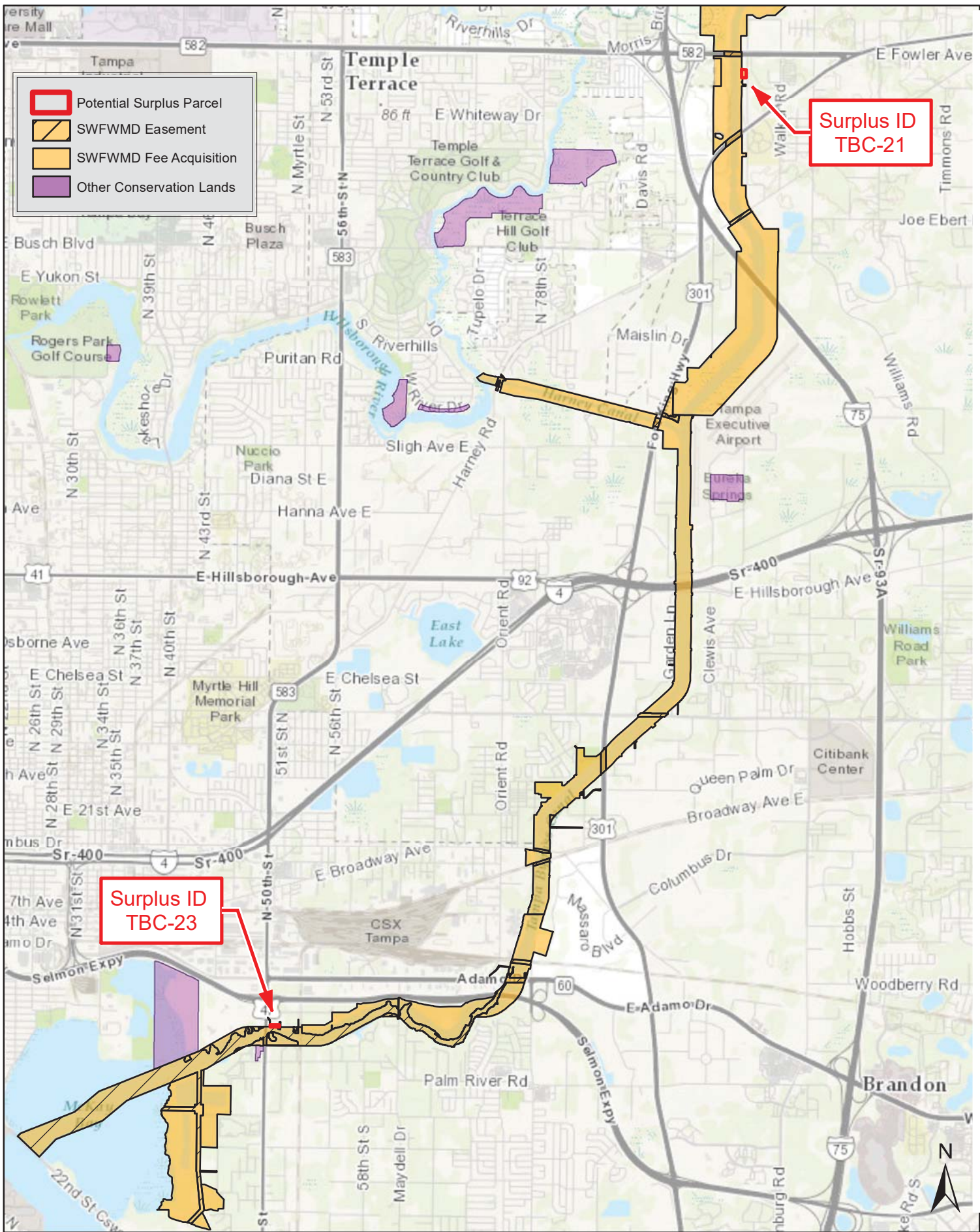
THE QUESTIONS BELOW WILL BE ANSWERED BY THE SURPLUS 3.0 CORE TEAM AT THE SECOND PUBLIC MEETING

Is it recommended to present the parcel to the Governing Board for surplus?	Yes
If parcel recommended for surplus, list conditions such as retaining conservation or access easements; list any conditions specific to this parcel	N/A
If parcel is not recommended for surplus, is it recommend that fee title and/or management responsibilities be transferred to another governmental entity? [If yes, why and which entity(ies)?]	No

THE BLOCKS BELOW WILL BE FILLED IN BEFORE PRESENTATION TO THE GOVERNING BOARD

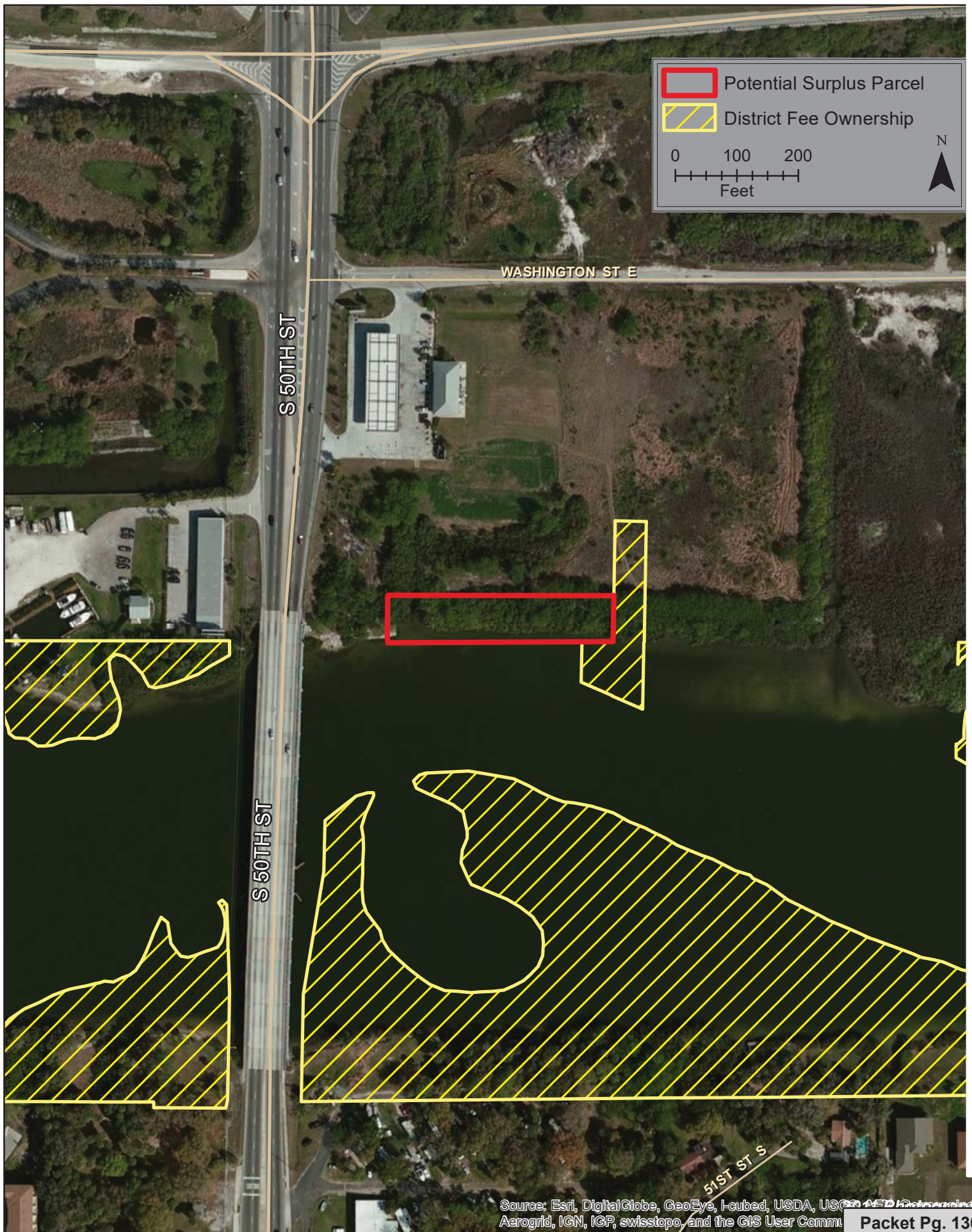
Environmental Advisory Committee comments from July 11, 2017 meeting	Recommend that the subject matter experts' opinions weigh heavily on the decision of the District, and consider retaining wetlands, lands that are part of an identified corridor, or are contiguous with existing conservation lands.
Public comments	None

Tampa Bypass Canal



Attachment: Surplus Assessment GB Packet 9-26-17 rev (3316 : Biennial Surplus Assessment)

Tampa Bypass Canal (Surplus ID TBC-23)



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**September 26, 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 August, 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

Rainfall totals for August indicate amounts were within the middle of the normal range in the northern region of the District, while they were at the top of the normal range in the central region and above-normal 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 7.90 inches, equivalent to the 53rd percentile
- Central region rainfall averaged 9.48 inches, equivalent to the 74th percentile.
- Southern region rainfall averaged 10.65 inches, equivalent to the 90th percentile.
- District-wide, average rainfall was 9.45 inches, equivalent to the 75th percentile.

Streamflow

August streamflow data indicate, based on flow measurements in regional index rivers, that flow increased in all three regions of the District, compared to the previous month. Streamflow conditions were considered severely below-normal in the northern region, while they were above-normal in the central and southern regions. 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 20th percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 78th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 81st percentile.

Groundwater Levels

Groundwater data for August indicate that levels in the Floridan/Intermediate aquifer increased in all three regions of the District, compared to last month. Groundwater levels were at the lower-end of the normal range in the northern region, while they were at the upper-end of the

normal range in the central and southern regions. Normal groundwater levels are defined as those falling on or between the 25th and 75th percentiles.

- The average groundwater level in the northern region was in the 36th percentile.
- The average groundwater level in the central region was in the 71st percentile.
- The average groundwater level in the southern region was in the 62nd percentile.

Lake Levels

Regional lake levels for August increased in all four lake regions of the District, compared to the previous month. Regional lake levels were below the annual normal range in the Northern and Lake Wales Ridge regions, while levels were within the annual normal range in the Tampa Bay and Polk Uplands regions. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average lake levels in the Northern region increased 0.49 foot and were 1.53 feet below the base of the annual normal range.
- Average lake levels in the Tampa Bay region increased 0.80 foot and were 1.20 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region increased 0.38 foot and were 1.25 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region increased 0.43 foot and were 0.06 foot below the base of the annual normal range.

Issues of Significance

August completes the third month of the four-month annual wet season (June through September) and rainfall totals for August were normal to above-normal in all regions, although Northern region totals lagged below the other regions. Rainfall during the first three weeks of the month saw typical summertime sea breeze/convective rainstorm activity that was scattered and regionally variable, while the last week saw abundant rainfall associated with Gulf moisture from a lingering low-pressure system that brought localized flooding in some areas, almost 5.0 inches of rainfall District-wide, with local accumulations of over 23.0 inches reported.

Analysis of the District-wide wet-season rainfall shows June through August totals to be about 5.1 inches above the historic long-term average, or at about 121% of the historic mean for this period.

Disappointingly, the District-wide 12- and 24-month cumulative rainfall totals worsened in August, ending the month at 3.8 and 1.8 inches, respectively, below their long-term historic averages.

Regional streamflow conditions saw increased flows in August, although flows in the Withlacoochee River continue to remain severely below-normal. Aquifer levels and regional lake levels saw improvements throughout the District, with regional lake levels in the Northern and Lake Wales Ridge regions remaining at below normal levels.

NOAA climate forecasts are predicting above-normal rainfall for the September through November time-period, while forecasts are for below-normal rainfall for the upcoming winter months. Normal rainfall will be needed to maintain existing hydrologic conditions, while below-normal rainfall will worsen conditions.

Updated weather forecasts will be available in mid-September. Staff will continue to monitor conditions in accordance with the District's updated Water Shortage Plan, including any

Item 35

necessary supplemental analysis of pertinent data.

Staff Recommendation:

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

Presenter: Granville Kinsman, Hydrologic Data Manager

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

September 26, 2017

Routine Report

Structure Operations

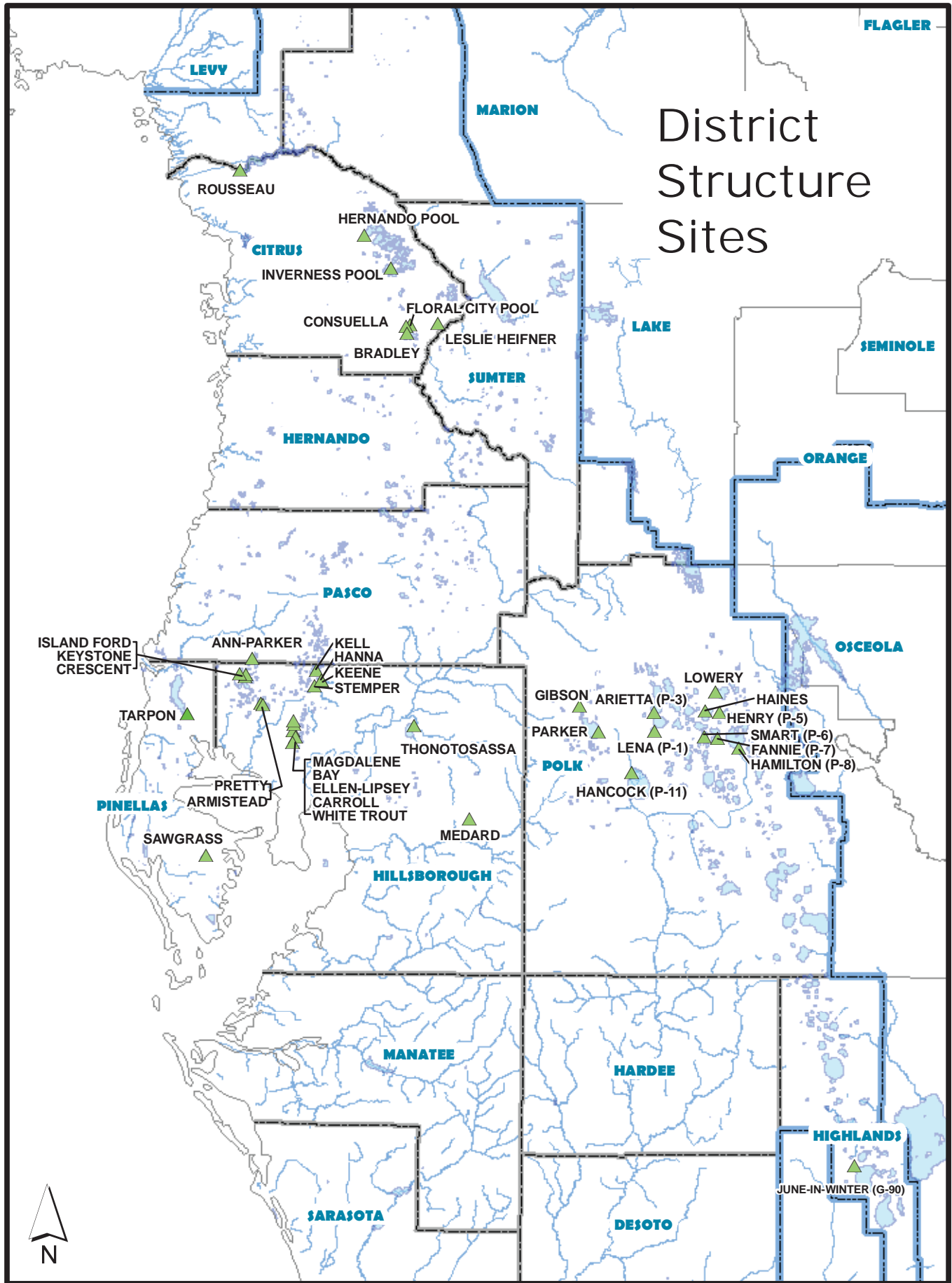
Summary of the operations made for the month of August.

- Inglis Water Control Structures: The Inglis Bypass Spillway was operated to provide flow to the lower Withlacoochee River while maintaining Lake Rousseau at a monthly average elevation of 27.61 feet National Geodetic Vertical Datum (NGVD). The recommended maintenance level for the lake is 27.50 feet NGVD.
- Withlacoochee River Watershed: Water control structures in the Tsala Apopka Chain of Lakes were operated to conserve water. The Wysong-Coogler Water Conservation low flow and main gates are fully deflated. The dam 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 38.88 feet NGVD.
- Alafia River Watershed: The Medard Reservoir structure was operated to maintain water level. The average water level for the Medard Reservoir was 58.85 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 operated to maintain water levels. The average monthly water level for Lake Thonotosassa was 36.54 feet NGVD, compared to the recommended maintenance level of 36.50 feet NGVD. The Lower Hillsborough Flood Detention Area was activated to help prevent flooding in South Tampa and Temple Terrace as required when the Hillsborough nears 25.00' NGVD at the water level gage at Fowler Avenue.
- Tampa Bay/Anclote Watershed: Structures in the Rocky Creek system, Brooker Creek system and the single structure at Sawgrass Lake were operated to maintain normal operating levels. Lake Tarpon's average water level for the month was 3.29 feet NGVD, compared to the recommended maintenance level of 3.20 feet NGVD.
- Peace River Watershed: Lake Hancock structure was operated to maintain water level. The average monthly water level for Lake Hancock was 100.22 feet NGVD, compared to the recommended maintenance level of 100.00 feet NGVD.
- Lake Wales Ridge Watershed: Structure G-90 was operated to maintain water level. The average monthly water level for Lake June-in-Winter was 74.46 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



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

September 26, 2017

Routine Report

Significant Activities

Staff Recommendation:

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

Operations, Lands and Resource Monitoring Committee September 26, 2017

Significant Activities

This report provides monthly information through August 31, 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.

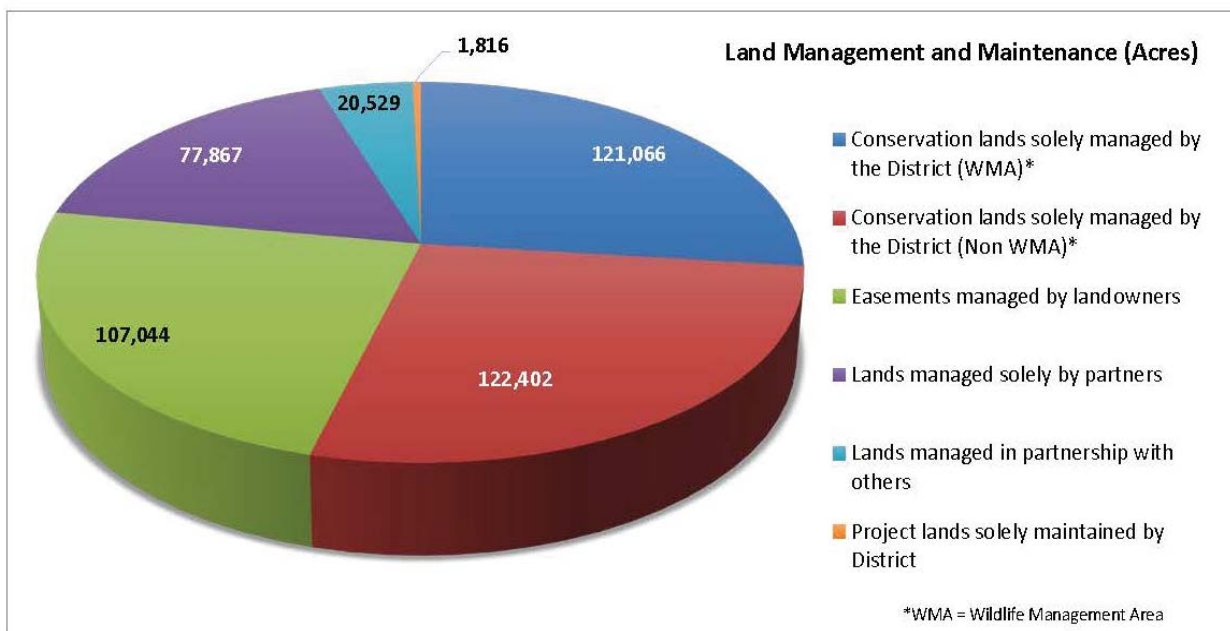
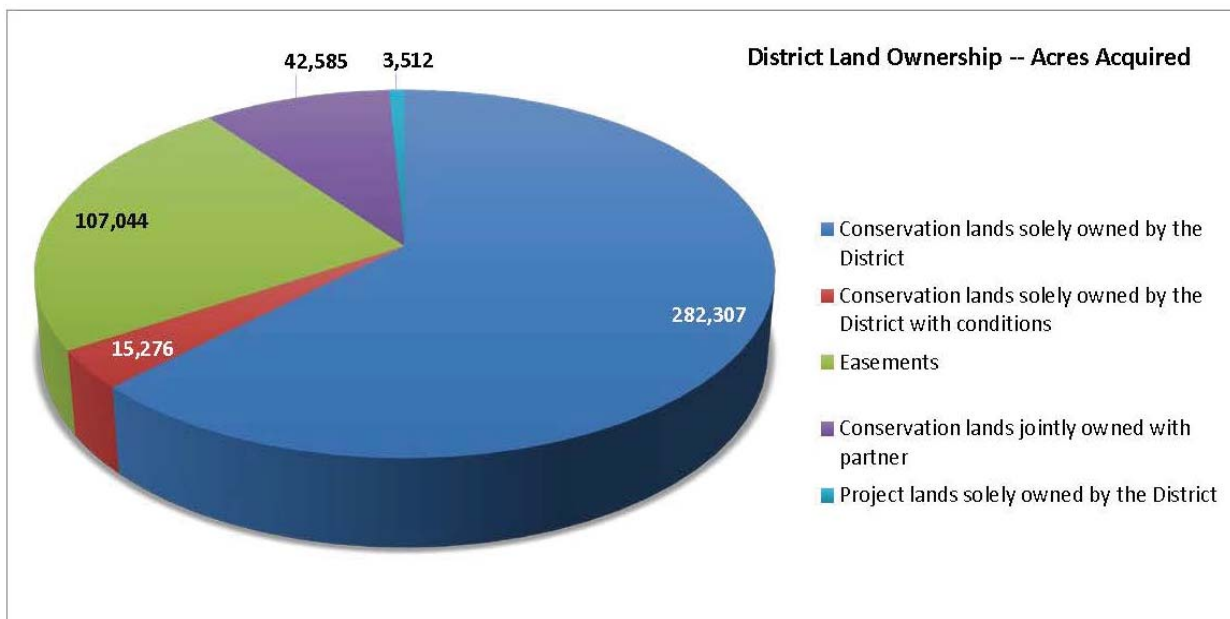
Land Management

- The prescribed fire team has applied fire management to 24,516 acres of District conservation lands during FY2017.
- Feral hog staff continue to trap on District lands. There have been 1,144 feral hogs removed from District lands during FY2017.
- Timber program revenue to date for FY2017 equals \$668,696.79.

Land Resources

- The District successfully closed on the sale of 89-acres known as Chito North surplus land parcel for \$2,295,000. Twenty-eight percent or \$642,600 of the sale proceeds, which represents Tampa Bay Water's (TBW) interest in the original acquisition, was paid to TBW for the release of their interests. The District received \$1,652,400.
- The District successfully closed on the sale of 326.34-acres known as Green Swamp West-3 surplus land parcel for \$876,000 and on 89-acres known as Chito Branch Reserve.
- Issued Special Use Authorization to Quest Ecology, Inc. for vehicle access to conduct leg-banding of Florida Scrub Jays for individual identification and to document dispersal patterns on the District's Gilley Creek, South fork and Coker Prairie Tracts.
- Issued Special Use Authorization for up to 12 students with Wildlands Conservation, Inc. to conduct Gopher tortoise research as part of a training program to become Professional Biologists.
- Issued Special Use Authorization to Florida Forest Service to conduct nine hunting, camping and alligator egg collection events to be hosted by Operation Outdoor Freedom to provide opportunities to United States veterans.
- Issued authorization for the Pasco Sheriff's Office to conduct two SWAT team training events at the Green Swamp meeting facility. Up to 25 participants per session.

- Issued authorization for FWC to hold a pre-hunt meeting with check station operators at the Green Swamp meeting facility.
- Issued Special Use Authorization to the Florida Department of Transportation and Arcadis U.S., Inc. for vehicle access to the Lake Panasoffkee Tract to conduct land surveys associated with a Project Development and Environmental (PD&E) phase looking to consider various locations to construct a new interchange along Interstate 75.
- Issued authorization to the Pasco County Sheriff's Office for up to 12 participants to conduct SWAT Sniper Team tryouts at the District's Green Swamp meeting facility. There will be no live fire at the location or submunitions utilized.
- Volunteers provided 144 hours of service, a value of approximately \$3,392.64 to District conservation/recreation lands.
- Processed 76 requests and provided 233 visitors with camping opportunities on District lands.
- The following is a breakdown of District land interests:



Staff Recommendation:

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

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

Governing Board Meeting September 26, 2017

REGULATION COMMITTEE

Discussion Items

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Submit & File Reports - None

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REGULATION COMMITTEE

September 26, 2017

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Alba Más, P.E., Division Director, Regulation

REGULATION COMMITTEE

September 26, 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 September 19, 2017.

Staff Recommendation:

Recommendations, if any, will be presented at the Governing Board meeting on September 26, 2017 based on then-current conditions and predictions.

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

REGULATION COMMITTEE

September 26, 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

REGULATION COMMITTEE

September 26, 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. As of December 1, 2016 it was estimated that 573 flow meters and 954 AMR devices will need to be installed, currently, a revised assessment completed on September 1, 2017 estimated a program total of 568 flow meters and 914 AMR devices. This revised assessment is due to expired permits, use change, and deletion of withdrawals not required to be metered and have AMR devices. Total costs of the program were estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$316,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage, Inc. The contract was executed on November 14, 2013. Letters with flow meter reimbursement information were sent on September 17, 2015 to the remaining permittees who have not yet installed a flow meter. ***New Activities Since Last Meeting:*** As of September 1, 2017, a total of 501 flow meters have been installed (88 percent complete) and 762 AMR units have been installed (83 percent complete).

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

REGULATION COMMITTEE

September 26, 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 July 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
<i>New on Report</i>						
696.006	Gardinier Florida Citrus, Inc. ¹	Agriculture – Citrus	210,600 gpd	05/01/2017 293,762 gpd 39.49%	07/01/2017 279,687 gpd 32.80%	Polk

- (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 July 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						
6701.005	Cypress Run of Florida ¹	Recreation – Golf Course	135,100 gpd	04/01/2017 146,825 gpd 8.68%	06/01/2017 144,677 gpd 7.09%	Tampa
1575.005	Albert M. Quagliani ¹	Agriculture – Strawberries and Squash	57,900 gpd	04/01/2017 63,351 gpd 9.41%	07/01/2017 72,353 gpd 24.96%	Tampa
1625.009	Four Lakes Golf Club, Ltd. ¹	Public Supply and Recreation	405,600 gpd	04/01/2017 450,996 gpd 11.19 %	07/01/2017 458,290 gpd 12.99%	Bartow
12523.002	IFAS Research Center ¹	Agriculture - Research	345,200 gpd	04/01/2017 491,877 gpd 42.49%	07/01/2017 512,471 gpd 48.46%	Hillsborough
11774.005	Sunden TPA LLC dba Lake Jovita Golf & Country Club ^{1&2}	Recreation – Golf Course	372,300 gpd	03/01/2017 403,115 gpd 8.28%	07/01/2017 494,881 gpd 32.93%	Brooksville
2588.010	Kelly Farms ^{1&2}	Agriculture – Potatoes and Pasture	704,600 gpd	02/01/2017 950,029 gpd 34.83%	07/01/2017 1,546,962 gpd 119.55%	Sarasota
4403.005	Huntington Hills ¹	Recreation – Golf Course	267,000 gpd	03/01/2017 315,387 gpd 18.12%	07/01/2017 313,213 gpd 17.31%	Bartow
6217.008	Palma Ceia Golf and Country Club ¹	Recreation – Lawn and Landscape	210,600 gpd	01/01/2017 228,467 gpd 8.48%	07/01/2017 228,250 gpd 8.38%	Tampa
3832.009	Arlin Taylor Ranch, LP ¹	Agriculture – Tomatoes and Vegetables	597,600 gpd	01/01/2017 665,977 gpd 11.44%	07/01/2017 641,146 gpd 7.29%	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 July 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						
5251.007	Grenelefe Resort Utility, Inc. ¹	Public Supply	1,234,500 gpd	11/01/2016 1,440,271 gpd 16.67%	07/01/2017 1,989,328 gpd 61.74%	Bartow
1156.012	Bay Laurel Center Public Water Supply System ¹	Public Supply	2,555,000 gpd	09/01/2016 2,696,799 gpd 5.55%	07/01/2017 2,984,137 gpd 16.80%	Brooksville
7993.003	Harrell's Nursery ¹	Agriculture - Nursery, Container	20,100 gpd	07/01/2016 24,051 gpd 19.66%	07/01/2017 26,148 gpd 30.09%	Tampa
12911.002	Ocala 623 Land Development ¹	Recreational – Golf Course	223,400 gpd	07/01/2016 290,666 gpd 30.11%	07/01/2017 265,742 gpd 18.95%	Brooksville
9670.006	Ace Crescent Oaks Country Club ¹	Recreational – Golf Course	285,800 gpd	05/01/2016 423,827 gpd 48.29%	07/01/2017 309,950 gpd 8.45%	Tampa
10923.001	Spruce Creek Golf, LLC. ^{1&2}	Recreational – Golf Course	445,800 gpd	05/01/2016 503,858 gpd 13.02%	07/01/2017 653,049 gpd 46.49%	Brooksville
8842.003	Harrell's Nursery, Inc. ¹	Agricultural – Container Nursery	42,000 gpd	05/01/2016 45,931 gpd 9.36%	07/01/2017 54,298 gpd 29.28%	Tampa
7002.004	MHC FR Utility Systems, LLC ³	Public Supply	97,100 gpd	04/01/2015 104,929 gpd 8.06%	07/01/2017 160,427 gpd 65.22%	Tampa
910.006	Jack M. Berry, Inc. ¹	Agricultural – Citrus	207,700 gpd	07/01/2015 320,279 gpd 54.20%	07/01/2017 240,302 gpd 15.70%	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

September 26, 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 – SEPTEMBER 2017

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43035689.008	Canoe Creek, Phase I	Manatee	Single-family residential	109.36	7.53	3.65	1.80
43028893.047	Starkey Ranch Parcel F	Pasco	Residential subdivision	128.31	63.44	1.56	4.70

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 – SEPTEMBER 2017

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
2003669.015	Mosaic South Pasture Mine	Hardee	Renewal to continue mining with no increase in requested quantities	Mining / Dewatering	6,391,900	6,391,900	20

**Governing Board Meeting
September 26, 2017**

GENERAL COUNSEL'S REPORT

Discussion Items

44. Consent Item(s) Moved for Discussion

Submit & File Reports - None

Routine Reports

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46. September 2017 - Rulemaking Update	157

GENERAL COUNSEL'S REPORT

September 26, 2017

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

September 26, 2017

Routine Report

September 2017-Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT

September 2017

(Most recent activity in each case is in **boldface** type)

DELEGATED ADMINISTRATIVE HEARING MATTERS

0 Case as of September 5, 2017

OPEN ENFORCEMENT CASES

68 Cases as of August 8, 2017

74 Cases as of September 5, 2017

ENFORCEMENT CASES IN ACTIVE LITIGATION

0 Case as of September 5, 2017

(Including Administrative Complaints)

PERMIT/AGENCY ACTION CHALLENGES

1 Case as of September 5, 2017

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 run the 100-year floodplain model with updated parameters, which necessitated the request for additional time to allow the results of the updated model to be generated and reviewed by the parties. Petitioner and Turnpike requested an extension of time for ninety days, during which the case will not be referred to DOAH. On April 4, 2017, the District entered an Order Granting Joint Motion for Extension of Time, providing that the case shall be held in abeyance until July 3, 2017, and no further action will be taken by the District until July 5, 2017. On June 22, 2017, Petitioner and Turnpike filed a Second Joint Motion for Extension of Time requesting an additional extension of time until August 7, 2017, in order to allow the parties the additional time needed to finish running the 100-year floodplain model with updated parameters. On June 27, 2017, the District entered an Order Granting Second Joint Motion for Extension of Time, providing that the case shall be held in abeyance until August 7, 2017, and no further action will be taken by the District until August 8, 2017.

On July 27, 2017, Petitioner and Turnpike filed a Third Joint Motion for Extension of Time requesting an additional extension of time until September 25, 2017, as efforts are ongoing to update the floodplain model, but additional time is needed to finish the work. On July 27, 2017, the District entered an Order Granting Third Joint Motion for Extension of Time, providing that the case shall be held in abeyance through September 25, 2017.

MISCELLANEOUS
4 Cases as of September 5, 2017

STYLE: Sesler, Willie v. SWFWMD
COURT/CASE NO.: Fifth Judicial Circuit/Sumter County; Case No. 2016-CA-000014
ATTORNEY: T. Beecher/V. Arenas-Battles
ACTION: 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. See, Stokes v. SWFWMD, Case No. 2016-CA-000078, below.

STYLE: Stokes, Jacqueline and Sesler, Willie v. SWFWMD
COURT/CASE NO.: Fifth Judicial Circuit/Sumter County; Case No. 2016-CA-000078
ATTORNEY: T. Beecher/V. Arenas-Battles
ACTION: 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. 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 Second Amended Complaint with Prejudice and Memorandum of Law in support thereof, arguing that the Joint Plaintiffs' most recent Amended Complaint contains the same procedural and substantive defects as prior complaints and that the Joint Plaintiffs 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 Plaintiffs 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.

On May 7, 2017, the District filed a Request for the Court to Take Judicial Notice of Statutory Cap Pursuant to Section 768.28(5), Florida Statutes. Settlement negotiations are pending.

On June 20, 2017, the Plaintiffs filed their Notice for Jury Trial. On June 21, 2017, Plaintiff filed a Notice of Service of Answers to Defendant's Collateral Source Interrogatories. Also, settlement offers from the District to Plaintiffs are pending.

On July 10, 2017, Plaintiff filed a Notice of Service of Answers to Defendant's Collateral Source Interrogatories. On July 28, 2017, Plaintiff filed a Notice of Appearance and Designation of Email Addresses for Service adding another attorney as co-counsel. On August 1, 2017, the Court entered a Jury Trial Order setting the case for trial beginning the week of February 19, 2018.

On August 17, 2017, Plaintiffs agreed to a settlement in this case. This matter is pending the execution of a release and stipulated final judgment from the Court.

STYLE:
COURT/CASE NO.:
ATTORNEY:
ACTION:

Tony's Roasted Pepper, LLC v. Hillsborough County and SWFWMD
 Thirteenth Judicial Circuit/Hillsborough County; Case No. 2016-CA-008690
 V. Arenas-Battles/A. Vining
 Notice of Claim pursuant to the Bert J Harris, Jr., Private Property Rights Protection Act and Complaint for Trespass, Injunction, Inverse Condemnation, Breach of Contract and Claim for Compensation under The Bert J. Harris, Jr., Private Property Rights Protection Act

DESCRIPTION:

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. On May 26, 2017, the hearing on the Motions to Dismiss was rescheduled for August 1, 2017.

On July 26, 2017, Plaintiff filed a Memorandum of Law in Opposition to Defendants' Motions to Dismiss Amended Complaint. On August 1, 2017, the Motion to Dismiss was heard by the Court. The Court ruled as follows: (1) granted the District's motion to dismiss as to Count III (Inverse Condemnation); (2) granted the District's motion to dismiss as to Count II (Injunction) without prejudice to amend; (3) granted the District's motion to dismiss as to Count V (Bert Harris) without prejudice to amend; and denied the District's motion to dismiss as to Count I (Trespass) and abated this cause of action until December 14, 2017. **On August 18, 2017, the Court entered the Order on Defendant's Motion to Dismiss Plaintiff's Amended Complaint.**

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 September 5, 2017

STYLE: Suncoast Waterkeeper, Inc. and Kathe Fannon v. SWFWMD
COURT/CASE NO.: 2D17-2484
ATTORNEY: M. Bray/C. Tumminia
ACTION: Appeal of Dismissal of Petition for Administrative Hearing challenging Conceptual Environmental Resource Permit No. 49040157.006

DESCRIPTION: On April 12, 2017, the District issued Conceptual Environmental Resource Permit (“ERP”) 49040157.006 to Long Bar Pointe, LLLP and Cargor Partners VIII – Long Bar Pointe LLLP modifying and replacing Conceptual ERP 49040157.002 issued in September 2015. On May 4, 2017, the District received a petition for administrative hearing concerning the proposed ERP. The petition was determined to be insufficient as a matter of law, because it did not contain the elements that are required to be present in petitions for administrative hearing, as described and enumerated in Rule 28-106.201, F.A.C. Due to those deficiencies, an order was entered dismissing the petition on May 17, 2017 (“Order of Dismissal Without Prejudice”). The Order of Dismissal Without Prejudice specifically identified the deficiencies in the petition, and provided the Petitioners 14 days to file an amended petition curing the specified deficiencies. No amended petition was filed, either within the 14-day period or thereafter. On June 1, 2017, the petition was dismissed with prejudice on the grounds that it was not in substantial compliance with the requirements of Section 120.569(2)(c), F.S. and Rule 28-106.201, F.A.C. On June 15, 2017, Suncoast Waterkeeper, Inc. and Kathe Fannon filed a notice of appeal. On June 30, 2017, the District filed a motion to dismiss the appeal, arguing that in failing to file an amended petition or otherwise object, the Appellants had waived their right to raise any objection for the first time in the appellate court, and that Appellants had failed to exhaust their administrative remedies. The District also filed a motion for attorneys’ fees. Those motions are pending. On July 6, 2017, the Court denied the District’s motion to dismiss the appeal without prejudice to argue the merits in the answer brief. The Court did not enter an order on the motion for attorneys’ fees. On August 1, 2017, the District served copies of the index to the record on appeal, as required pursuant to Florida Rule of Appellate Procedure 9.110(e). **On August 24, 2017, the Appellants served their initial brief. The District’s answer brief is due 20 days thereafter, by September 13, 2017.**

DELEGATED CONSENT ORDERS

0 Case as of September 5, 2017

GENERAL COUNSEL'S REPORT

September 26, 2017

Routine Report

September 2017-Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

RULEMAKING UPDATE
SEPTEMBER 2017
PROPOSED RULES & AMENDMENTS

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
1. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302(1), F.A.C. to Repeal Reservations from Use of Morris Bridge Sink	May 2015	TBD	May 2015
2. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt revised Minimum Levels for Lake Eva in Polk County	September 2016	Estimated effective date September 2017	September 2016
3. 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	October 2016	Estimated effective date September 2017	October 2016
4. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Rainbow River System	June 2017	TBD	June 2017
5. 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	May 2017	Estimated effective date September 2017	May 2017
6. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Crystal River/Kings Bay System	June 2017	TBD	June 2017
7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt revised Minimum Levels for Lake Aurora in Polk County	July 2017	TBD	July 2017
8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt revised Minimum Levels for Lake Easy in Polk County	August 2017	TBD	August 2017
9. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt revised Minimum Levels for Lake Saddleback in Hillsborough County	September 2017	TBD	September 2017
10. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt revised Minimum Levels for Round Lake in Hillsborough County	September 2017	TBD	September 2017

Attachment: 09- 2017 General Counsel - Rulemaking Update (for September 2017 GB-Meeting) (3309 : 2017-Rulemaking Update)

COMMITTEE/LIAISON REPORTS

September 26, 2017

Discussion Item

Other Committee/Liaison Report

Staff Recommendation:

This Item is for information only and no action is required.

Presenter: Board Members

EXECUTIVE DIRECTOR'S REPORT

September 26, 2017

Discussion Item

Executive Director's Report

Staff Recommendation:

This Item is for information only and no action is required.

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

CHAIR'S REPORT

September 26, 2017

Discussion Item

Executive Director's and Inspector General's Annual Reports

In accordance with Board Policy 710-2, the executive director and inspector general shall each present to the Governing Board a statement of accomplishments and each employee's goals for the current fiscal year. Through the statements, the employees summarize many of the District's achievements for the fiscal year and provide information on which the Governing Board can evaluate performance.

The executive director and inspector general have combined their statements of accomplishments into one document, with two separate sections, and submitted the information to the Governing Board in a separate addendum. Additional copies of the document will be available at the meeting upon request.

After the September Governing Board meeting, each board member will have an opportunity to complete a separate performance input form for the executive director and the inspector general reflecting that Governing Board member's assessment of the employee's performance for the year. In accordance with Board Policy 710-2, the Human Resources and Risk Management Bureau shall compile and distribute a *Performance Evaluation Summary* from the forms submitted by the individual members.

Following distribution of the *Performance Evaluation Summary*, the Governing Board Chair shall draft the performance employee evaluation for the executive director and the Treasurer shall draft the employee evaluation for the inspector general. It is anticipated that the Governing Board, will review, edit as appropriate, and approve the evaluations at the regularly scheduled October Board meeting.

Staff Recommendation:

This item is for information only and no action is required.

Presenter: Randall S. Maggard, Chair

CHAIR'S REPORT

September 26, 2017

Discussion Item

Other

Staff Recommendation:

This Item is for information only and no action is required.

Presenter: Randall S. Maggard, Chair

CHAIR'S REPORT

September 26, 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
5	9/10/2012	Julie Zydek	Staff Hydrogeologist	Tampa	Data Collection
15	9/4/2007	Mark Beach	Professional Surveyor and Mapper	Brooksville	Data Collection
30	9/21/1987	Georgia Hudson	Procurement Specialist	Brooksville	Finance