

# Governing Board Meeting

## *Agenda and Meeting Information*

*December 12, 2017*

*10:00 AM*

*Starkey Environmental Education Center*  
10500 Wilderness Park Blvd • New Port Richey, Florida

Southwest Florida  
Water Management District

  
WATERMATTERS.ORG • 1-800-423-1476



# Southwest Florida Water Management District

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

An Equal  
Opportunity  
Employer

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Bureau Chief at 2379 Broad Street, Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4703; or email [ADACoordinator@WaterMatters.org](mailto: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

DECEMBER 12, 2017

10:00 AM

### Starkey Environmental Education Center

10500 WILDERNESS PARK BLVD, NEW PORT RICHEY, FL 34655

☞ *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](http://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](http://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

**10:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)**

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

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

6. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Bushnell Watershed in Sumter County to the Federal Emergency Management Agency (N441)
7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lake Alice in Hillsborough County (P256)
8. FARMS – KLM Farms, LLC – (H757) Polk County

***Finance/Outreach & Planning Committee***

9. Budget Transfer Report

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

10. Easement Donation – Central Florida Water Initiative (CFWI) Project, North Lake Wales, SWF Parcel No. 20-020-145

***Regulation Committee***

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

***General Counsel's Report***

12. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
  - a. Independent Auditor Engagement Period Policy
13. Rulemaking-None

***Executive Director's Report***

14. Approve Governing Board Meeting Minutes - November 14, 2017

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

15. Consent Item(s) Moved for Discussion
16. City of Punta Gorda Reverse Osmosis Facility Third Party Review (N600)
17. Fiscal Year 2018-19 Cooperative Funding Process

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

18. Minimum Flows and Levels Status Report
19. Significant Water Resource and Development Projects

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

20. Consent Item(s) Moved for Discussion
21. Preliminary Fiscal Year 2019 Budget
22. Strategic Plan Update
23. 2018 Legislative Preview

***Submit & File Reports***

24. Follow Up Report on Disaster Recovery Test: Internet Fail-Over

***Routine Reports***

25. Treasurer's Report and Payment Register
26. Monthly Financial Statement
27. Monthly Cash Balances by Fiscal Year
28. Comprehensive Plan Amendment and Related Reviews Report
29. Development of Regional Impact Activity Report

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

- 30. Consent Item(s) Moved for Discussion
- 31. Hydrologic Conditions Report

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

- 32. Surplus Lands
- 33. Structure Operations
- 34. Significant Activities

**REGULATION COMMITTEE (TAB F)****Discussion**

- 35. Consent Item(s) Moved for Discussion
- 36. Denials Referred to the Governing Board
- 37. Continuous Improvement Initiative Overview

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

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

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

- 41. Consent Item(s) Moved for Discussion
- 42. Governing Board-Advocacy Policy

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

- 43. December 2017 - Rulemaking Update
- 44. December 2017-Litigation Report

**COMMITTEE/LIAISON REPORTS (TAB H)**

- 45. Committee/Liaison Reports

**EXECUTIVE DIRECTOR'S REPORT (TAB I)**

- 46. Executive Director's Report

**CHAIR'S REPORT (TAB J)**

- 47. Chair's Report
- 48. Other
- 49. Employee Milestones

★ ★ ★ **RECESS PUBLIC HEARING** ★ ★ ★

**ANNOUNCEMENTS**

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

- Governing Board Meetings Schedule:

Meeting - Tampa .....	January 23, 2018
Meeting - Sarasota .....	February 27, 2018
Meeting - Brooksville .....	March 27, 2018
Meeting - Haines City .....	April 24, 2018

- Governing Board Public Budget Hearings Schedule

Tentative Budget - Tampa .....	September 11, 2018
Final Budget - Tampa .....	September 25, 2018



- Advisory Committee Meeting Schedule:

Environmental - Tampa .....	January 9, 2018
Well Drillers - Tampa .....	January 10, 2018
Industrial - Tampa .....	February 6, 2018
Public Supply - Tampa .....	February 6, 2018

## ADJOURNMENT

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

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

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

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

# GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective August 2017

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

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

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

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

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

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

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

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



# ***Executive Summary***

## **GOVERNING BOARD MEETING**

**DECEMBER 12, 2017**  
**10:00 a.m.**

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

### **CONVENE PUBLIC HEARING & MEETING (TAB A)**

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Employee Recognition
4. Additions/Deletions to Agenda
5. Public Input for Issues Not Listed on the Published Agenda

### **CONSENT AGENDA (TAB B)**

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

#### **Resource Management Committee**

6. **Authorize Submission of Preliminary Flood Insurance Rate Maps for the Bushnell Watershed in Sumter County to the Federal Emergency Management Agency (N441)**

The District has partnered with FEMA and local governments to modernize FIRMs as part of its Watershed Management Program (WMP). Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local government's understanding of their flood protection level of service, the District has been reaching out to local governments and implementing the WMP for the past two decades.

The updated floodplain information for the Bushnell watershed in Sumter County was prepared by a District consultant (Engineering Firm of Record), reviewed by District and County staff, and then reviewed by the District's independent peer review consultant (see table below). The watershed models and floodplain data were built using 2013 topography and land use information. For the public workshop held on September 22, 2016, affected property owners were notified of the workshop by print advertisement and media release with 35 people in attendance. The watershed models and preliminary floodplain data reasonably reflect the verification storm event and represent best floodplain information available for the watershed.

Watershed	Engineering Firm of Record	Peer Review
Bushnell in Sumter County	Cardno	Jones Edmunds and Associates, Inc.

Staff recommends the Board authorize submittal of the preliminary FIRMs for the Bushnell watershed in Sumter County to FEMA.

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

Lake Alice is included in the Northern Tampa Bay group of lakes selected for Minimum and Guidance level reevaluation. Based on this reevaluation, the High Guidance Level is proposed to increase from 40.9 to 41.4 feet above NGVD 29, the High Minimum Lake Level is proposed to decrease from 40.9 to 40.7 feet (NGVD 29), the Minimum Lake Level is proposed to decrease from 39.9 to 38.9 feet (NGVD 29), and the Low Guidance Level is proposed to decrease from 38.8 to 37.6 feet (NGVD 29) (Table 8-2).

An updated assessment of status was performed, and Lake Alice water levels were determined to be above the proposed Minimum and High Minimum Lake levels. Lake Alice 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 Lake Alice 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 Lake Alice 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. Adoption of Minimum Levels for Lake Alice will support the District's water supply planning, water use permitting, and environmental resource permitting programs.

Staff recommends the Board:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels for Lake Alice in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Lake Alice in Hillsborough County, as shown in the Exhibit.

8. **FARMS – KLM Farms, LLC – (H757) Polk County**

The District received a project proposal from KLM Farms, LLC for a 64-acre citrus operation located two miles east of Bartow, in Polk County, within the Southern Water Use Caution Area (SWUCA) and Central Florida Water Initiative (CFWI). This project will involve the utilization of an existing five-acre surface water reservoir to collect tailwater and surface water from the property and surrounding watershed to offset Upper Floridan aquifer groundwater used for daily irrigation and cold protection for 64 acres of citrus. The Water Use Permit (WUP) authorizes an annual average withdrawal of 61,900 gallons per day (gpd). FARMS project components consist of one surface water irrigation pump station, filtration system, associated valves and automation as well as the mainline pipe necessary to connect the surface water reservoir to the existing irrigation system.

The proposed project involves water quantity best management practices for offsetting greater than 50 percent of daily irrigation quantities within the SWUCA and CFWI. The project qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to offset 43,330 gpd and will reduce withdrawals from the Upper Floridan aquifer for daily irrigation by 70 percent of permitted daily groundwater quantities, yielding a combined daily cost of \$3.45 per thousand gallons of groundwater reduced over the proposed six-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of an existing reservoir for alternative water supply for a citrus operation.

Staff recommends the Board:

- 1) Approve the KLM Farms, LLC - H757 project for a not-to-exceed project reimbursement of \$221,938 with \$221,938 provided by the Governing Board;
- 2) Authorize the transfer of \$221,938 from fund 010 H017 Governing Board FARMS Fund to the H757 KLM Farms, LLC project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

## Finance/Outreach & Planning Committee

### 9. **Budget Transfer Report**

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

Staff recommends the Board approve of the Budget Transfer Report covering all budget transfers for November 2017.

## Operations, Lands and Resource Monitoring Committee

### 10. **Easement Donation – Central Florida Water Initiative (CFWI) Project, North Lake Wales, SWF Parcel No. 20-020-145**

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

SWF Parcel No. 20-020-145 is an approximate 100-square foot well site and associated access perpetual Easement to be conveyed by the City of Lake Wales located in central Polk County. The City has also offered a temporary license for an approximate 0.09-acre area surrounding the Easement to be utilized for staging during the construction period. The Easement property is designated as Public (PUB) on the adopted City of Lake Wales 2015 Future Land Use Map, which identifies government owned facilities, parks and open space areas within the City. The subject property has an underlying zoning designation of Recreation (R) on the City of Lake Wales Zoning Map, reflecting the property's current use. An appraisal of the Easement was not obtained because it is being offered as a donation. The parent property of SWF Parcel No. 20-020-145 is an approximate 22.09-acre parcel of land owned by the City of Lake Wales and used for passive recreation surrounding North Lake Wales. The Polk County Property Appraiser assigned a final 2017 assessed value for this property of \$200.

- The City has approved conveyance of an Easement for a 100-square foot well site and 10-foot wide access necessary for construction, maintenance and monitoring activities on the site.
- The Easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The City has approved a License Agreement for an additional 0.09-acre area necessary for temporary construction and testing activities.
- The District will pay transactional costs for closing, including the title search, documentary stamp tax and recording fees.

Data gathered from the North Lake Wales well will improve the District's understanding of the hydrogeologic framework of central and eastern Polk County, enhance groundwater modeling and provide for assessment of potential withdrawal-related impacts to water resources within the District and the CFWI area. The District's transactional costs have been estimated to be approximately \$2,000. Contracted well construction costs are estimated to be \$11,200 due to the anticipated depth to the surficial aquifer in this area. The data collection and maintenance costs are estimated to be \$1,200 annually.

Staff recommends the Board accept the donation of the Easement from the City of Lake Wales for the CFWI Project.



## Regulation Committee

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

#### General Counsel's Report

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

#### a. Independent Auditor Engagement Period Policy

Section 218.39, Florida Statutes (F.S.), requires the District to have an independent annual financial audit of its accounts and records within nine months of year-end. Section 218.391, F.S., provides the legal requirements for procuring the independent auditor under a request for proposal process.

At its regularly scheduled July meeting, the Governing Board selected an auditor and authorized staff to execute a contract with the firm. At this meeting, Board members engaged in a discussion concerning whether it would be appropriate to limit the engagement period of a selected auditor in future procurements and requested that staff provide a draft policy for the Board's consideration. At the October Board meeting, staff presented a draft Independent Auditor Engagement Period Policy for the Board members' initial review. At the November Board meeting, staff reviewed the main components of the draft Policy. The Governing Board had no comments or requested revisions to the document.

Staff recommends the Board approve the attached Independent Auditor Engagement Period Policy.

### 13. Rulemaking - None

#### Executive Director's Report

### 14. Approve Governing Board Meeting Minutes – November 14, 2017

Staff recommends the Board approve the minutes as presented.

## RESOURCE MANAGEMENT COMMITTEE (TAB C)

#### *Discussion*

### 15. Consent Item(s) Moved for Discussion

### 16. City of Punta Gorda Reverse Osmosis Facility Third Party Review (N600)

The City of Punta Gorda (City) is developing a 4 million gallon per day (mgd) RO water treatment facility co-located with the existing 10 mgd Shell Creek Surface Water Treatment Facility, primarily to add a blending source to ensure the facility can meet drinking water standards year-round. Additional project benefits include providing a regional back-up water supply to DeSoto County via connection to the Peace River Manasota Regional Water Supply Authority's Regional Loop System Phase 1 Interconnect, which is scheduled for construction at the same time, along with potential reductions of surface water withdrawals to maintain minimum flows in Shell Creek. The District's Governing Board discussed the project and approved initial funding in July 2014. A cooperative funding agreement with the City was executed in April 2016. The agreement includes conditions for conducting two sequential District-implemented Third Party Reviews (TPRs), first on a brackish wellfield feasibility study and second on the RO water treatment facility's design. Governing Board authorization is required to proceed with the project following each TPR. The brackish wellfield study TPR was completed this year, and the Governing Board approved proceeding to the second TPR in September 2017. The TPR of the RO water treatment facility was completed in November 2017.

The TPR engineering team reviewed the project design for consistency with industry standards and feasibility to meet its intended purpose. District TPRs are typically conducted at the 30 percent design level; however, the City had completed design work through the 90 percent level and the most recent design materials were used for this review. The TPR report concluded that the project design is feasible and consistent with the parameters of other RO systems. The TPR team also reviewed the Construction Manager at Risk's (CMAR's)

latest probable project cost opinion of approximately \$39.4 million. Based on the facility design and comparison of costs for similar facilities, the CMAR's estimate was found to be slightly higher than comparative references. The TPR team recommended allowing for multiple subcontractor bids and reducing some equipment procurements through subcontractor scopes to control costs. Based on the latest design, available cost estimates, and the TPR information, the City's current project cost estimate is \$39.4 million.

The previous total project cost estimate as specified in the District's cooperative funding agreement is \$32.2 million, or \$7.2 million less than the current project estimate. The current estimate is a 22 percent increase. As required by the agreement, the City intends to provide all funds above the original project estimate (\$7.2 million) necessary to complete the project and will not request additional funds from the District.

Using the current estimate of \$39.4 million, the project's cooperative funding initiative evaluation was revisited. A copy of the reevaluation is provided in the attached Exhibit. Based on the current cost estimate, the TPR, and the staff evaluation, the project benefit ranking remains high, the cost effectiveness remains ranked as medium and the overall project ranking remains medium.

With Governing Board authorization, the City will be eligible for reimbursement of expenses of RO water treatment facility design beyond the 30 percent level, permitting, and construction work and materials in accordance with the cooperative funding agreement. The reimbursement for these additional expenses is also contingent on the commencement of construction for both the RO water treatment facility and the Regional Loop System Phase 1 Interconnect. Construction of both the RO water treatment facility and the Regional Loop System Phase 1 Interconnect is expected to start in the spring of 2018.

The project will provide 4 mgd of brackish groundwater supply for blending at the City's co-located Shell Creek surface water treatment facility to improve reliability and meet drinking water standards. The total project cost estimate is \$39.4 million. As provided in the cooperative funding agreement, the District's share is \$15,650,000 including allocations of \$812,500 for RO water treatment facility design and \$13,320,000 for RO water treatment facility construction related services and materials. The City will provide all remaining funds necessary to complete the project. The District has budgeted a total of \$9,075,000 through FY2018. The remaining \$6,575,000 has been requested for FY2019.

Staff recommends the Board authorize continuation of the project and reimbursement to the City for the RO water treatment facility expenses in accordance with the cooperative funding agreement.

#### 17. **Fiscal Year 2018-19 Cooperative Funding Process**

The Cooperative Funding Initiative application deadline was Friday, October 6, 2017: 148 applications were initially received. Staff are evaluating 148 applications totaling \$116.9 million in District funding requests.

The proposed February and April meeting schedule for the four regional subcommittees is detailed below:

PLANNING REGION	MEETING DATE	MEETING TIME	LOCATION
Northern	February 7	10 a.m.	Brooksville
Heartland	February 8	10 a.m.	Bartow CH
Southern	February 14	10 a.m.	Sarasota
Tampa Bay	February 15	10 a.m.	Tampa

PLANNING REGION	MEETING DATE	MEETING TIME	LOCATION
Northern	April 6	10 a.m.	Brooksville
Heartland	April 5	10 a.m.	Bartow CH
Southern	April 11	10 a.m.	Sarasota
Tampa Bay	April 12	10 a.m.	Tampa

The fiscal year 2018-19 applications were distributed to staff and are undergoing in-depth evaluation for ranking purposes. The raw applications have been compiled by region, distributed to the Governing Board members, and posted on the District's website. Board members are asked to familiarize themselves with the applications in preparation of the February public meetings.

The February meetings are the Board's opportunity to review the preliminary project rankings, ask questions of staff and the applicants, and to hear public and stakeholder input from non-applicants. During the February meetings, each subcommittee will be asked to identify proposals for presentation and further discussion at the April meetings. Final staff rankings will be provided in April, and the regional subcommittees will be asked to prepare their final rankings and recommendations at that time.

Applications submitted by the cooperators in each region will be provided to the Governing Board members at the December Governing Board meeting (see regional application booklets).

Staff recommends the Board approve the proposed February and April subcommittee meeting schedule and agenda topics staff has proposed for the February regional subcommittee meetings.

### **Submit & File Reports - None**

#### **Routine Reports**

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

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

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

<b>FINANCE/OUTREACH &amp; PLANNING COMMITTEE (TAB D)</b>
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#### **Discussion**

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

21. **Preliminary Fiscal Year 2019 Budget**

Section 373.535, Florida Statutes, requires water management districts (WMDs) to submit a preliminary budget for the next fiscal year to the Florida Legislature for review by January 15. The President of the Senate and the Speaker of the House of Representatives may submit comments regarding the preliminary budgets to the WMDs on or before March 1 of each year. Each WMD must respond to those comments in writing on or before March 15 of each year. In addition, the following specific provisions are contained in s. 373.536(5), F.S., regarding the legislative review of the WMDs tentative budgets due August 1:

*The Legislative Budget Commission may reject any of the following WMDs budget proposals:*

- 1. A single purchase of land in excess of \$10 million, except for land exchanges.*
- 2. Any cumulative purchase of land during a single fiscal year in excess of \$50 million.*
- 3. Any issuance of debt on or after July 1, 2012.*
- 4. Any program expenditures as described in sub-subparagraphs (e)4.e. and f. (i.e., Outreach and Management and Administration programs) in excess of 15 percent of a district's total annual budget.*
- 5. Any individual variances in a district's tentative budget in excess of 25 percent from a district's preliminary budget.*

At the October 24 Governing Board meeting, staff provided an overview of factors affecting budget development and recommended approval of the general budget assumptions needed to prepare the District's preliminary budget for FY2019. The Governing Board approved the assumptions as presented at the meeting. At the December 12 Governing Board meeting, staff will present the preliminary budget for FY2019 and request approval to submit the *FY2018-19 Preliminary Budget Submission* to the Florida Legislature by January 15, 2018. The preliminary budget has been prepared using the same budget assumptions as presented to the Governing Board on October 24, 2017.

The development of the District's final budget will begin in February 2018. All budget requests will be subject to Governing Board review and approval during the development of the final budget for FY2019. At the June 26 Governing Board meeting, staff will present and request approval of the Recommended Annual Service Budget. At the July 24 Governing Board meeting, staff will present a budget update, including information regarding the results of the Certifications of Taxable Value, and will request approval to submit the *FY2018-19 Tentative Budget Submission* to the Governor and Florida Legislature on August 1, 2018.

Staff recommends the Board approve the submittal of the *FY2018-19 Preliminary Budget Submission* to the Florida Legislature on or before January 15, 2018.

## 22. **Strategic Plan Update**

The District's Strategic Plan is updated annually and included as part of the District's Consolidated Annual Report (CAR) which is submitted to the Governor, Department of Environmental Protection, President of the Senate, and Speaker of the House of Representatives, along with chairs of appropriate legislative committees and local county governing bodies.

The Strategic Plan identifies the District's mission, vision, values, goals, strategic initiatives for each of the District's four areas of responsibility, regional priorities, and core business practices. Strategic Plan 2018 - 2022 includes several significant changes from the previous plan, including direction provided by the Governing Board at its August workshop. The following are the significant changes:

### **Septic to Sewer Conversions**

The District had previously identified improving our first-magnitude springs as a priority in our Northern region. This year we added conversion of septic systems to sewer collection and treatment systems as a critical action in the restoration of springs. The Board prioritized combining District 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.

### **Direct/Indirect Potable Reuse**

The District has long been a leader in the beneficial reuse of reclaimed water. Currently, we are reusing about 42 percent of the available wastewater flows compared to a national average of 7 percent. Our goal is to beneficially reuse 75 percent of the available reclaimed water. To help reach that goal, language has been added to the Strategic Initiative - Water Supply section prioritizing funding for direct and indirect potable reuse projects implemented by regional entities.

### **Stormwater**

A robust watershed 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 area, but may increase in other regions over time. To address these needs, we have created a new flood protection priority for the Tampa Bay planning region.

Also, under the Strategic Initiatives - Flood Protection section, we've added a Maintenance and Improvement Initiative to more accurately capture the scope of our Watershed Management, Environmental Permitting, Structure Operations and Land Acquisition programs in addressing flood protection.

### **Future Board Action:**

Board members are asked to provide any feedback they have via email by January 2. Comments will be incorporated and the Strategic Plan will come back before the Board as part of the CAR, which will be a discussion item at the January meeting. The CAR will return to the Board in February for final approval.

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 future drafts of the Strategic Plan.

**23. 2018 Legislative Preview**

The 2018 Legislative Session begins January 9 and is scheduled to conclude March 9. Legislators continue to file bills prior to the start of the regular Session.

Governor Rick Scott has announced his Securing Florida's Future budget which proposes \$180 million in tax cuts to help Florida families. The Governor's recommended budget also invests in Florida's education system, transportation, and environmental protection while continuing to support law enforcement and Florida's economy.

Included in the proposed budget are the following amounts for the environment:

- \$355 million for Everglades restoration including \$50 million to expedite repairs for the federal Herbert Hoover Dike at Lake Okeechobee
- \$55 million for Florida's springs
- \$100 million for Florida's beaches
- \$50 million for Florida's state parks
- More than \$21 million to help Florida's citrus industry following Hurricane Irma
- \$50 million for Florida Forever to help preserve and protect our natural lands

The District has proposed legislation to address two existing situations as they relate to the sale of water management district surplus lands. Senator Dennis Baxley has filed this legislation for the District in the Senate -- SBs 806 and 808. Representative Danny Burgess has filed this legislation in the House -- HBs 703 and 705. The bills propose changes to two areas for surplus land sales: confidentiality and flexibility.

**Confidentiality**

- Makes appraisal documents, offers, and contracts for the purchase of surplus lands temporarily confidential. Prospective purchasers are currently at a competitive disadvantage due to accessibility of appraisals, offers, and contracts through public records requests. Prospective purchasers may not know their offers have been obtained by other prospective purchasers. This information may be used by one prospective purchaser against another.

The above changes will make the marketing and sale process of these lands mirror the confidentiality language in the State Lands statute, located in Section 253.0341(8)(a), F.S. This will also help provide consistency amongst the five water management districts and the Department.

**Flexibility**

- The intent of this section in the statute is to provide flexibility to the District's in selling small parcels valued less than \$25,000 by providing an expedited method to selling surplus parcels directly to adjoining property owners.
- The intent of the change is to clarify, remove some ambiguity, and make more efficient the process for selling surplus lands valued at \$25,000 or less.
- The proposal significantly reduces the associated costs involved in selling these parcels. Without this, the costs of the sale could exceed the value of the land in certain cases.
- Gives the District additional flexibility in determining how to dispose low-value surplus lands.
- Gives the public a fair opportunity to purchase low-value surplus lands.

In addition to following the District's legislation, staff will be tracking the confirmations of Governing Board members and other environmental bills.

To date, the following *significant* bills related to the environment have been filed:

- HB 131 relating to Coastal Management
- SB 174 relating to Coastal Management
- HB 203 relating to the Environmental Regulation Commission
- SB 204 relating to the Land Acquisition Trust Fund - would dedicate \$50 million to the SJRWMD for projects dedicated to the restoration of the St. Johns River and its tributaries or the Keystone Heights Lake Region.
- SB 316 relating to the Environmental Regulation Commission
- SB 370 relating to the Land Acquisition Trust Fund - would dedicate \$100 million annually from the fund to Florida Forever
- HB 703 relating to Water Management District Surplus Lands
- HB 705 relating to Water Management District Surplus Lands/Pub. Rec.
- SB 806 relating to Water Management District Surplus Lands
- SB 808 relating to Water Management District Surplus Lands/Pub. Rec.

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

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

#### **Submit & File Reports**

#### **24. Follow Up Report on Disaster Recovery Test: Internet Fail-Over**

#### **Routine Reports**

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

#### **25. Treasurer's Report and Payment Register**

#### **26. Monthly Financial Statement**

#### **27. Monthly Cash Balances by Fiscal Year**

#### **28. Comprehensive Plan Amendment and Related Reviews Report**

#### **29. Development of Regional Impact Activity Report**

## **OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE (TAB E)**

#### **Discussion**

#### **30. Consent Item(s) Moved for Discussion**

#### **31. 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.*

#### **32. Surplus Lands**

#### **33. Structure Operations**

#### **34. Significant Activities**



## REGULATION COMMITTEE (TAB F)

### ***Discussion***

#### **35. Consent Item(s) Moved for Discussion**

#### **36. 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.

#### **37. Continuous Improvement Initiative Overview**

In 2016, the District launched its continuous improvement initiative known as Project DIVE. Twelve suggestions have been reviewed by the evaluation team using kaizen methodology.

Project DIVE is starting its third year. The presentation will provide an overview of Project DIVE, how ideas are solicited, the process used to make improvements, outcomes of the improvements and the next steps.

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

### ***Submit & File Reports - None***

### ***Routine Reports***

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

#### **38. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update**

#### **39. Overpumpage Report**

#### **40. Individual Permits Issued by District Staff**

## GENERAL COUNSEL'S REPORT (TAB G)

### ***Discussion***

#### **41. Consent Item(s) Moved for Discussion**

#### **42. Governing Board-Advocacy Policy**

The Southwest Florida Water Management District (District) may be required or requested to participate as a member organization of various program committees or boards such as the national estuary program policy boards, advisory committees, and regional planning councils. Governing Board members are appointed by the Governing Board Chair to represent the District on these committees and boards. The District may also provide funding to assist with the administrative and project costs of a committee or board and the District's cooperative funding program may also support specific projects proposed by these entities. These committees and boards may take positions on potentially controversial issues. Recently a question arose over the District's responsibility or obligation to participate as a member of a committee or board that assumes an advocacy role. At the September 2017 Governing Board meeting, the Governing Board requested information on the District's, and Governing Board member responsibilities as liaisons, regarding advocacy and funding.

This item is for the Governing Board's information and discussion.

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

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

43. **December 2017 – Rulemaking Update**

44. **December 2017 – Litigation Report**

**COMMITTEE/LIAISON REPORTS (TAB H)**

45. **Other Committee/Liaison Reports**

**EXECUTIVE DIRECTOR'S REPORT (TAB I)**

46. **Executive Director's Report**

**CHAIR'S REPORT (TAB J)**

47. **Chair's Report**

48. **Other**

49. **Employee Milestones**

**★ ★ ★ RECESS PUBLIC HEARING ★ ★ ★**

**ANNOUNCEMENTS**

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

- **Governing Board Meetings Schedule:**

Meeting – Tampa .....	January 23, 2018
Meeting – Sarasota .....	February 27, 2018
Meeting – Brooksville .....	March 27, 2018
Meeting – Haines City (Lake Eva) .....	April 24, 2018
- **Governing Board Public Budget Hearings Schedule:**

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

Environmental – Tampa .....	January 9, 2018
Well Drillers - Tampa .....	January 10, 2018
Industrial – Tampa .....	February 6, 2018
Public Supply – Tampa .....	February 6, 2018

**ADJOURNMENT**



## **Governing Board Meeting**

**December 12, 2017**

**10:00 a.m.**

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

<b>PUBLIC HEARING AND MEETING</b>
-----------------------------------

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Employee Recognition
4. Additions/Deletions to Agenda
5. Public Input for Issues Not Listed on the Published Agenda

## Governing Board Meeting December 12, 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 – Philip Rhinesmith, Senior Environmental Scientist

Presenter: Randall S. Maggard, Chair

4. **Additions/Deletions to Agenda**

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

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

Staff Recommendation:

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

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

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

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

Presenter: Randall S. Maggard, Chair





# **Governing Board Meeting December 12, 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**

6. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Bushnell Watershed in Sumter County to the Federal Emergency Management Agency (N441) ..... 6
7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum Guidance Levels for Lake Alice in Hillsborough County (P256) ..... 8
8. FARMS – KLM Farms, LLC – (H757) Polk County .....12

### **Finance/Outreach & Planning Committee**

9. Budget Transfer Report .....14

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

10. Easement Donation – Central Florida Water Initiative (CFWI) Project, North Lake Wales, SWF Parcel No. 20-020-145 .....15

### **Regulation Committee**

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

### **General Counsel's Report**

12. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
  - a. Independent Auditor Engagement Period Policy .....24
13. Rulemaking – None

### **Executive Director's Report**

14. Approve Governing Board Meeting Minutes – November 14, 2017 ..... 27

## RESOURCE MANAGEMENT COMMITTEE

December 12, 2017

### *Consent Agenda*

#### **Authorize Submission of Preliminary Flood Insurance Rate Maps for the Bushnell Watershed in Sumter County to the Federal Emergency Management Agency (N441)**

##### *Purpose*

Request the Board's authorization to submit the preliminary Flood Insurance Rate Maps (FIRMs) for the Bushnell watershed in Sumter County to the Federal Emergency Management Agency (FEMA). The detailed watershed management model for the Bushnell watershed is the basis for updating the FIRMs. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. Floodplain analysis information for the watershed was presented for review and comment during a public workshop held on September 22, 2016. The City of Bushnell will coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

##### *Background/History*

The District has partnered with FEMA and local governments to modernize FIRMs as part of its Watershed Management Program (WMP). Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local government's understanding of their flood protection level of service, the District has been reaching out to local governments and implementing the WMP for the past two decades. Since November 2008, the Governing Board has authorized staff to submit preliminary FIRMs to FEMA for 19 watersheds in Hernando County, 6 watersheds in Pasco County, 7 watersheds in Citrus County, 4 watersheds in Manatee County, 6 watersheds in Sarasota County, 4 watersheds in Polk County, 2 watersheds in DeSoto County, 5 watersheds in Hardee County, 3 watersheds in Highlands County, 1 watershed in Pinellas County, 2 watersheds in Sumter County, 12 watersheds in Marion County and 3 watersheds in Hillsborough County.

The updated floodplain information for the Bushnell watershed in Sumter County was prepared by a District consultant (Engineering Firm of Record), reviewed by District and County staff, and then reviewed by the District's independent peer review consultant (see table below). The watershed models and floodplain data were built using 2013 topography and land use information. For the public workshop held on September 22, 2016, affected property owners were notified of the workshop by print advertisement and media release with 35 people in attendance. The watershed models and preliminary floodplain data reasonably reflect the verification storm event and represent best floodplain information available for the watershed.

Watershed	Engineering Firm of Record	Peer Review
Bushnell in Sumter County	Cardno	Jones Edmunds and Associates, Inc.

## Item 6

Staff Recommendation:

Authorize submittal of the preliminary FIRMs for the Bushnell watershed in Sumter County to FEMA.

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

## RESOURCE MANAGEMENT COMMITTEE

December 12, 2017

### *Consent Agenda*

#### **Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lake Alice 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 Lake Alice in Hillsborough County, and accept the report entitled: "Revised Minimum and Guidance Levels for Lake Alice in Hillsborough County, Florida," dated October 20, 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 Lake Alice were adopted into Rule 40D-8.624, F.A.C., in October 1998. Section 373.0421(3), Florida Statutes, requires that minimum flows and levels shall be reevaluated periodically and revised as needed.

Lake Alice is included in the Northern Tampa Bay group of lakes selected for Minimum and Guidance level reevaluation. These reevaluations are being completed using up-to-date hydrologic, biologic, and survey data; recently-developed hydrologic models; and peer-reviewed methodologies to determine if any revisions are needed for currently adopted levels. Based on this reevaluation, the High Guidance Level is proposed to increase from 40.9 to 41.4 feet above NGVD 29, the High Minimum Lake Level is proposed to decrease from 40.9 to 40.7 feet (NGVD 29), the Minimum Lake Level is proposed to decrease from 39.9 to 38.9 feet (NGVD 29), and the Low Guidance Level is proposed to decrease from 38.8 to 37.6 feet (NGVD 29) (Table 8-2).

The technical report outlining the development of the newly proposed levels for Lake Alice was posted on the District's website prior to a public workshop held on October 24, 2017. The workshop was held within 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. A summary of the public workshop, including comments and discussion, is available upon request.

An updated assessment of status was performed, and Lake Alice water levels were determined to be above the proposed Minimum and High Minimum Lake levels. Lake Alice 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 Lake Alice 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 Lake Alice and will also routinely evaluate the status of the

## Item 7

water levels with respect to adopted minimum levels for the lake included in Chapter 40D-8, F.A.C.

### *Benefits/Costs*

Adoption of Minimum Levels for Lake Alice 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 Lake Alice as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation. Ratification by the Legislature also is not necessary for this rulemaking as it is not expected to increase certain legislatively identified costs in excess of \$1 million in the aggregate within five years after the implementation of the rule.

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

### Staff Recommendation:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels for Lake Alice in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Lake Alice in Hillsborough County, as shown in the Exhibit.

Presenter: Mark Hurst, Senior Environmental Scientist, Water Resources Bureau

## EXHIBIT

### 40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (11) No change.

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

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.					
Location by County and Basin	Name of Lake and Section, Township and Range 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	<del>40.9</del> 41.4	<del>40.9 (CAT 2)</del> 40.7 (CAT 3)	<del>39.9 (CAT 2)</del> 38.9 (CAT 3)	<del>38.8</del> 37.6
	Allen, Lake S-210, T-27S, R-18E through Virginia, Lake S-3, T-27S, R-18E No change.				
(m) through (cc) No change.					

(13) No change.

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



04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, 11-25-12, 2-21-13 (12)(f), 2-21-31 (12), (13), 9-3-2013, 1-7-15, 7-1-15, 9-21-15, 11-30-16, 12-28-16, 2-12-17 (12)(s), 2-12-17 (12)(z), 2-12-17 (12)(z), 2-19-17 (12)(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**

**December 12, 2017**

***Consent Agenda***

**FARMS – KLM Farms, LLC – (H757) Polk County**

*Purpose*

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with KLM Farms, LLC, and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$221,938 (75 percent of total projects costs). Of this amount, \$221,938 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$295,917.

*Project Proposal*

The District received a project proposal from KLM Farms, LLC for a 64-acre citrus operation located two miles east of Bartow, in Polk County, within the Southern Water Use Caution Area (SWUCA) and Central Florida Water Initiative (CFWI). This project will involve the utilization of an existing five-acre surface water reservoir to collect tailwater and surface water from the property and surrounding watershed to offset Upper Floridan aquifer groundwater used for daily irrigation and cold protection for 64 acres of citrus. The Water Use Permit (WUP) authorizes an annual average withdrawal of 61,900 gallons per day (gpd). FARMS project components consist of one surface water irrigation pump station, filtration system, associated valves and automation as well as the mainline pipe necessary to connect the surface water reservoir to the existing irrigation system.

*Benefits/Costs*

The proposed project involves water quantity best management practices for offsetting greater than 50 percent of daily irrigation quantities within the SWUCA and CFWI. The project qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to offset 43,330 gpd and will reduce withdrawals from the Upper Floridan aquifer for daily irrigation by 70 percent of permitted daily groundwater quantities, yielding a combined daily cost of \$3.45 per thousand gallons of groundwater reduced over the proposed six-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of an existing reservoir for alternative water supply for a citrus operation. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$5,600,825 remaining in its FARMS Program budget.

**Staff Recommendation:**

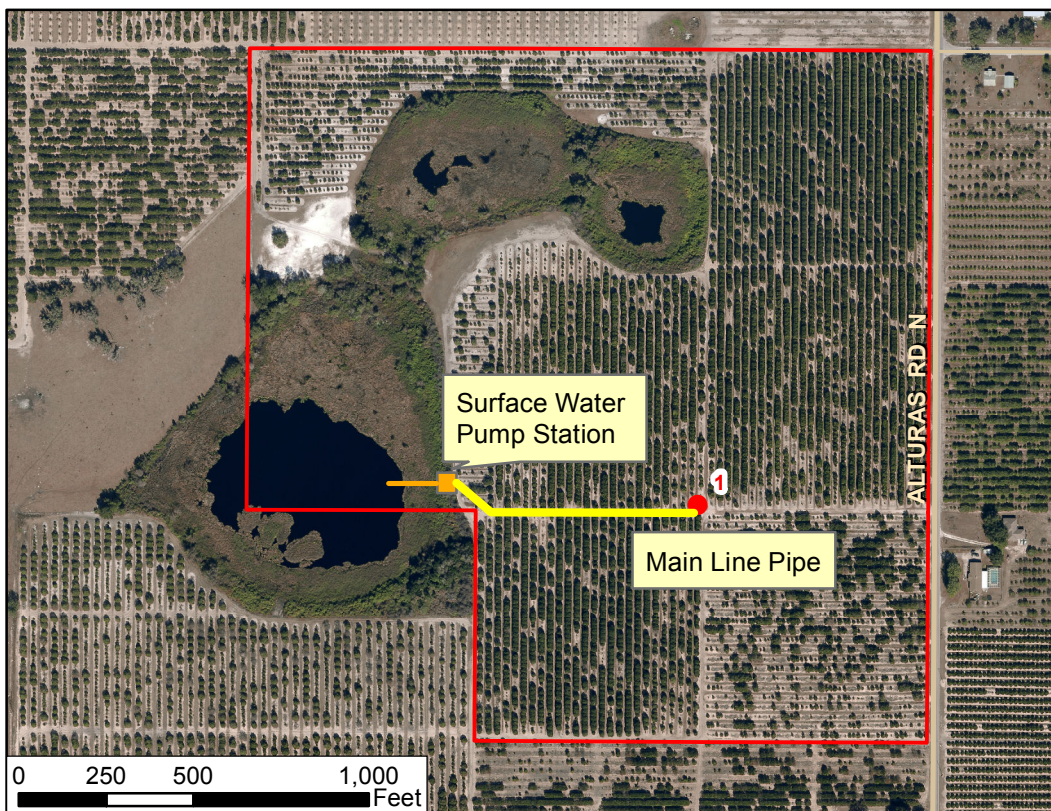
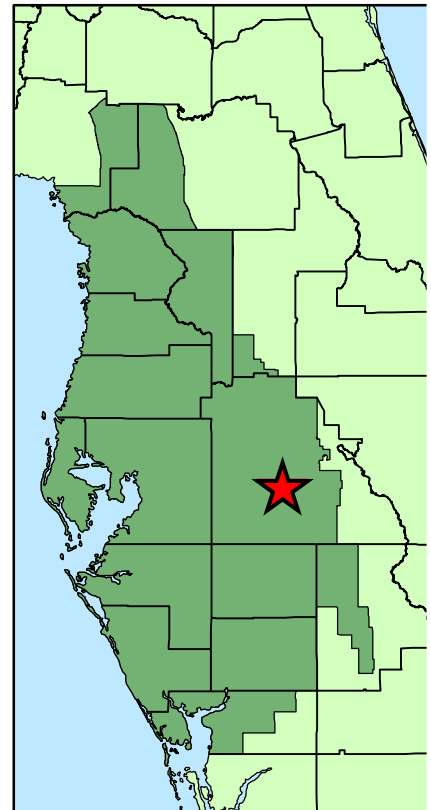
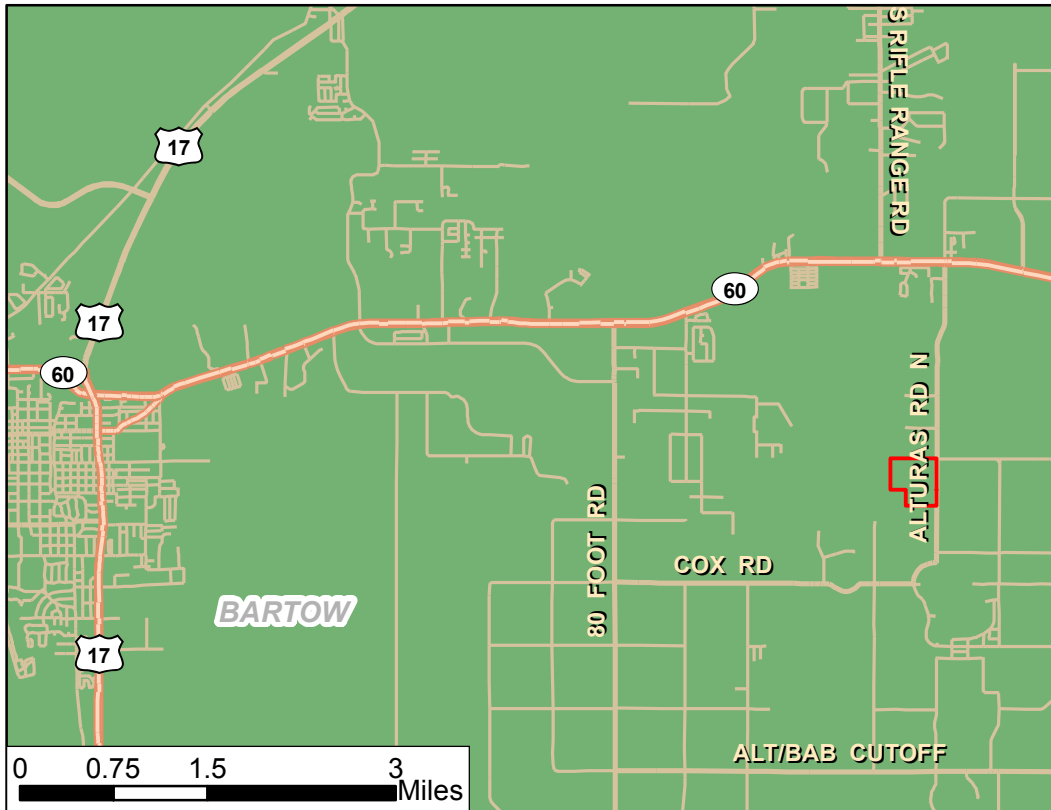
- 1) Approve the KLM Farms, LLC - H757 project for a not-to-exceed project reimbursement of \$221,938 with \$221,938 provided by the Governing Board;
- 2) Authorize the transfer of \$221,938 from fund 010 H017 Governing Board FARMS Fund to the H757 KLM Farms, LLC project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

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

# Location Map

## KLM Farms, LLC

### FARMS Project - H757



- District Boundary
- WUP3072 Boundary
- Groundwater Well
- Surface Water Pump Station
- Main Line Pipe

Polk County



Southwest Florida  
Water Management District

MCV, 09/15/2014  
2014 Aerial  
2012 NAV/TEC

Packet Pg. 13

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**December 12, 2017**

***Consent Agenda***

**Budget Transfer Report**

*Purpose*

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

*Background*

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

Exhibit will be provided under separate cover.

**Staff Recommendation:**

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

**Presenter:** Melisa J. Lowe, Bureau Chief, Finance

## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

December 12, 2017

### *Consent Agenda*

#### **Easement Donation – Central Florida Water Initiative (CFWI) Project, North Lake Wales, SWF Parcel No. 20-020-145**

##### *Purpose*

The purpose of this item is to recommend the Governing Board accept a donation, consisting of a perpetual easement (Easement) interest for an approximate 100-square foot (10-feet x 10-feet) well site and related 10-foot wide access area within a parcel of land owned by the City of Lake Wales in Polk County. This site is needed for the installation and long-term monitoring of one surficial aquifer monitor well. A general location map, site map and Easement are included as Exhibit 1, 2 and 3.

##### *Background and History*

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District's understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals. Such data is necessary to ensure compliance with adopted minimum lake levels. For the subject North Lake Wales site, the City of Lake Wales has approved conveyance of an Easement for access, maintenance and monitoring together with a license agreement necessary to allow for temporary construction activities and testing of the proposed well. In addition, the surficial aquifer well is being installed in accordance with the CFWI Data Monitoring Investigation Team's FY2016-2020 Hydrogeologic Work Plan.

##### *Property Description*

SWF Parcel No. 20-020-145 is an approximate 100-square foot well site and associated access perpetual Easement to be conveyed by the City of Lake Wales located in central Polk County. The Easement area lies within the City-owned property surrounding North Lake Wales adjacent to North Wales Drive. This Easement area allows for access, construction, maintenance and monitoring for the proposed well site. The City has also offered a temporary license for an approximate 0.09-acre area surrounding the Easement to be utilized for staging during the construction period.

##### *Land Use/Zoning*

The Easement property is designated as Public (PUB) on the adopted City of Lake Wales 2015 Future Land Use Map, which identifies government owned facilities, parks and open space areas within the City. The subject property has an underlying zoning designation of Recreation (R) on the City of Lake Wales Zoning Map, reflecting the property's current use.

### *Summary of Appraisals and Value Comparisons*

An appraisal of the Easement was not obtained because it is being offered as a donation. The parent property of SWF Parcel No. 20-020-145 is an approximate 22.09-acre parcel of land owned by the City of Lake Wales and used for passive recreation surrounding North Lake Wales. The Polk County Property Appraiser assigned a final 2017 assessed value for this property of \$200.

### *Donation Terms*

- The City has approved conveyance of an Easement for a 100-square foot well site and 10-foot wide access necessary for construction, maintenance and monitoring activities on the site.
- The Easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The City has approved a License Agreement for an additional 0.09-acre area necessary for temporary construction and testing activities.
- The District will pay transactional costs for closing, including the title search, documentary stamp tax and recording fees.

### *Benefit/Costs*

Data gathered from the North Lake Wales well will improve the District's understanding of the hydrogeologic framework of central and eastern Polk County, enhance groundwater modeling and provide for assessment of potential withdrawal-related impacts to water resources within the District and the CFWI area. Acceptance of this donation will reduce the time and cost of acquisition by allowing the District to immediately access, construct, maintain and monitor one surficial aquifer monitor well at this location. The District's transactional costs have been estimated to be approximately \$2,000. Contracted well construction costs are estimated to be \$11,200 due to the anticipated depth to the surficial aquifer in this area. The data collection and maintenance costs are estimated to be \$1,200 annually.

### Staff Recommendation:

Accept the donation of the Easement from the City of Lake Wales for the CFWI Project.

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



# Exhibit 1

## North Lake Wales CFWI Data Collection Site

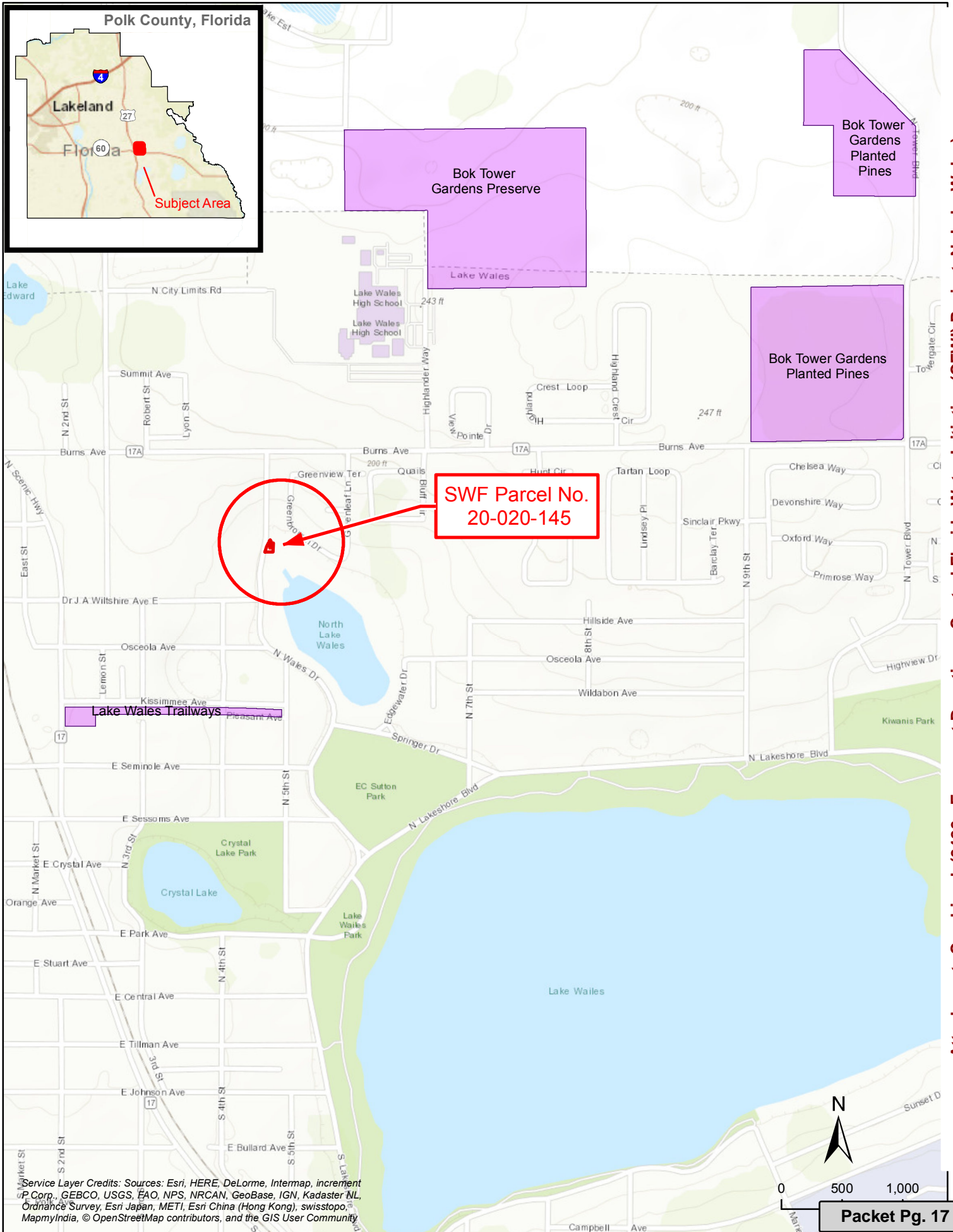


Exhibit 2  
North Lake Wales CFWI Data Collection Site

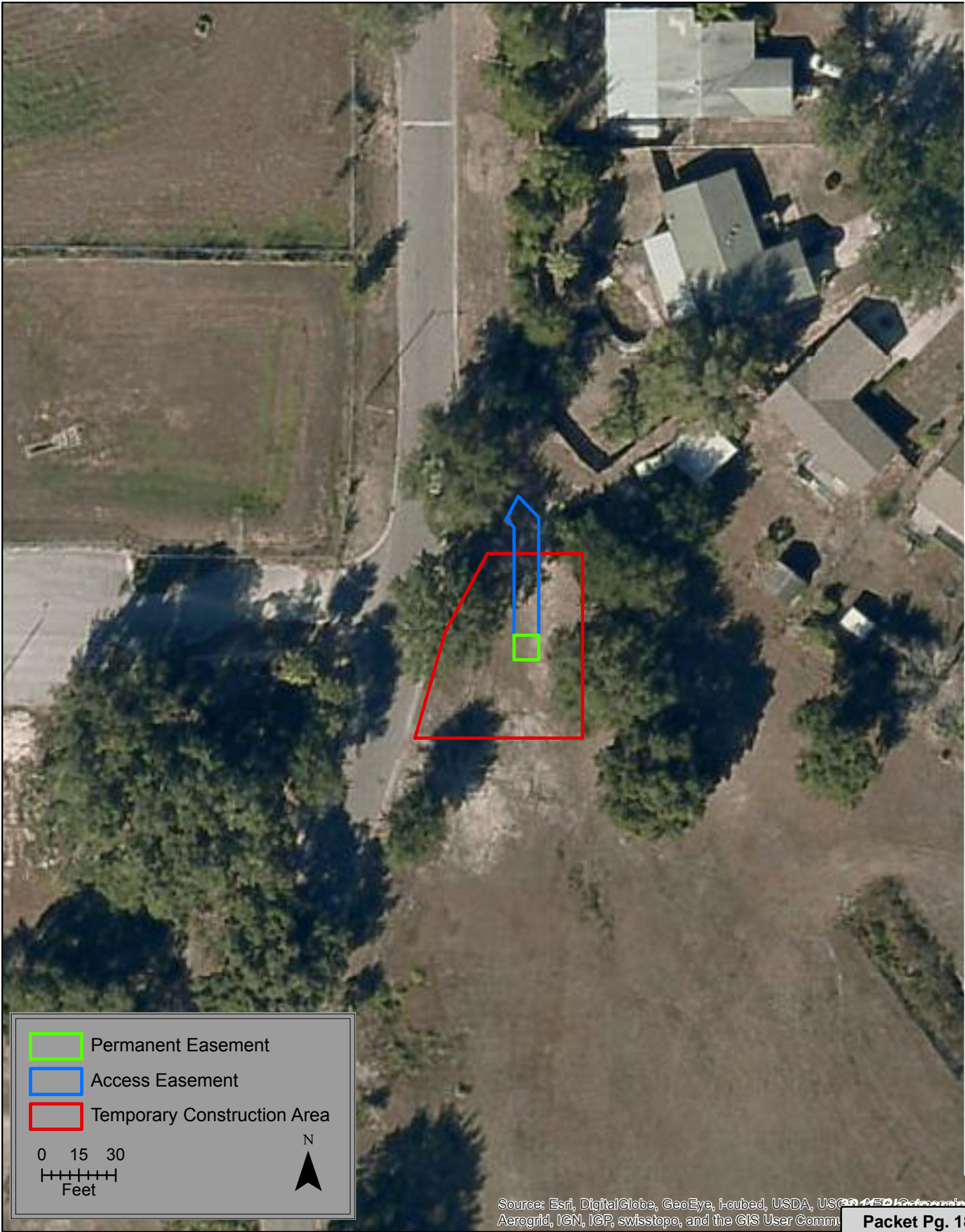




Exhibit 3  
Easement

SWF Parcel No. 20-020-145 – North Lake Wales Well Site  
Tax ID No. 27-30-01-891500-118000  
Approved by Attorney: KSW

EASEMENT

This Easement (this “Easement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between the City of Lake Wales, a Florida Municipality, whose address is 201 West Central Avenue, Lake Wales, FL 33853, hereinafter referred to as “Grantor”, and the **Southwest Florida Water Management District**, a public corporation, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as “Grantee”.

Grantor, for and in consideration of the sum of Ten Dollars and no cents (\$10.00) and other good and valuable consideration from Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee a non-exclusive, perpetual easement to enter upon, over and across and to use any and all lands more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference and as shown on the aerial attached hereto as Exhibit “B” and incorporated herein by reference (the “Easement Area”) solely for the following purposes:

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

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

Grantee agrees to indemnify and hold harmless the Grantor, its agents, employees and officers from and against all liabilities claims, damages, expenses or actions, either at law or in equity, including attorney’s fees and costs and attorney fees and costs on appeal, caused or incurred, in whole or in part, as a result of any negligent act or omission by Grantee, or anyone for whose acts or omissions Grantee may be liable as a result of Grantee’s rights under this Easement. Nothing contained herein shall constitute a waiver of Grantee’s sovereign immunity under Section 768.28, F.S., or to extend the limits of liability or recovery under Section 768.28, F.S. This provision shall survive the termination of this Easement.

All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the respective heirs, assigns, successors, tenants

Exhibit 3  
Easement

and personal representatives of the parties hereto. This Easement may be amended or modified only by an instrument signed by Grantor and Grantee.

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

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

LEFT BLANK INTENTIONALLY

Exhibit 3  
Easement

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

Signed, sealed and delivered  
in the presence of:

**City of Lake Wales**

\_\_\_\_\_  
Witness #1 signature

\_\_\_\_\_  
By: Eugene Fultz

\_\_\_\_\_  
Print Witness #1 name

\_\_\_\_\_  
Title: Mayor

\_\_\_\_\_  
Witness #2 signature

\_\_\_\_\_  
Print Witness #2 name

**ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_ . They are personally known to me or have produced \_\_\_\_\_ as identification.

(Seal)

\_\_\_\_\_  
Name of Notary

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Exhibit 3  
Easement




**EXHIBIT "A"**  
**Legal Description**

TBD subsequent to survey



**EXHIBIT "B"**  
**North Lake Wales CFWI Data Collection Site**  
**SWF Parcel No. 20-020-145**



-  Permanent Easement 10 x 10 feet
-  Temporary Construction Area 50 x 75 feet
-  Access Easement 10 feet wide

**Attachment: Combined (3426 : Easement Donation – Central Florida Water Initiative (CFWI) Project, N. Lake Wales)**

## GENERAL COUNSEL'S REPORT

December 12, 2017

### *Consent Agenda*

#### **Independent Auditor Engagement Period Policy**

##### *Purpose*

To request Governing Board approval of the attached Independent Auditor Engagement Period Policy.

##### *Background*

Section 218.39, Florida Statutes (F.S.), requires the District to have an independent annual financial audit of its accounts and records within nine months of year-end. Section 218.391, F.S., provides the legal requirements for procuring the independent auditor under a request for proposal process.

At its regularly scheduled July meeting, the Governing Board selected an auditor and authorized staff to execute a contract with the firm. At this meeting, Board members engaged in a discussion concerning whether it would be appropriate to limit the engagement period of a selected auditor in future procurements and requested that staff provide a draft policy for the Board's consideration. At the October Board meeting, staff presented a draft Independent Auditor Engagement Period Policy for the Board members' initial review. At the November Board meeting, staff reviewed the main components of the draft Policy. The Governing Board had no comments or requested revisions to the document.

##### **Staff Recommendation:**

Approve the attached Independent Auditor Engagement Period Policy.

**Presenter:** Mary Beth McNeil, Assistant General Counsel

## GOVERNING BOARD POLICY

Southwest Florida Water Management District

**Title: Independent Auditor Engagement Period**

**Document Owner:** Finance Bureau

**Approved By:** Randall S. Maggard, Chair

**Effective Date:**

12/14/17

**Last Review Date:**

New

### Contents

PURPOSE .....	1
SCOPE .....	1
AUTHORITY .....	1
POLICY.....	1
DISTRIBUTION.....	2
REFERENCES .....	2
PERIODIC REVIEW.....	2

### PURPOSE

This Policy establishes a maximum ten-year engagement period for the District's independent auditor unless otherwise approved by the District Governing Board.

### SCOPE

This Policy applies to District staff responsible for procuring an independent auditor to conduct the annual financial audit required in Section 218.39, Florida Statutes (F.S.). This Policy supplements the auditor selection procedures set forth in Section 218.391, F.S.

### AUTHORITY

Section 373.083, F.S.

### POLICY

- The contract period for independent auditing services procured through a request for proposal shall be no longer than 5 years. A firm providing services may be selected for one additional 5-year contract period but the total continuous engagement may not exceed 10 years.
- The current firm will become re-eligible for selection after one or more firms serve as the independent auditor for a contract period of not less than 1 year.
- The current firm may use the same engagement partner should it be selected for a second consecutive contract period (not to exceed 5 years). Selection of a firm re-eligible pursuant to Subparagraph b, requires that a new engagement partner be named for the new contract period.
- If the contracted firm merges with another firm, the existing contract may be amended to have the newly formed firm serve as the District's independent auditor for the balance of the contract per approval of the District Governing Board.

**DISTRIBUTION**

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

**REFERENCES**

Section 218.39, F.S., and Section 218.391, F.S.

**PERIODIC REVIEW**

This Policy will be reviewed at least every ten years by the District Governing Board, or its designee.



**EXECUTIVE DIRECTOR'S REPORT**

**December 12, 2017**

***Consent Agenda***

**Approve Governing Board Meeting Minutes - November 14, 2017**

**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

TAMPA, FLORIDA

NOVEMBER 14, 2017

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on November 14, 2017, at the Tampa 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\*via phone  
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  
Alba E. Más, Division Director  
Michael Molligan, Division Director  
Jennette Seachrist, Division Director

#### Board's Administrative Support

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

A list of others 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](http://www.WaterMatters.org)).

#### **PUBLIC HEARING** (Audio – 00:00)

##### **1. Call to Order**

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

##### **2. Invocation and Pledge of Allegiance**

Board Member Henslick offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

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

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

**3. Employee Recognition**

Chair Maggard recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: David Goldberg-Dunnett and David Sauskojus.

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

**4. Additions/Deletions to Agenda**

Mr. Brian Armstrong, executive director, stated there was one addition:

**Consent Agenda**

**General Counsel's Report**

**9a. Concurrence with Emergency Order Nos. SWF 17-0051, and SWF 17-0052  
Suspending Certain Statutes, Rules, and Orders in Response to Hurricane Irma**

Mr. Armstrong stated that the October 24, 2017 minutes were revised due to a typo in item number 35, copies were provided to the Board Members.

**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 00:07:35)**

**5. 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., expressed concern regarding the constitution and its relationship to water.

**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.

**Finance/Outreach & Planning Committee**

**6. Budget Transfer Report**

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

**Resource Management Committee**

**7. Authorize Submission of Preliminary Flood Insurance Rate Maps (FIRM) for the City of Bradenton in Manatee County to Federal Emergency Management Agency (FEMA) (N636)**

Staff recommended the board authorize submittal of the preliminary FIRMs for the City of Bradenton watershed in Manatee County to FEMA.

**Operations, Lands and Resource Monitoring Committee – None**

**Regulation Committee**

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

## **General Counsel's Report**

### **9. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval - None**

#### **9a. Concurrence with Emergency Order Nos. SWF 17-0051, and SWF 17-0052 Suspending Certain Statutes, Rules, and Orders in Response to Hurricane Irma**

Staff recommended concurrence with Emergency Order Nos. SWF 17-0051, as amended, and SWF 17-0052 extending the suspension of the provisions of certain statutes, rules and orders in response to Hurricane Irma.

### **10. Rulemaking - None**

## **Executive Director's Report**

### **11. Approve Governing Board Meeting Minutes - October 24, 2017**

A motion was made and seconded to approve the Consent Agenda as amended. Motion carried unanimously. (Audio 00:10:36)

Chair Maggard relinquished the gavel to the Finance/Outreach & Planning Committee Chair Armstrong who called the meeting to order. (Audio 00:10:46)

## **Finance/Outreach & Planning Committee**

### **Discussion**

#### **12. Consent Item(s) Moved for Discussion - None**

#### **13. District Social Media Update**

Ms. Michele Sager, lead communications coordinator, provided a presentation on the District's social media efforts. Ms. Sager outlined the eight digital platforms used by the District and the audiences associated with them: Facebook, Twitter, LinkedIn, YouTube, Pinterest, Instagram, Google+ and the WaterMatters Blog. She provided charts that included total social media reach for Fiscal Years 2014 through 2017, the number of followers for Facebook and Twitter from Fiscal Years 2010 through 2017, springs campaign social media results and survey results of where people see or hear their advertising.

Ms. Sager outlined the expanded efforts used by the District, which includes videos, campaigns and emergency operations. She provided a video example of the District's springs campaign and other highlighted videos.

Ms. Sager also explained the social media platforms used during the Hurricane Irma event.

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

#### **14. Fiscal Year 2019 Business Plan Update**

Mr. James Fine, project management office manager, provided a presentation that outlined the Fiscal Year (FY) 2019 business plan goals, timeline, development, FY2018 business plan recap, key performance metrics and FY2019 business plan.

Mr. Fine explained that the business plan is a road map to implement the policies and goals in the strategic plan. He outlined the components that assisted in development of the business plan, these included: programmatic areas, identification of programmatic team needs, facilitation of discussions and re-evaluation of FY2018 resources. He outlined the FY2018 accomplishments which included: identification of FY2019 new resources, business process improvements, addressing changing workforce, enhancement of the District's brand, long-term financial planning, enhancement of programs for springs, advancement of water supply options and staffing needs.

Mr. Fine reviewed the governing board metrics which included: recurring expenditures, salaries and benefits, and non-recurring expenditures.

Mr. Fine outlined the FY2019 business plan drivers which included: internal drivers, external drivers, population, water resource challenges, state and federal regulatory actions, and legislation. He outlined the key performance metrics used.

Mr. Fine addressed the changing workforce and projected population growth by planning region within the District. He outlined the challenges, opportunities and cooperative funding initiative trends associated with the District. Mr. Fine outlined state and federal regulatory actions and legislation. He outlined resource considerations associated with programmatic teams.

Board Member Henslick asked if projects will increase as efficiencies improve. Mr. Fine responded in the affirmative.

Board Member Schleicher asked if there are Key Performance Indicators (KPI) available to compare other districts or agencies. Mr. Armstrong responded there are KPIs available for regulatory programs comparing other districts and budgeting metrics.

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

#### **Submit & File Reports**

#### **15. Investment Strategy Services**

##### **Routine Reports**

The following items were presented for the Board's informational purposes only and no action was required.

#### **16. Treasurer's Report and Payment Register**

#### **17. Monthly Financial Statement**

#### **18. Monthly Cash Balances by Fiscal Year**

#### **19. Comprehensive Plan Amendment and Related Reviews Report**

#### **20. 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 00:40:16)

##### **Resource Management Committee Discussion**

#### **21. Consent Item(s) Moved for Discussion – None**

**Submit & File Reports – None**

##### **Routine Reports**

The following items were presented for the Board's informational purposes only and no action was required.

#### **22. Minimum Flows and Levels Status Report**

#### **23. Significant Water Resource and Development Projects**

Committee Chair Babb relinquished the gavel to the Operation, Lands & Resource Monitoring Committee Chair Beswick who called the meeting to order. (Audio 00:40:40)

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

### **24. Consent Item(s) Moved for Discussion – None**

### **25. Offer for Surplus Land – Tampa Bay Estuarine Ecosystem (TBE-4), SWF Parcel No. 11-728-131S**

Ms. Carmen Sanders, assistant bureau chief, provided a presentation regarding the sale of surplus land TBE-4. She explained the parcel is 7.37 acres located in Hillsborough county and is appraised at \$210,000. The purchase price offered for the property is \$214,000 with broker and closing costs to be paid by the buyer. Ms. Sanders indicated that 50 percent of the sale price will go to Hillsborough County since they paid 50 percent of the acquisition cost.

Board Member Schleicher asked what is done with the proceeds from lands that are sold by the District. Chair Maggard explained that we are provided guidelines by the state. Ms. Karen West, general counsel, explained that use of proceeds is governed by state statute. She stated that it's limited to the acquisition of other land, although the other land can be utilized for flood control, water storage, water management, conservation/protection of water resources, aquifer recharge, water resource, water supply development and preservation of wetland streams and lakes. Ms. West stated there are additional requirements when state bond funds are utilized, for example Florida Forever funds.

Board Member Williamson asked if there was a policy associated with the impact of the transfer of mineral rights. Ms. Sanders responded that if there were concerns about impacts the District would retain a conservation easement.

Staff recommended the Board:

- Accept the offer of \$214,000;
- Authorize the Executive Director to execute the Contract for Sale and Purchase on the behalf of the District;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously.** (Audio 00:52:10)

### **26. Creating Efficiency at the District Through the Implementation of New GIS Technologies**

Mr. Axel Griner, mapping and GIS manager, provided a presentation with the use of a Story Map. He explained that a Story Map is an information sharing tool. Mr. Griner explained that GIS is responsible for geospatial data collection, publication, management, distribution, analysis and modeling, land survey, and GIS and GPS support. He outlined the historical and modern day uses of GIS and its uses relative to the District. He provided examples of the GIS technology offered by the District which included: District lands profile viewer, which District am I in, seagrass viewer, survey viewer, last-recorded water level and rainfall, open data site and floodplain mapping application. Mr. Griner provided an overview of mobile applications that are available for District field staff. These applications include random well inspection applications, conservation easement monitoring and invasive plant field applications.

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

### **27. Hydrologic Conditions Report**

Mr. Granville Kinsman, hydrologic data manager, provided a presentation on the hydrologic conditions. Mr. Kinsman stated that overall conditions are declining but remain healthy. Groundwater levels for the northern, central and southern regions remain in the upper range of



normal with usual signs of declining. Lake levels for northern areas have again fallen below normal, while Tampa Bay, Polk Upland and Lake Wales Ridge lakes are in the normal range but showing slight declines. Flow on the Withlacoochee, Hillsborough, Alafia and Peace Rivers all remain above normal. The Hillsborough, the Bill Young and the Peace River Reservoirs are at capacity. The climate forecast indicates we are currently experiencing La Niña, and should expect a drier than normal winter and spring.

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 informational purposes only and no action was required.

**Submit & File Reports – None**

**Routine Reports**

The following items were presented for the Board's informational purposes only and no action was required.

**28. Surplus Lands**

**29. Structure Operations**

**30. Significant Activities**

**Committee Chair Beswick relinquished the gavel to the Regulation Committee Chair Adams who called the meeting to order. (Audio 01:14:55)**

**Regulation Committee**

**Discussion**

**31. Consent Item(s) Moved for Discussion - None**

**32. Denials Referred to the Governing Board**

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

**Submit & File Reports - None**

**Routine Reports**

The following items were presented for the Board's informational purposes only and no action was required.

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

**34. Overpumpage Report**

**35. Individual Permits Issued by District Staff**

**Committee Chair Adams relinquished the gavel to Chair Maggard. (Audio 01:15:24)**

**General Counsel's Report**

**Discussion**

**36. Consent Item(s) Moved for Discussion – None**

**37. Independent Auditor Engagement Period**

Ms. Mary Beth McNeil, acting procurement manager, provided the Board with information on the draft independent auditor engagement period. Ms. McNeil explained this was an opportunity for the Board to provide comments or changes. She explained that any changes will be incorporated and

presented at the December meeting for final approval. Ms. McNeil highlighted some major components associated with the policy.

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

**Submit & File Reports – None**

**Routine Reports**

The following items were presented for the Board's informational purposes only and no action was required.

**38. November 2017-Litigation Report**

**39. November 2017-Rulemaking Update**

**Committee/Liaison Reports**

**40. Industrial Advisory Committee**

A written report was provided for the November 7 meeting.

**41. Public Supply Advisory Committee**

A written report was provided for the November 7 meeting. Board Member Senft stated that Ms. Debra Burden is the new chair and Mr. Richard Owen is the new vice chair.

**42. Other**

Board Member Henslick asked for an update on the U.S. Army Corps of Engineers (USACE) Coordination and Delegation at the December meeting.

Vice Chair Adams stated that the Tampa Bay Estuary Program will begin interviews, this week, for their executive director position.

**43. Executive Director's Report**

Mr. Brian Armstrong, executive director, stated that the District is routinely recognized on the local and state level, for not only our social media efforts, but many of our communications and government affairs activities. He stated the District received four awards in the Public Relations Society of America (PRSA) Tampa Bay Chapter Prestige Awards, which recognizes outstanding public relations programs and tactics. In addition, the WaterMatters Blog, the District Careers video, the Polk County Regional Water Initiative, and the Flatford Swamp outreach all won Prestige awards for being the top-scoring entry in their categories.

**Chair's Report**

**44. Chair's Report**

The next Board meetings are scheduled for December 12 at Starkey Environmental Education Center, January 23 at the Tampa Office and the February 27 at the Sarasota Office.

**45. Other**

**46. Employee Milestones**

The meeting was adjourned at 10:25 a.m.

---

Chair

Attest:

---

Secretary





**Governing Board Meeting  
December 12, 2017**

<b>RESOURCE MANAGEMENT COMMITTEE</b>
--------------------------------------

***Discussion Items***

15. Consent Item(s) Moved for Discussion

16. City of Punta Gorda Reverse Osmosis Facility Third Party Review (N600) ..... 36

17. Fiscal Year 2018-19 Cooperative Funding Process ..... 39

***Submit & File Reports*** – None

***Routine Reports***

18. Minimum Flows and Levels Status Report..... 41

19. Significant Water Resource and Development Projects..... 43

**RESOURCE MANAGEMENT COMMITTEE**

**December 12, 2017**

***Discussion Item***

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

Staff Recommendation:

Presenter: Jennette Seachrist, P.E., Division Director, Resource Management

**RESOURCE MANAGEMENT COMMITTEE****December 12, 2017*****Discussion Item*****City of Punta Gorda Reverse Osmosis Facility Third Party Review (N600)*****Purpose***

The purpose of this item is to provide the results of the project's third-party review (TPR) on the reverse osmosis (RO) water treatment facility's design and cost estimate, and request Governing Board approval to continue executing the cooperative funding agreement for final design, permitting, and construction services.

***Background/History***

The City of Punta Gorda (City) is developing a 4 million gallon per day (mgd) RO water treatment facility co-located with the existing 10 mgd Shell Creek Surface Water Treatment Facility, primarily to add a blending source to ensure the facility can meet drinking water standards year-round. Additional project benefits include providing a regional back-up water supply to DeSoto County via connection to the Peace River Manasota Regional Water Supply Authority's Regional Loop System Phase 1 Interconnect, which is scheduled for construction at the same time, along with potential reductions of surface water withdrawals to maintain minimum flows in Shell Creek. The District's Governing Board discussed the project and approved initial funding in July 2014. A cooperative funding agreement with the City was executed in April 2016. The agreement includes conditions for conducting two sequential District-implemented TPRs, first on a brackish wellfield feasibility study and second on the RO water treatment facility's design. Governing Board authorization is required to proceed with the project following each TPR. The brackish wellfield study TPR was completed this year, and the Governing Board approved proceeding to the second TPR in September 2017. The TPR of the RO water treatment facility was completed in November 2017.

The TPR engineering team reviewed the project design for consistency with industry standards and feasibility to meet its intended purpose. District TPRs are typically conducted at the 30 percent design level; however, the City had completed design work through the 90 percent level and the most recent design materials were used for this review. The TPR report concluded that the project design is feasible and consistent with the parameters of other RO systems. The TPR team also reviewed the Construction Manager at Risk's (CMAR's) latest probable project cost opinion of approximately \$39.4 million. Based on the facility design and comparison of costs for similar facilities, the CMAR's estimate was found to be slightly higher than comparative references. The TPR team recommended allowing for multiple subcontractor bids and reducing some equipment procurements through subcontractor scopes to control costs. Based on the latest design, available cost estimates, and the TPR information, the City's current project cost estimate is \$39.4 million.

The previous total project cost estimate as specified in the District's cooperative funding agreement is \$32.2 million, or \$7.2 million less than the current project estimate. The current estimate is a 22 percent increase. As required by the agreement, the City intends to provide all funds above the original project estimate (\$7.2 million) necessary to complete the project and will not request additional funds from the District.

## Item 16

Using the current estimate of \$39.4 million, the project's cooperative funding initiative evaluation was revisited. A copy of the reevaluation is provided in the attached Exhibit. Based on the current cost estimate, the TPR, and the staff evaluation, the project benefit ranking remains high, the cost effectiveness remains ranked as medium and the overall project ranking remains medium.

With Governing Board authorization, the City will be eligible for reimbursement of expenses of RO water treatment facility design beyond the 30 percent level, permitting, and construction work and materials in accordance with the cooperative funding agreement. The reimbursement for these additional expenses is also contingent on the commencement of construction for both the RO water treatment facility and the Regional Loop System Phase 1 Interconnect. Construction of both the RO water treatment facility and the Regional Loop System Phase 1 Interconnect is expected to start in the spring of 2018.

### *Benefits/Costs*

The project will provide 4 mgd of brackish groundwater supply for blending at the City's co-located Shell Creek surface water treatment facility to improve reliability and meet drinking water standards. The total project cost estimate is \$39.4 million. As provided in the cooperative funding agreement, the District's share is \$15,650,000 including allocations of \$812,500 for RO water treatment facility design and \$13,320,000 for RO water treatment facility construction related services and materials. The City will provide all remaining funds necessary to complete the project. The District has budgeted a total of \$9,075,000 through FY2018. The remaining \$6,575,000 has been requested for FY2019.

### Staff Recommendation:

Authorize continuation of the project and reimbursement to the City for the RO water treatment facility expenses in accordance with the cooperative funding agreement. See Exhibit

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

Project No. N780	Brackish - Punta Gorda RO Facility			
City of Punta Gorda	FY2019			
Risk Level:	Type 2	Multi-Year Contract: Yes, Year 5 of 5		
Description				
Description:	The project consists of the design, wellfield testing study, TPR, permitting, and construction of a 4 mgd brackish groundwater reverse osmosis (RO) facility co-located at the City's existing 10 mgd Shell Creek surface water treatment facility. Components include the RO facility, water blending facility including 2 mg tank, raw water supply wellfield, and a concentrate disposal well. FY2019 funds are for facility construction.			
Measurable Benefit:	The measurable benefit, which is a contractual requirement, is to complete an exploratory well testing program, provide a final report, and construct the RO facility.			
Costs:	The total project cost: \$39,400,000. City share: \$22,850,000. State share: \$900,000. District share: \$15,650,000 with \$9,075,000 budgeted in previous years (a portion under project code N600) and \$6,575,000 requested in FY2019.			
Evaluation				
Application Quality:	High	Application included all the required information identified in the CFI guidelines.		
Project Benefit:	High	The benefit of this project is to create 4 mgd of alternative water supply and to ensure the availability of the alternative water supply from the Shell Creek facility that is currently hampered by poor water quality, as well as protecting natural systems by increasing flow reliability to the lower Shell Creek Estuary.		
Cost Effectiveness:	Medium	Based on the recent estimate of \$39.4 million, the cost effectiveness is \$9.85 capital/gallon per day (gpd). Cost effectiveness between \$8 to \$10 capital/gpd is considered medium per the CFI Evaluation Guidelines.		
Past Performance:	High	Based on an assessment of the schedule and budget for the 1 ongoing project.		
Complementary Efforts:	High	The Cooperator is financially contributing to the PRMRWSA Phase 1 Regional Interconnect. Cooperator's per capita water use is 119 gpcd. Cooperator also conducts Natural Systems		
Project Readiness:	High	Project is ready to begin on or before December 1st of 2018, pending Governing Board approval of the project design third-party review.		
Strategic Goals				
Strategic Goals:	High	<b>Strategic Initiative - Alternative Water Supplies:</b> Increase development of alternative sources of water to ensure groundwater and surface water sustainability. <b>Southern Region Priority:</b> Implement Southern Water Use Caution Area (SWUCA) Recovery Strategy. <b>Southern Region Priority:</b> Improve Charlotte Harbor, Sarasota Bay and Shell/Prairie/Joshua creeks.		
Overall Ranking and Recommendation				
Fund as Medium Priority.	The estimated project cost has changed from \$32.2 million to \$39.4 million. The City did not request additional funding, however staff reevaluated the project due to changes in the cost effectiveness. The cost effectiveness remained in the medium range. The CFI Agreement requires a TPR of the wellfield study, a TPR of the RO Facility design, and commencement of construction on the Phase 1 Pipeline before the District reimburses for final design and construction of the RO Facility. The wellfield study TPR was completed and approved in September 2017. The RO Facility design TPR was completed and is under consideration. The Phase 1 Pipeline construction is scheduled to commence in Spring 2018. Understanding that the Governing Board will need to provide approval of the RO Facility to proceed, Staff is recommending FY19 funding as medium priority.			
Funding				
Funding Source	Prior	FY2019	Future	Total
District	\$9,075,000	\$6,575,000	\$0	\$15,650,000
State (City budgeted)	\$900,000	\$0	\$0	\$900,000
City of Punta Gorda	\$9,075,000	\$6,575,000	\$7,200,000	\$22,850,000
Total	\$19,050,000	\$13,150,000	\$7,200,000	\$39,400,000

## RESOURCE MANAGEMENT COMMITTEE

**December 12, 2017**

### *Discussion Item*

#### Fiscal Year 2018-19 Cooperative Funding Process

##### *Purpose*

To update the Board on the status of the fiscal year 2018-19 Cooperative Funding process and prepare the Board members for their upcoming February regional public meetings.

##### *Background*

The Cooperative Funding Initiative application deadline was Friday, October 6, 2017: 148 applications were initially received. Staff are evaluating 148 applications totaling \$116.9 million in District funding requests.

The proposed February and April meeting schedule for the four regional subcommittees is detailed below:

PLANNING REGION	MEETING DATE	MEETING TIME	LOCATION
Northern	February 7	10 a.m.	Brooksville
Heartland	February 8	10 a.m.	Bartow CH
Southern	February 14	10 a.m.	Sarasota
Tampa Bay	February 15	10 a.m.	Tampa

PLANNING REGION	MEETING DATE	MEETING TIME	LOCATION
Northern	April 6	10 a.m.	Brooksville
Heartland	April 5	10 a.m.	Bartow CH
Southern	April 11	10 a.m.	Sarasota
Tampa Bay	April 12	10 a.m.	Tampa

##### *Discussion*

The fiscal year 2018-19 applications were distributed to staff and are undergoing in-depth evaluation for ranking purposes. The raw applications have been compiled by region, distributed to the Governing Board members, and posted on the District's website. Board members are asked to familiarize themselves with the applications in preparation of the February public meetings. The following topics are proposed for the Board's discussion at the February meetings:

- Summarize Funding Applications Received by Region
- Discuss Past Budgeted Expenditures by Region
- Receive Public/Stakeholder Input

## Item 17

- Review Preliminary Project Rankings
- Select Projects to Review in April
- Review Timeline and Next Steps

The February meetings are the Board's opportunity to review the preliminary project rankings, ask questions of staff and the applicants, and to hear public and stakeholder input from non-applicants. During the February meetings, each subcommittee will be asked to identify proposals for presentation and further discussion at the April meetings. Final staff rankings will be provided in April, and the regional subcommittees will be asked to prepare their final rankings and recommendations at that time.

Applications submitted by the cooperators in each region will be provided to the Governing Board members at the December Governing Board meeting (see regional application booklets). In addition, applications can be located on the District's website at [<http://www.swfwmd.state.fl.us/business/coopfunding/>](http://www.swfwmd.state.fl.us/business/coopfunding/) .

### Staff Recommendation:

Approve the proposed February and April subcommittee meeting schedule and agenda topics staff has proposed for the February regional subcommittee meetings.

Presenter: Jay Hoecker, Project Manager, Project Management Office



**RESOURCE MANAGEMENT COMMITTEE****December 12, 2017*****Routine Report*****Minimum Flows and Levels Status Report**

Section 373.042 of the Florida Statutes requires the state water management districts or the Department of Environmental Protection to establish minimum flows and levels (MFLs) for aquifers, surface watercourses and other surface water bodies. MFLs are the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area and are used in District permitting programs and for water-supply planning.

District staff continues to work on various phases of the development or reevaluation of MFLs for water bodies included on the Governing Board approved MFLs Priority List and Schedule. This status report highlights phased-tasks that have been completed for prioritized water bodies since the last Governing Board meeting and summarizes cumulative progress for all currently prioritized water bodies.

Phase 1 (Data collection). Data collection was not completed for any currently prioritized water bodies during the past month. Data collection has, however, been completed for 15 of the 96 water bodies scheduled for MFLs adoption or reevaluation by 2027.

Phase 2 (Data analyses and development of draft MFLs reports). No draft MFLs reports were completed for internal review during the past month. Draft, internal-review reports have, however, been completed for 13 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027.

Phase 3 (a. Presentation of draft MFLs reports to the Governing Board prior to peer review; b. presentation of peer review reports and staff responses to the Governing Board; c. public workshops; and d. presentation of final MFLs reports to the Governing Board for acceptance).

- a) No draft MFLs reports that are to be subjected to peer review were presented to the Governing Board this month. Draft reports for five currently prioritized water bodies that were subsequently peer reviewed have previously been submitted to the Governing Board.
- b) No peer review reports and staff responses to peer review findings were presented to the Board this month. Peer review reports and associated staff responses have not been presented to the Governing Board for any of the water bodies scheduled for MFLs adoption/reevaluation by 2027.
- c) No public workshops on prioritized water bodies were held during the past month. To date, public workshops addressing eight of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been conducted.
- d) A final MFLs report for Lake Alice was submitted to the Governing Board this month. Assuming Board acceptance of the report, final reports addressing eight of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been accepted by the Governing Board.

Phase 4 (Recovery Strategy Development). No new recovery strategies were developed for Governing Board consideration this month. The previously approved SWUCA Recovery

## Item 18

Strategy has been identified as necessarily applicable to three of the 96 water bodies scheduled for MFLs adoption/reevaluation through 2027. No need for recovery has been determined for seven of the 96 prioritized water bodies. The need for recovery has not yet been determined for the 86 other water bodies.

Phase 5 (Governing Board Approval of Rule Amendments). Rule amendments addressing revised MFLs for Lake Alice were submitted to the Governing Board this month for approval to initiate rulemaking. Assuming approval of that request, initiation of rulemaking has been approved for rule amendments addressing eight of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027.

Staff Recommendation:

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

Presenter: Doug Leeper, MFLs Program Lead, Springs and Environmental Flows Section

## RESOURCE MANAGEMENT COMMITTEE

December 12, 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. The successful consultant from the Request for Proposal for the test well project was the Jones Edmunds & Associates team. Staff continues contract development and negotiations with the consultant. The successful bidder for the drilling RFB was Rowe Drilling. ***New Activities Since Last Meeting:*** Both the consultant and driller agreements are routing through the approval process. *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. 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. Tampa City Council approved award of a contract to construct a new low flow control gate instead of the previously planned pump station. Tampa is preparing to accept operation, maintenance and management of the District's temporary pumps at the Hillsborough River Dam site and, also, to purchase the District pumps and water transfer facilities at the District's S-161 site. The City has completed construction of the Blue Sink pump station and is preparing final project acceptance documents. The dissolved oxygen study of the LHR has been completed. A Task Work Assignment for consultant services addressing permit reporting conditions for 2018 for the proposed withdrawals from Morris Bridge Sink is being drafted. The CFA between the City of Tampa and the District for the Lower Hillsborough River Dam Control Gate Facilities (N492, Agreement No. 17CF0000823) has been completed. ***New Activities Since Last Meeting:*** The U.S. Geological Survey installed a new station for collection of water temperature, specific conductance, and dissolved oxygen data. *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, is providing up to 10 mgd of reclaimed water from four domestic wastewater treatment facilities (Lakeland Glendale, Lakeland Northside, Mulberry, and Polk County Southwest) to Tampa Electric Company's (TECO) power facility in southwest (SW) Polk County (Polk Power Station). The reclaimed

water is necessary as TECO expanded the Polk Power Station generation capacity. The cooperatively funded reclaimed water project (H076-Phase I) was originally anticipated to provide 5.2 mgd (expandable up to 6.7 mgd) of reclaimed water from the City of Lakeland; however, the supply and benefits were expanded several times to 10 mgd (expandable to 17 mgd) and total project costs increased to \$96,960,725. The increases improved cost-effectiveness and will utilize 100 percent of all available reclaimed water from Lakeland, Mulberry and SW Polk to beyond 2040. TECO replaced, to the greatest extent possible, 3 to 8 mgd of existing groundwater uses in 2015-2017 with reclaimed water before the full project expansion was completed in late 2017. **Additional Information:** In order to utilize the reclaimed water, the project includes advanced treatment (filtration and membranes) which is necessary to reduce dissolved solids to an acceptable level. The membrane reject water (concentrate by-product) is mixed with other Polk Power Station discharge water and pumped to two new deep injection wells for final disposal. The four primary project components are complete with; 1. The Lakeland segment completed and on-line in 2015; 2. The reclaimed water treatment system, storage tank and injection well at the TECO facility are completed and on-line in 2015; 3. Design, permitting (WWH) and construction (Westra) of the Polk SW segment completed and on-line December of 2017; and 4. The Mulberry pipeline segment and pump station completed and on-line in 2017. Per the June 2016 Amendment adding the final District funding, the District budgeted \$45,676,957 in ad valorem and an additional \$3,526,063 in WRAP funds (totaling \$49,203,020 in District funding), of which a total of \$43,322,371 has been reimbursed (TECO is compiling final billing and close-out documents). The project is utilizing Lakeland's, Mulberry's, and Polk County's effluent to supply 5 to 10 mgd of reclaimed water, thereby reducing groundwater pumping at the TECO Polk Power Facility. Full commissioning and testing to the 10 mgd capacity was completed in late 2017. **New Activities Since Last Meeting:** Construction and full commissioning of all portions of the project progressed to completion in December of 2017. *Project Manager: Anthony Andrade*

- **Aquifer Recharge Projects:** In 2009, the District funded a recharge study (H076) as part of the Regional Reclaimed Water Partnership Initiative to assess the feasibility of using highly treated reclaimed water to recharge the Upper Floridan aquifer (UFA) in the southern Hillsborough and Polk county areas. Findings from the study indicate that it is possible to develop direct and indirect aquifer recharge projects to improve UFA water levels and provide opportunities for additional groundwater withdrawals. MWH Americas, Inc., completed the Feasibility of Using Reclaimed Water for Direct and Indirect Aquifer Recharge in the Tampa Bay Area Study and a total of \$481,149 in District FY2008 funding was reimbursed. The costs associated with developing these projects were found to be comparable to costs of other planned alternative water supply projects. Since completing the study, several local governments have expressed interest in assessing the applicability of aquifer recharge in their areas. District staff is working with these entities to develop and implement project plans to assess the site-specific feasibilities of implementing aquifer recharge projects to address their individual needs (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 an advanced water purification pilot plant test and one groundwater recharge injection site. Results from the water purification plant pilot tests and injection well testing demonstrated that this project would be successful in allowing the City to increase their reclaimed water utilization, reducing surface discharges, improving groundwater levels in the Northern Tampa Bay

Water Use Caution Area, and increasing the City's future water supply potential from their existing wellfields. Phase 3 of this project is the design, third party review, permitting and construction of the full-scale water purification plant and the injection and monitor well systems to recharge 2.4 mgd annual average of purified recycled water at Clearwater's Northeast Water Reclamation Facility. Public outreach is also a critical function throughout the design and construction of this project. The original CFI contract with the City for this project was executed in January 2016. An increase in the total project cost from \$28,680,000 to \$32,716,000, was requested at the District's September 27, 2016 Governing Board Meeting based on results of a 30 percent design and third party review. The Board approved the City's request to move forward with final design and construction and authorized a contract amendment for the project (current budget of \$32,716,000 with the District funding a total of \$16,358,000). This contract amendment was executed on March 6, 2017. Of the District's contribution, \$1,554,000 was approved in FY2015, \$2,131,600 was approved in FY2016, and \$8,000,000 was approved in FY2018. The remaining \$4,672,400 is currently requested in the FY2019 CFI application. The 100 percent design is complete and final design is pending permit issuance by the Florida Department of Environmental Protection (FDEP). Three public meetings were conducted by the City between November 2016 and May 2017. Permit Applications for the Advanced Water Purification Plant were logged in at the FDEP on October 20, 2017 and are anticipated to be issued at the end of 2017 or beginning of 2018. Site Development Permit Applications are with FDEP Environmental Resource Permitting, Florida Department of Transportation Right of Way Access, the City and the County. Construction is currently scheduled to be complete at the beginning of 2020 and facility operations should begin in April 2021. **New Activities Since Last Meeting:** The next task, project bidding, is pending final permits and final design. *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 October 13, 2017, all construction has been completed with the exception of some final SCADA controls. A task extension to complete this work by December 31, 2017 was approved by the District. CEI work is also near completion. The County applied for FY2018 funding for a follow-up project to optimize the facility for recharge. Funding was approved for FY2018, and the agreement is currently being developed. The County has applied for FY2019 funding for this project as well. *Project Manager: Mike Hancock*

## ▪ **South Hillsborough County Aquifer Recharge Program (SHARP)**

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the Hillsborough County's Big Bend facility near Apollo Beach in southern Hillsborough County (County). The goal of the project is to improve water levels within the Most Impacted Area of the Southern Water Use Caution Area and possibly slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. The County received a letter from FDEP on July 13, 2015 authorizing recharge operations to begin. **New Activities Since Last Meeting:** Recharge testing and monitoring continued during the months of October and November. The average flow rate was approximately 1.5 mgd and to date approximately 1.5 billion gallons have been recharged. 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 negotiating a no cost change schedule amendment. *Project Manager: Don Ellison*

## Item 19

Staff Recommendation:

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

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



**Governing Board Meeting  
December 12, 2017**

<b>FINANCE/OUTREACH &amp; PLANNING COMMITTEE</b>
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***Discussion Items***

20. Consent Item(s) Moved for Discussion	
21. Preliminary Fiscal Year 2019 Budget .....	52
22. Strategic Plan Update .....	54
23. 2018 Legislative Preview .....	56

***Submit & File Reports***

24. Follow Up Report on Disaster Recovery Test .....	58
--	----

***Routine Reports***

25. Treasurer's Report and Payment Register .....	59
26. Monthly Financial Statement.....	60
27. Monthly Cash Balances by Fiscal Year .....	61
28. Comprehensive Plan Amendment and Related Reviews Report .....	62
29. Development of Regional Impact Activity Report .....	65

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**December 12, 2017**

***Discussion Item***

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

Staff Recommendation:

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

## FINANCE/OUTREACH & PLANNING COMMITTEE

December 12, 2017

### *Discussion Item*

#### Preliminary Fiscal Year 2019 Budget

##### *Purpose*

Present the District's preliminary budget for fiscal year (FY) 2019 and request approval for submission to the Florida Legislature on or before January 15, 2018.

##### *Background*

Section 373.535, Florida Statutes, requires water management districts (WMDs) to submit a preliminary budget for the next fiscal year to the Florida Legislature for review by January 15. The statutory language specifies the information to be included in the preliminary budget submission. The President of the Senate and the Speaker of the House of Representatives may submit comments regarding the preliminary budgets to the WMDs on or before March 1 of each year. Each WMD must respond to those comments in writing on or before March 15 of each year.

In addition, the following specific provisions are contained in s. 373.536(5), F.S., regarding the legislative review of the WMDs tentative budgets due August 1:

*The Legislative Budget Commission may reject any of the following WMDs budget proposals:*

- 1. A single purchase of land in excess of \$10 million, except for land exchanges.*
- 2. Any cumulative purchase of land during a single fiscal year in excess of \$50 million.*
- 3. Any issuance of debt on or after July 1, 2012.*
- 4. Any program expenditures as described in sub-subparagraphs (e)4.e. and f. (i.e., Outreach and Management and Administration programs) in excess of 15 percent of a district's total annual budget.*
- 5. Any individual variances in a district's tentative budget in excess of 25 percent from a district's preliminary budget.*

At the October 24 Governing Board meeting, staff provided an overview of factors affecting budget development and recommended approval of the general budget assumptions needed to prepare the District's preliminary budget for FY2019. The Governing Board approved the assumptions as presented at the meeting.

At the December 12 Governing Board meeting, staff will present the preliminary budget for FY2019 and request approval to submit the *FY2018-19 Preliminary Budget Submission* to the Florida Legislature by January 15, 2018. The preliminary budget has been prepared using the same budget assumptions as presented to the Governing Board on October 24, 2017.

The development of the District's final budget will begin in February 2018. All budget requests will be subject to Governing Board review and approval during the development of the final budget for FY2019. At the June 26 Governing Board meeting, staff will present and request

## Item 21

approval of the Recommended Annual Service Budget.

At the July 24 Governing Board meeting, staff will present a budget update, including information regarding the results of the Certifications of Taxable Value, and will request approval to submit the *FY2018-19 Tentative Budget Submission* to the Governor and Florida Legislature on August 1, 2018.

Exhibit to be provided separately.

Staff Recommendation:

Approve the submittal of the *FY2018-19 Preliminary Budget Submission* to the Florida Legislature on or before January 15, 2018.

Presenter: John J. Campbell, Director, Management Services  
Michael B. Cacioppo, Budget Manager

## FINANCE/OUTREACH & PLANNING COMMITTEE

December 12, 2017

### *Discussion Item*

#### Strategic Plan Update

##### *Purpose*

Provide a summary of the updates to the Strategic Plan including direction provided by the Governing Board at its August workshop.

##### *Background*

The District's Strategic Plan is updated annually and included as part of the District's Consolidated Annual Report (CAR) which is submitted to the Governor, Department of Environmental Protection, President of the Senate, and Speaker of the House of Representatives, along with chairs of appropriate legislative committees and local county governing bodies.

The Strategic Plan identifies the District's mission, vision, values, goals, strategic initiatives for each of the District's four areas of responsibility, regional priorities, and core business practices.

##### *Discussion*

Strategic Plan 2018-2022 includes several significant changes from the previous plan, including direction provided by the Governing Board at its August workshop. The following are the significant changes:

#### **Septic to Sewer Conversions**

The District had previously identified improving our first-magnitude springs as a priority in our Northern region. This year we added conversion of septic systems to sewer collection and treatment systems as a critical action in the restoration of springs. The Board prioritized combining District 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.

#### **Direct/Indirect Potable Reuse**

The District has long been a leader in the beneficial reuse of reclaimed water. Currently, we are reusing about 42 percent of the available wastewater flows compared to a national average of 7 percent. Our goal is to beneficially reuse 75 percent of the available reclaimed water. To help reach that goal, language has been added to the Strategic Initiative - Water Supply section prioritizing funding for direct and indirect potable reuse projects implemented by regional entities.

#### **Stormwater**

A robust watershed 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 area, but may increase in other regions over time. To address these needs, we have created a new flood protection priority for the Tampa Bay planning region.



## Item 22

Also, under the Strategic Initiatives - Flood Protection section, we've added a Maintenance and Improvement Initiative to more accurately capture the scope of our Watershed Management, Environmental Permitting, Structure Operations and Land Acquisition programs in addressing flood protection.

**Future Board Action:**

Board members are asked to provide any feedback they have via email by January 2. Comments will be incorporated and the Strategic Plan will come back before the Board as part of the CAR, which will be a discussion item at the January meeting. The CAR will return to the Board in February for final approval.

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 future drafts of the Strategic Plan.

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

## FINANCE/OUTREACH & PLANNING COMMITTEE

**December 12, 2017**

### ***Discussion Item***

#### **2018 Legislative Preview**

##### *Purpose*

Provide a preview of the upcoming legislative session.

##### *Discussion*

The 2018 Legislative Session begins January 9 and is scheduled to conclude March 9. Legislators continue to file bills prior to the start of the regular Session.

Governor Rick Scott has announced his Securing Florida's Future budget which proposes \$180 million in tax cuts to help Florida families. The Governor's recommended budget also invests in Florida's education system, transportation, and environmental protection while continuing to support law enforcement and Florida's economy.

Included in the proposed budget are the following amounts for the environment:

- \$355 million for Everglades restoration including \$50 million to expedite repairs for the federal Herbert Hoover Dike at Lake Okeechobee
- \$55 million for Florida's springs
- \$100 million for Florida's beaches
- \$50 million for Florida's state parks
- More than \$21 million to help Florida's citrus industry following Hurricane Irma
- \$50 million for Florida Forever to help preserve and protect our natural lands

The District has proposed legislation to address two existing situations as they relate to the sale of water management district surplus lands. Senator Dennis Baxley has filed this legislation for the District in the Senate -- SBs 806 and 808. Representative Danny Burgess has filed this legislation in the House -- HBs 703 and 705. The bills propose changes to two areas for surplus land sales: confidentiality and flexibility.

#### **Confidentiality**

- Makes appraisal documents, offers, and contracts for the purchase of surplus lands temporarily confidential. Prospective purchasers are currently at a competitive disadvantage due to accessibility of appraisals, offers, and contracts through public records requests. Prospective purchasers may not know their offers have been obtained by other prospective purchasers. This information may be used by one prospective purchaser against another.

The above changes will make the marketing and sale process of these lands mirror the confidentiality language in the State Lands statute, located in Section 253.0341(8)(a), F.S. This will also help provide consistency amongst the five water management districts and the Department.

### Flexibility

- The intent of this section in the statute is to provide flexibility to the District's in selling small parcels valued less than \$25,000 by providing an expedited method to selling surplus parcels directly to adjoining property owners.
- The intent of the change is to clarify, remove some ambiguity, and make more efficient the process for selling surplus lands valued at \$25,000 or less.
- The proposal significantly reduces the associated costs involved in selling these parcels. Without this, the costs of the sale could exceed the value of the land in certain cases.
- Gives the District additional flexibility in determining how to dispose low-value surplus lands.
- Gives the public a fair opportunity to purchase low-value surplus lands.

In addition to following the District's legislation, staff will be tracking the confirmations of Governing Board members and other environmental bills.

To date, the following *significant* bills related to the environment have been filed:

- HB 131 relating to Coastal Management
- SB 174 relating to Coastal Management
- HB 203 relating to the Environmental Regulation Commission
- SB 204 relating to the Land Acquisition Trust Fund - would dedicate \$50 million to the SJRWMD for projects dedicated to the restoration of the St. Johns River and its tributaries or the Keystone Heights Lake Region.
- SB 316 relating to the Environmental Regulation Commission
- SB 370 relating to the Land Acquisition Trust Fund - would dedicate \$100 million annually from the fund to Florida Forever
- HB 703 relating to Water Management District Surplus Lands
- HB 705 relating to Water Management District Surplus Lands/Pub. Rec.
- SB 806 relating to Water Management District Surplus Lands
- SB 808 relating to Water Management District Surplus Lands/Pub. Rec.

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

### Staff Recommendation:

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

Presenter: Katie Kelly, Manager, Government and Community Affairs Office

## FINANCE/OUTREACH & PLANNING COMMITTEE

December 12, 2017

### *Submit and File Report*

#### Follow Up Report on Disaster Recovery Test: Internet Fail-Over

##### *Background*

In accordance with the District's Inspector General Charter, the inspector general will follow up on all significant items reported through prior audit engagements.

At the August 2017 Governing Board meeting, staff reported that a scheduled disaster recovery test of the system's internet fail-over was completed successfully. During the engagement, staff identified eight action items to improve overall fail-over performance. The Office of Inspector General deemed one of the eight proposed action items as significant.

During the original audit test, staff monitored the internet routers for load and performance metrics. Since the Brooksville router/server was registering 90 percent capacity before the test, staff recommended an evaluation of future fail-over requirements and any additional growth in cloud-based services related to the Brooksville internet server.

##### *Discussion*

Information Technology Bureau management and staff have completed all eight improvement actions including the recommended analysis which led to a decision to upgrade the Brooksville router/server. On October 23, 2017, staff re-tested the fail-over/fail-back functionality between the Tampa and Brooksville offices. The test was completed successfully in less than half the time required in the original test.

##### Staff Recommendation:

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

Presenter: Kurt Fritsch, Inspector General

## FINANCE/OUTREACH & PLANNING COMMITTEE

December 12, 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 November 30, 2017, reflects total cash and investments.

In accordance with Board Policy 130-1, *Disbursement of Funds*, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic fund transfers (EFTs).

The Treasurer's Report exhibit will be provided under separate cover.

##### Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**December 12, 2017**

***Routine Report***

**Monthly Financial Statement**

*Purpose*

Presentation of the November 30, 2017, 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 Second Month Ended November 30, 2017."

Exhibit will 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**

**December 12, 2017**

***Routine Report***

**Monthly Cash Balances by Fiscal Year**

*Purpose*

To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of November 30, 2017.

*Background*

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

Exhibit will 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

December 12, 2017

### *Routine Report*

#### **Comprehensive Plan Amendment and Related Reviews Report**

##### *Purpose*

This report is provided for the Committee's information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly.

##### *Background/History*

The water management districts provide technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses various areas of water resource management, including water supply, flood protection and water quality, and is intended to support sound land use decisions. Statutory directives for this assistance include Section 373.711, Florida Statutes (F.S.), Technical Assistance to Local Governments, and Section 163.3184, F.S., Process for Adoption of Comprehensive Plan or Plan Amendments. Under Section 163, F.S., substantially revised in 2011, if important state resources and facilities are to be adversely impacted, the water management districts and other state reviewing agencies must state with specificity how the plan amendment will adversely impact the resource or facility and must include measures that the local government may take to eliminate, reduce, or mitigate the impacts. Any plan amendment comments provided by a water management district and/or other state agencies that are not resolved may be challenged by the Department of Economic Opportunity (DEO).

##### *Benefits/Costs*

The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

##### **Staff Recommendation:**

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

**Presenter:** Robyn Felix, Communications and Board Services Bureau Chief



# Local Government Comprehensive Plan Amendment and Related Reviews Report

As of November 16, 201

Project	Amendment Type	Assigned	Completed	Description	10YWSFW
Auburndale 17-1	ESR	9/14/2017	10/5/2017	Noted Water Supply Facilities Work Plan requirements not yet met.	<input type="checkbox"/>
Bartow 17-3	ESR	10/23/2017	11/13/2017	No substantive comments.	<input type="checkbox"/>
Dade City 17-1	ESR	10/23/2017		Map amendment.	<input type="checkbox"/>
Hillsborough 17-1	ESR	9/26/2017	9/29/2017	No substantive comments.	<input type="checkbox"/>
Hillsborough 17-2	ESR	9/28/2017	10/26/2017	No substantive comments.	<input type="checkbox"/>
Hillsborough 17-3	ESR	11/9/2017		Map amendments	<input type="checkbox"/>
Hillsborough 17-4	ESR	11/9/2017		Map amendment.	<input type="checkbox"/>
Lake 17-6ACSC	Regular	10/11/2017	11/13/2017	Amendment in SJRWMD.	<input type="checkbox"/>
Lake 17-7ACSC	Regular	11/1/2017	11/13/2017	No substantive comments.	<input type="checkbox"/>
Lake Alfred 17-2	Regular	10/17/2017	10/31/2017	No substantive comments.	<input type="checkbox"/>
Levy 17-1	ESR	11/13/2017		Map amendment.	<input type="checkbox"/>
Manatee 17-9	ESR	9/26/2017	10/16/2017	No substantive comments.	<input type="checkbox"/>
Marion 17-6	ESR	11/1/2017		Map amendment.	<input type="checkbox"/>
Pasco 17-10	ESR	10/2/2017	11/2/2017	Comments addressed statutory requirements for potable water analyses.	<input type="checkbox"/>
Polk 17-6	ESR	11/9/2017		Map amendments.	<input type="checkbox"/>
Punta Gorda 17-1	ESR	9/28/2017	10/16/2017	No substantive comments.	<input type="checkbox"/>
Safety Harbor 17-2	ESR	9/22/2017	10/23/2017	No substantive comments.	<input type="checkbox"/>
St Pete Beach 17-1	ESR	10/18/2017	11/9/2017	Comments addressed statutory requirement for potable water analyses.	<input type="checkbox"/>
Sumter 17-3	ESR	10/2/2017	11/3/2017	Comments addressed statutory requirement for potable water analyses.	<input type="checkbox"/>
Tarpon Springs 17-7	ESR	10/25/2017	10/25/2017	No substantive comments.	<input type="checkbox"/>
Temple Terrace 17-1	ESR	9/5/2017	10/6/2017	No substantive comments.	<input type="checkbox"/>

Attachment: CPARR (3465 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Temple Terrace 17-2	ESR	11/3/2017		Map amendment.	<input type="checkbox"/>
Treasure Island 17-1	ESR	10/30/2017		Text amendments.	<input type="checkbox"/>
Venice 17-1	ESR	10/2/2017	10/23/2017	Comments addressed preference for a lower potable water level of service, lack of strategies to address floodplain protection and overdue Water Supply Facilities Work Plan update. Also advised that staff is available for technical assistance.	<input type="checkbox"/>
Venice 17-2	ESR	10/12/2017	10/31/2017	No substantive comments.	<input type="checkbox"/>
Wildwood 17-4	ESR	11/15/2017		Map amendment.	<input type="checkbox"/>
Wildwood 17-5	ESR	11/15/2017		Map amendment.	<input type="checkbox"/>
Wildwood 17-6	ESR	11/15/2017		Map amendment.	<input type="checkbox"/>
Wildwood 17-7	ESR	11/15/2017		Text amendment.	<input type="checkbox"/>

Abbreviations:

ACSC      Area of Critical State Concern

ESR      Expedited State Review

## FINANCE/OUTREACH & PLANNING COMMITTEE

December 12, 2017

### *Routine Report*

#### Development of Regional Impact Activity Report

##### *Purpose*

This report is provided for the Committee's information and shows District activity in the review of Developments of Regional Impact (DRIs). Staff updates the report monthly.

##### *Background/History*

The water management districts participate with other state agencies in the review of DRIs, pursuant to Section 380.06, Florida Statutes. A DRI is defined as any development which, because of its character, magnitude or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county. A set of statewide guidelines and standards (thresholds) has been adopted by rule that is used in determining whether particular developments must undergo DRI review. A form has been adopted by rule that specifies the information that must be provided by the developer in the DRI Application for Development Approval (ADA).

The DRI review process is administered by the regional planning councils and oversight is provided by the Florida Department of Economic Opportunity (DEO). The District has also entered into memoranda of agreement with the Central Florida, Southwest Florida, Tampa Bay and Withlacoochee regional planning councils to more specifically outline the District's DRI review responsibilities. The District provides water resource management technical and policy information to the regional planning councils and local governments to assist them in making well-informed growth management decisions.

##### *Benefits/Costs*

The goals of the District's DRI review program are twofold: (1) to ensure regional planning councils and local government elected officials have sound water resource technical and policy information as they consider approval of large scale development proposals; and (2) to reduce the number and magnitude of issues that will need to be addressed during the District's regulatory review processes. District participation in this program helps to ensure that these proposed large-scale developments are compatible with the District's plans, programs and statutory directives. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

##### Staff Recommendation:

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

Presenter: Robyn Felix, Communications and Board Services Bureau Chief

# DRI Activity Report

As of November 16, 20

Project	DRI Location	DRI App Type	Date Assigned	Date Completed	Description
Southbend DRI	Hillsborough County	NOPC	10/23/2017	10/31/2017	Applicant satisfactorily responded to all District comments.

Abbreviations:

DRI            Development of Regional Impact  
NOPC        Notice of Proposed Change

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

**Governing Board Meeting  
December 12, 2017**

<b>OPERATIONS, LANDS &amp; RESOURCE MONITORING COMMITTEE</b>
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***Discussion Items***

30. Consent Item(s) Moved for Discussion

31. Hydrologic Conditions .....68

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

***Routine Reports***

32. Surplus Lands .....70

33. Structure Operations .....71

34. Significant Activities .....73

**OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**

**December 12, 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****December 12, 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 November, with comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data.

The information presented below is a summary of data presented in more detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at <http://www.swfwmd.state.fl.us/waterres/hydro/>.

**Rainfall**

Provisional rainfall totals (as of November 15) indicate rainfall amounts are significantly below-normal in all three regions of the District. The normal range is defined as rainfall totals that fall on or between the 25<sup>th</sup> to 75<sup>th</sup> percentiles derived from the historical data for each month.

- Northern region rainfall has averaged 0.04 inch, equivalent to the 1<sup>st</sup> percentile.
- Central region rainfall has averaged 0.16 inch, equivalent to the 5<sup>th</sup> percentile.
- Southern region rainfall has averaged 0.23 inch, equivalent to the 4<sup>th</sup> percentile.
- District-wide, average rainfall has been 0.15 inch, equivalent to the 2<sup>nd</sup> percentile.

**Streamflow**

Provisional streamflow data (as of November 16) indicate that flow has decreased in all three regions of the District, compared to the previous month. Based on flow measurements in regional index rivers, average streamflow conditions are slightly above-normal in the northern region and are at the upper-end of the normal range in the central and southern regions. Normal streamflow is defined as flow that falls on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 76<sup>th</sup> percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 72<sup>nd</sup> percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 73<sup>rd</sup> percentile.

**Groundwater Levels**

Provisional groundwater data (as of November 13) indicate that levels in the Floridan/Intermediate aquifer have decreased in all three regions of the District, compared to last month. Groundwater levels are at the upper-end of the normal range in all three regions. Normal groundwater levels are defined as those falling on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.



- The average groundwater level in the northern region was in the 66<sup>th</sup> percentile.
- The average groundwater level in the central region was in the 74<sup>th</sup> percentile.
- The average groundwater level in the southern region was in the 65<sup>th</sup> percentile.

### Lake Levels

Provisional water level data (as of November 13) indicate average lake levels have decreased in all four lake regions, compared to the previous month. Regional lake levels are below the annual normal range in the Northern region, while levels remain within the annual normal range in the Tampa Bay, Polk Uplands and Lake Wales Ridge regions. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average lake levels in the Northern region have decreased 0.25 foot and are 0.40 foot below the base of the annual normal range.
- Average lake levels in the Tampa Bay region have decreased 0.17 foot and are 1.31 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region have decreased 0.14 foot and are 2.11 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region have decreased 0.23 foot and are 1.07 feet above the base of the annual normal range.

### Issues of Significance

The District is now two months into the eight month dry season (October through May) and rainfall totals during November have been significantly below-normal in all regions of the District. Rainfall for the month has been generally light, isolated and scattered throughout the District. The District-wide provisional 12-month rainfall deficit improved slightly and was approximately 0.6 inch below the long-term historical average, while the 24-month surplus declined to 1.1 inches above the long-term historic average.

All major hydrologic indicators throughout the District have seen expected “seasonal” declines during November, with streamflow and groundwater conditions continuing to remain at normal to above-normal levels. Regional lake levels have seen declines, with the Northern region remaining at below-normal levels, while the Tampa Bay, Polk Uplands and Lake Wales Ridge regions remain within their annual normal ranges.

NOAA climate forecasts continue to indicate below-normal rainfall during December through April 2017-18, due to weak La Niña conditions in the Pacific Ocean, which are predicted to continue through the winter 2017-18. Extended drier-than-normal rainfall conditions during the winter/spring months would worsen overall hydrologic conditions, especially those lagging hydrologic conditions in the northern region.

Updated weather forecasts will be available in mid-December. Staff will continue to monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

### Staff Recommendation:

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

Presenter: Granville Kinsman, Hydrologic Data Manager

# OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

December 12, 2017

## *Routine Report*

### Surplus Lands

#### *Purpose*

This report provides a monthly status on the District's surplus lands program. Information is through November 9, 2017.

#### *Background*

In 2011, at the direction of the Governing Board (Board), the District began a regular surplus lands assessment. The table below shows the status of the parcels identified through the previous surplus lands assessments.

<b>Status</b>	<b>Acres</b>	<b>Parcels</b>	<b>Compensation</b>
Sold, exchanged or transferred	1,477	21	\$6,938,484
Closing pending	38	13	\$677,000
Listed with broker with approved minimum sale price	1,363	13	
Listed with broker without minimum sale price	1,334	7	
Annutteliga Hammock	547	996	
Offer to adjoining owners (per Florida Statutes)	23	12	
Agency request	8	5	
Non-marketable	20	4	
On hold	141	5	
<b>Grand Total</b>	<b>4,951</b>	<b>1,076</b>	<b>\$7,615,484</b>

#### Staff Recommendation:

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

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

**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

**December 12, 2017**

***Routine Report***

**Structure Operations**

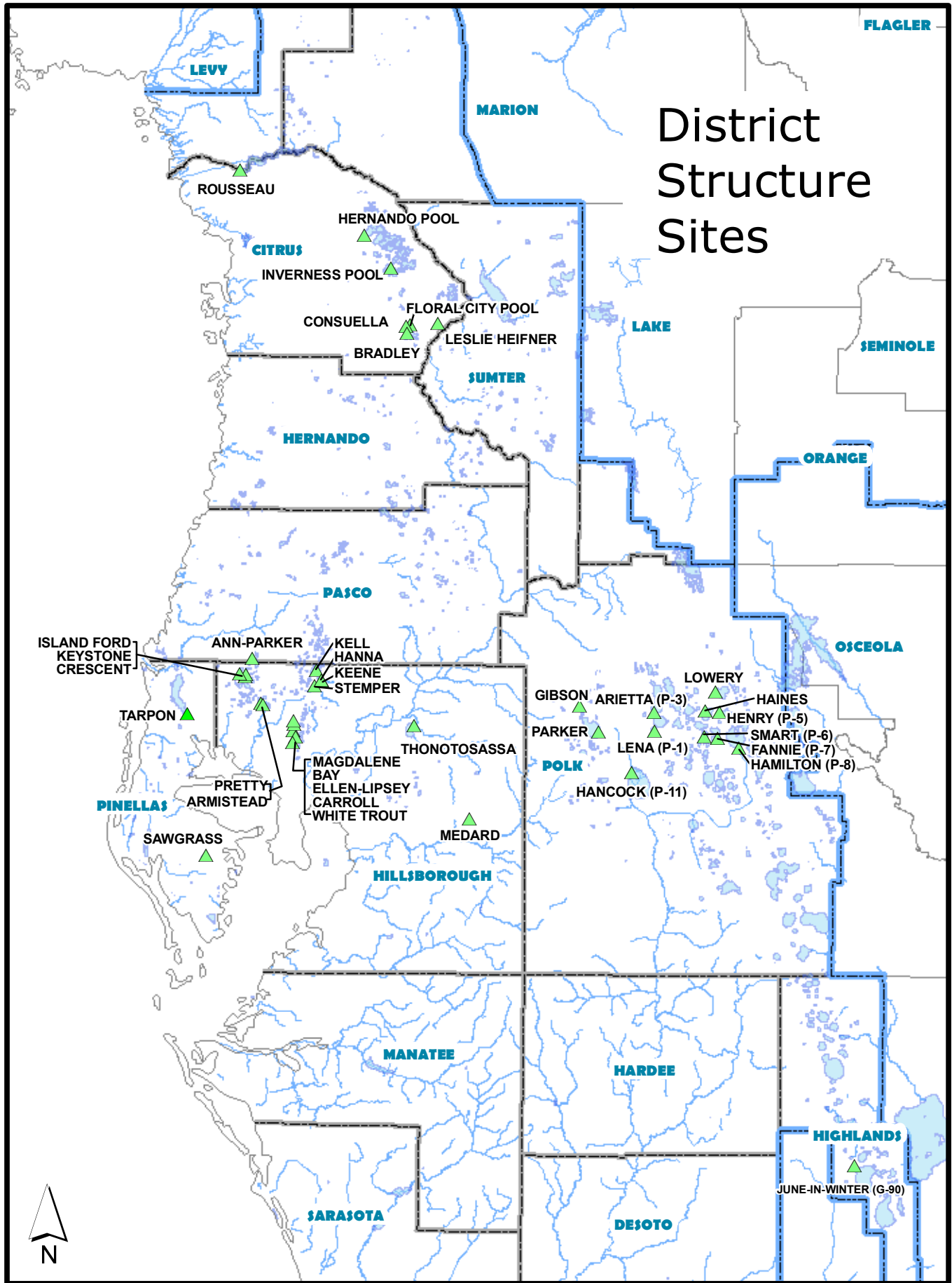
Summary of the operations made for November 1-13, 2017.

- Inglis Water Control Structures: The Inglis Bypass Spillway was operated to provide flow to the lower Withlacoochee River. The Inglis Main structure was operated to assist with flood protection, allowing increased river flows into the Gulf of Mexico. Lake Rousseau's monthly average elevation was of 27.59 feet National Geodetic Vertical Datum (NGVD). The recommended maintenance level for the lake is 27.50 feet NGVD.
- Withlacoochee River Watershed: Water control structures in the Tsala Apopka Chain of Lakes were operated to conserve water. The District continues to monitor dissolved oxygen levels in the lakes as additional river water is allowed to flow into the Tsala Apopka. The Wysong-Coogler Water Conservation low flow and main gates are fully inflated to conserve water. The average water level for Lake Panasoffkee was 40.0 feet NGVD.
- Alafia River Watershed: The Medard Reservoir structure was closed and not operated in an effort to conserve water. The average water level for the Medard Reservoir was 58.54 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 conserve water. The average monthly water level for Lake Thonotosassa was feet 36.29 feet NGVD, compared to the recommended maintenance level of 36.50 feet NGVD. The Lower Hillsborough Flood Detention Area was deactivated on October 3, 2017, normal river flow and navigation resumed.
- Tampa Bay/Anclote Watershed: Structures in the Rocky Creek system, Brooker Creek system and the single structure at Sawgrass Lake were closed and not operated in an effort to conserve water. Lake Tarpon's average water level for the month was 3.25 feet NGVD, compared to the recommended maintenance level of 3.20 feet NGVD.
- Peace River Watershed: Lake Hancock structure was operated to conserve water. The average monthly water level for Lake Hancock was 100.26 feet NGVD, compared to the recommended maintenance level of 100.0 feet NGVD.
- Lake Wales Ridge Watershed: Structure G-90 was operated to maintain water level in Lake June-in-Winter. The average monthly water level for Lake June-in-Winter was 75.08 feet NGVD, compared to the recommended level of 75.0 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**

**December 12, 2017**

***Routine Report***

**Significant Activities**

Staff Recommendation:

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

**Operations, Lands and Resource Monitoring Committee  
December 12, 2017**

***Routine Reports***

**Significant Activities**

This report provides monthly information through November 14, 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.

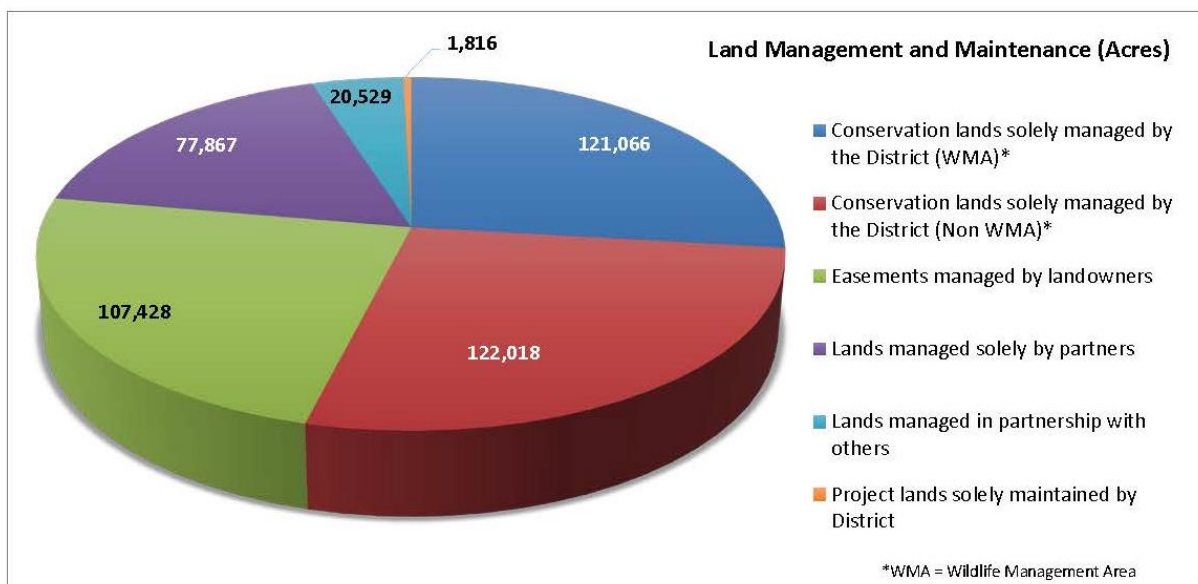
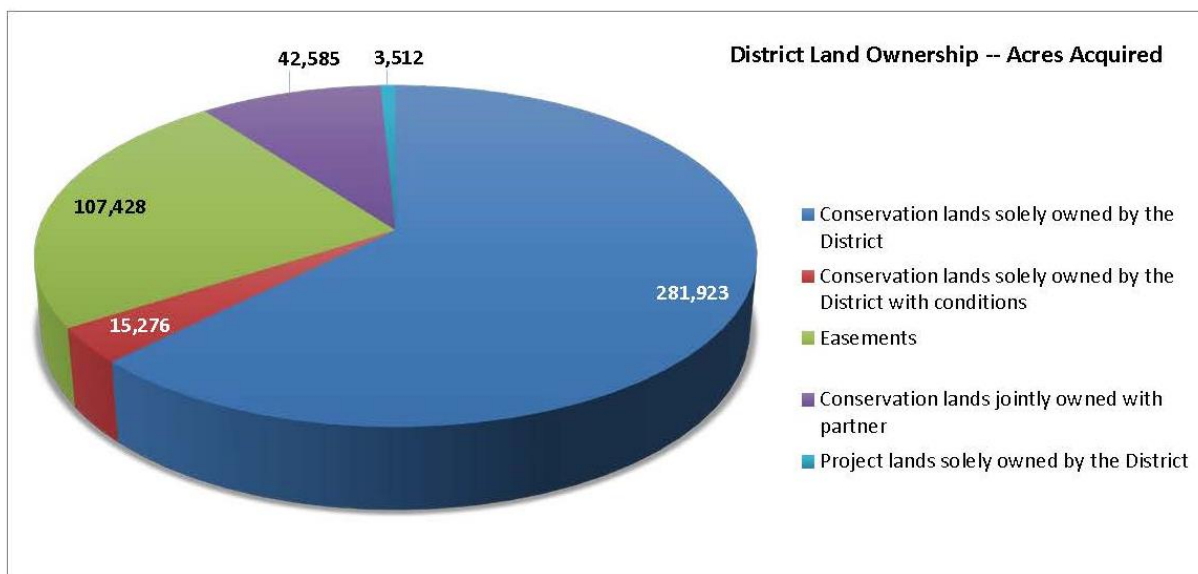
**Land Management**

- Applied fire management to 3,343 acres of conservation lands during FY2018. In cooperation with the Florida Forest Service, the District is currently conducting aerial burning in both Green Swamp East and West in advance of the wildfire season.
- There have been 60 feral hogs removed from District lands during FY2018. Staff assigned to feral hog population management are currently occupied with Phase 1 activities on District lands. We are two thirds through the second event and have removed 43 feral hogs with this opportunity.
- Accepting bids for timber in Green Swamp East Hampton tract to be harvested during FY2018.

**Land Resources/Land Use and Protection**

- Submitted the District's annual update to DEP's Division of State Lands, of revenues resulting from the use of state- and WMD-owned lands purchased Florida Forever bond proceeds. This includes land-based revenue and surplus and exchanged properties.
- Fully executed Amended License Agreement with City of Oldsmar – Lake Tarpon Outfall Canal – foot/bicycle path, extended through 10/17/2019.
- Issued Special Use Authorization to Bok Tower Gardens for Little Manatee River – Southfork Tract property. Bok Tower Gardens received a grant for demographic data collection to assess the endangerment of Florida Golden Aster, *Chrysopsis floridian*, from November 2017 through December 2019. The SUA allows for vehicle access for researchers to monitor the status of several areas planted/seeded with Florida Golden Aster.
- Issued E-mail Authorization to DEP for vehicle access to conduct plant and soil identification training within the District's Myakka River-Flatford Swamp Preserve.
- Issued Special Use Authorization to Manatee River Soil & Water Conservation District (MRSWCD) – Ed Chance Reserve-Gilley Creek Tract property. MRSWCD will be having a land judging competition which is open to middle and high school FFA and 4-H students and typically draws approximately 50 people including coaches and judges.

- Issued Special Use Authorization to the Hernando Audubon Society for vehicle access to the Weekiwachee Preserve for up to 12 participants to conduct the Hernando County Audubon Society Christmas Bird Count. Two groups (mounted and dismounted) will be present.
- Issued Special Use Authorization to American Disability Adventures to provide six hunting and camping opportunities to participants.
- Issued Special Use Authorization to Lake Region Audubon Society for vehicle access to conduct Christmas Bird Counts within Green Swamp Hampton Tract and Lake Hancock with up to 12 participants.
- Volunteers provided 38 hours of service, a value of approximately \$895.28 to District conservation/recreation lands.
- Processed 51 requests and provided 221 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  
December 12, 2017**

<b>REGULATION COMMITTEE</b>
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***Discussion Items***

- 35. Consent Item(s) Moved for Discussion
- 36. Denials Referred to the Governing Board .....78
- 37. Continuous Improvement Initiative Overview .....79

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

***Routine Reports***

- 38. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading  
(AMR) Implementation Program Update .....80
- 39. Overpumpage Report .....81
- 40. Individual Permits Issued by District Staff .....82

**REGULATION COMMITTEE**

**December 12, 2017**

***Discussion Item***

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

Staff Recommendation:

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

**REGULATION COMMITTEE**

**December 12, 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**

**December 12, 2017**

***Discussion Item***

**Continuous Improvement Initiative Overview**

In 2016, the District launched its continuous improvement initiative known as Project DIVE. Twelve suggestions have been reviewed by the evaluation team using kaizen methodology.

Project DIVE is starting its third year. The presentation will provide an overview of Project DIVE, how ideas are solicited, the process used to make improvements, outcomes of the improvements and the next steps.

**Staff Recommendation:**

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

**Presenter:** Michelle Maxey, P.E., Bureau Chief, Regulatory Support Bureau

## REGULATION COMMITTEE

December 12, 2017

### *Routine Report*

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

At their December 2010 meeting, the Governing Board adopted a minimum aquifer level in the Dover/Plant City Water Use Caution Area (DPCWUCA); Rule 40D-8.626, Florida Administrative Code (F.A.C.), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and automatic meter reading (AMR) equipment installations to monitor and reduce resource impacts from future frost/freeze pumping events. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It was originally estimated as of June 16, 2011 that there were 626 flow meters and 961 AMR devices needing installation within the 256-square mile DPCWUCA. As of December 1, 2016 it was estimated that 573 flow meters and 954 AMR devices will need to be installed, currently, a revised assessment completed on November 1, 2017 estimated a program total of 564 flow meters and 909 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 November 1, 2017, a total of 501 flow meters have been installed (88.5 percent complete) and 767 AMR units have been installed (84 percent complete). *Project Manager: Talia Paolillo*

#### **Staff Recommendation:**

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

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

**REGULATION COMMITTEE**

**December 12, 2017**

***Routine Report***

**Overpumpage Report**

Data for this routine report was not available for inclusion in the Board Packet; the report will be provided in the January Board Packet.

**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**

**December 12, 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 – NOVEMBER 2017

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43042960.001	Village at Crosstown	Hillsborough	Construction of commercial and residential development	153.95	25.50	23.38	4.60
43027399.044	The Lake Club Phase 4	Sarasota, Manatee	Approval of plan to excavate lakes to generate fill for an adjacent off-site project	186.00	1.17	1.17	0.00
43042491.001	Miller Creek Phase 1A, 1B, 1C & Mass Grading	Hillsborough	460-lot single-family subdivision and mass grading for future construction	250.00	25.83	6.96	0.00

***Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.***

## INDIVIDUAL PERMITS ISSUED: WUPS – NOVEMBER 2017

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
2000718.014	Gasparilla Island Water Assoc.	Charlotte	Modification to redistribute quantities	Public Supply	1,537,600	1,537,600	10
2003228.008	Citrus Hills Golf and Country Club	Citrus	Renewal for golf course(s) facilities and common ground irrigation	Landscape / Recreation	609,900	609,900	20
2003417.010	Balm Farm	Hillsborough	Renewal with modification to combine with WUP 6259; total acreage and quantities remain the same as previous two permits	Agricultural	1,477,400	1,477,400	20
2004789.008	Hunsader Farms	Manatee	Renewal of existing agricultural permit with no change in quantities	Agricultural	1,747,000	1,747,000	20
2007462.016	Michael A and Julie M Walton	DeSoto	Renewal with no requested change in quantities	Agricultural	1,246,000	1,246,000	20



**Governing Board Meeting  
December 12, 2017**

<b>GENERAL COUNSEL'S REPORT</b>
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***Discussion Items***

41. Consent Item(s) Moved for Discussion

42. Governing Board – Advocacy Policy .....86

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

***Routine Reports***

43. December 2017 – Rulemaking Update .....87

44. December 2017 – Litigation Report.....89

**GENERAL COUNSEL'S REPORT**

**December 12, 2017**

***Discussion Item***

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

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**GENERAL COUNSEL'S REPORT**

**December 12, 2017**

***Discussion Item***

**Governing Board-Advocacy Policy**

*Purpose*

Discuss options for Governing Board member participation on committees and boards that take advocacy positions on potentially controversial issues.

*Background/History*

The Southwest Florida Water Management District (District) may be required or requested to participate as a member organization of various program committees or boards such as the national estuary program policy boards, advisory committees, and regional planning councils. Governing Board members are appointed by the Governing Board Chair to represent the District on these committees and boards. The District may also provide funding to assist with the administrative and project costs of a committee or board and the District's cooperative funding program may also support specific projects proposed by these entities. These committees and boards may take positions on potentially controversial issues. Recently a question arose over the District's responsibility or obligation to participate as a member of a committee or board that assumes an advocacy role. At the September 2017 Governing Board meeting, the Governing Board requested information on the District's, and Governing Board member responsibilities as liaisons, regarding advocacy and funding.

**Staff Recommendation:**

This item is for the Governing Board's information and discussion.

**Presenter:** Karen E. West, General Counsel  
Jennette Seachrist, P.E., Division Director, Resource Management

**GENERAL COUNSEL'S REPORT**

**December 12, 2017**

***Routine Report***

**December 2017 - Rulemaking Update**

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**RULEMAKING UPDATE  
DECEMBER 2017  
PROPOSED RULES & AMENDMENTS**

<b>RULE</b>	<b>INITIATION DATE</b>	<b>NEXT SCHEDULED ACTION</b>	<b>BOARD PROJECTED/ APPROVED DATE</b>
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 December 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	TBD	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 December 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	Estimated effective date December 2017	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	Estimated effective date December 2017	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 and Round Lakes in Hillsborough County	September 2017	Estimated effective date December 2017	September 2017
10. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Lake Alice located in Hillsborough County	December 2017 (anticipated)	Initiate and approve rulemaking, December 2017	December 2017 (anticipated)



**GENERAL COUNSEL'S REPORT**

**December 12, 2017**

***Routine Report***

**December 2017 - Litigation Report**

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT**  
**December 2017**

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

**DELEGATED ADMINISTRATIVE HEARING MATTERS**

**0 Cases as of November 14, 2017**

**OPEN ENFORCEMENT CASES**

**70 Cases as of October 24, 2017**

**75 Cases as of November 14, 2017**

**ENFORCEMENT CASES IN ACTIVE LITIGATION**

**1 Case as of November 14, 2017**

(Including Administrative Complaints)

**STYLE:**  
**COURT/CASE NO.:**

SWFWMD v. Rory A. Dubin and Gary Dubin  
Southwest Florida Water Management District  
Order No.

**ATTORNEY:**

J. Thompson

**ACTION:**

Administrative Complaint and Order (Flowing Artesian Well)

**DESCRIPTION:**

On January 27, 2016, the District conducted an inspection of property located on SW Hull Avenue in Arcadia, Florida, with DeSoto County Property Appraiser Parcel ID No. 06-39-24-0000-0332-0000 ("Property") for the purpose of investigating whether or not the wells associated with expired Water Use Permit No. 20001021.004 were in use. District staff confirmed and documented that an artesian well with District Identification Number 2 ("Well") was free-flowing from one quarter-size hole in its casing. The Property is owned by Rory Dubin and Gary Dubin. Pursuant to Section 373.209, F.S., no owner, tenant, occupant or person in control of an artesian well shall knowingly and intentionally allow a well to flow continuously without a valve or mechanical device for checking or controlling the flow, permit the water to flow unnecessarily, pump a well unnecessarily, or permit the water from the well to go to waste.

Therefore, on February 23, 2017, District staff issued a Notice of Violation to Rory Dubin and Gary Dubin. District staff and Rory Dubin had some correspondence, whereby District staff provided Rory Dubin with information regarding the District's Quality of Water Improvement Program ("QWIP"). However, the last time the District heard from Rory Dubin was on March 30, 2017.

Therefore, on August 31, 2017, the District's Executive Director issued an Administrative Complaint and Order ("ACO") to Rory Dubin and Gary Dubin. The process server is currently attempting service on both Rory Dubin and Gary Dubin. To the best of District staff's knowledge, the well is still free-flowing.

**Rory A. Dubin was personally served on October 21, 2017. The process server was unable to locate Gary Dubin so a skip trace was authorized. The skip trace revealed multiple addresses used by Gary Dubin. Request process server continue to attempt to personally serve Gary Dubin.**

**PERMIT/AGENCY ACTION CHALLENGES**  
**4 Cases as of November 14, 2017**

**STYLE:** Sumter, LLC v. FDOT Florida's Turnpike Enterprise and SWFWMD  
**COURT/CASE NO.:** Southwest Florida Water Management District  
**ATTORNEY:** A. Vining/M. Bray  
**ACTION:** Administrative hearing challenging Environmental Resource Permit No. 43010725.009

**DESCRIPTION:** On February 10, 2017, the District issued Environmental Resource Permit ("ERP") No. 43070725.009 to FDOT Florida's Turnpike Authority ("Turnpike") authorizing modifications to interchange improvements previously permitted for the I-75/Turnpike Interchange, which will improve traffic flow at the same time FDOT is widening I-75. The District issued a Corrected ERP on February 15, 2017, after District staff discovered an error in the ERP previously issued, which resulted in updates to the wetland impact acreages, functional losses, and the total excess mitigation available. On March 2, 2017, Sumter, LLC ("Petitioner") submitted a Petition for Administrative Hearing ("Petition"), requesting denial of the Corrected ERP. On March 20, 2017, Petitioner and Turnpike submitted a letter to the District, jointly requesting that the District delay referral of the Petition to DOAH for thirty days so that the parties may attempt to resolve their dispute. The District entered an Order Granting Request to Hold Case in Abeyance on March 20, 2017, stating that no further action will be taken until April 19, 2017. On March 31, 2017, Petitioner and Turnpike filed a Joint Motion for Extension of Time, stating that communications between the parties were ongoing to resolve the matter and that they agreed to run the 100-year floodplain model with updated parameters, which necessitated the request for additional time to allow the results of the updated model to be generated and reviewed by the parties. Petitioner and Turnpike requested an extension of time for ninety days, during which the case will not be referred to DOAH. On April 4, 2017, the District entered an Order Granting Joint Motion for Extension of Time, providing that the case shall be held in abeyance until July 3, 2017, and no further action will be taken by the District until July 5, 2017. On June 22, 2017, Petitioner and Turnpike filed a Second Joint Motion for Extension of Time requesting an additional extension of time until August 7, 2017, in order to allow the parties the additional time needed to finish running the 100-year floodplain model with updated parameters. On June 27, 2017, the District entered an Order Granting Second Joint Motion for Extension of Time, providing that the case shall be held in abeyance until August 7, 2017, and no further action will be taken by the District until August 8, 2017.

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

On September 15, 2017, Petitioner and Turnpike filed a Fourth Joint Motion for Extension of Time requesting an additional extension of time until October 11, 2017, as they expected the District to receive updated modeling on September 15, 2017, but required additional time for the District to review and comment, and for subsequent review by Petitioner and Turnpike of the District's comments. On September 18, 2017, the District entered an Order Granting Fourth Joint Motion for Extension of Time, providing that the case shall be held in abeyance through October 11, 2017.

On October 10, 2017, Petitioner and Turnpike filed a Fifth Joint Motion for Extension of Time requesting another extension of time until October 23, 2017, in order to conduct a settlement conference. On October 10, 2017, the District entered an Order Granting Fifth Joint Motion for Extension of Time, providing that the case shall be held in abeyance through October 23, 2017.

On October 18, 2017, Petitioner and Turnpike filed a Sixth Joint Motion for Extension of Time requesting additional time in which to conduct a settlement conference, which the parties anticipate will occur no later than November 21, 2017. On October 19, 2017, the District entered an Order Granting Sixth Joint Motion for Extension of Time, providing that the case shall be held in abeyance through November 22, 2017.

**STYLE:** Majestic Oaks Homeowners Association of Clearwater, Inc., v. Elysium Homeowners Association, Inc., and SWFWMD  
**COURT/CASE NO.:** Division of Administrative Hearings, Case No. 17-5190  
**ATTORNEY:** M. Bray/C. Kenney  
**ACTION:** Administrative hearing challenging Environmental Resource Permit No. 43000205.002

**DESCRIPTION:** On July 10, 1985, the District issued Environmental Resource Permit (“ERP”) No. 43000205.000 for a development project called Elysium, consisting of approximately 60.94 acres in Clearwater, Florida. On October 18, 2016, the District mailed a Notice of Permit Condition Violation to the Elysium Homeowners Association, Inc., (“Elysium HOA”) the operation and maintenance entity under ERP No. 43000205.000. The District had received a complaint from Majestic Oaks Homeowners Association of Clearwater, Inc. (“Petitioner”) that flooding was occurring directly to the east of Elysium, onto 19.8 acres that comprise the Majestic Oaks subdivision. The District investigated and issued a notice of violation to Elysium HOA. Thereafter, in July 2017, Elysium HOA brought the matter into compliance with ERP No. 43000205.000.

Thereafter, on or about August 1, 2017, Elysium HOA submitted an application for a minor modification of its ERP. On August 11, 2017, the District issued Notice of Intended Agency Action for approval of ERP No. 43000205.002 (“Modified Permit”) to Elysium HOA, authorizing a minor modification to the drainage swale. On September 1, 2017, Petitioner timely submitted a legally sufficient Petition for Administrative Hearing (“Petition”), challenging the issuance of the Modified Permit. On September 18, 2017, the District referred the Petition to the Division of Administrative Hearings (“DOAH”). The case was assigned to an Administrative Law Judge, who entered an Initial Order on September 21, 2017. The parties timely responded to the initial order. Discovery and motion practice are ongoing.

The District on October 6, 2017, filed a motion to strike and motion in limine arguing that certain portions of the petition are wholly irrelevant to the proceeding, and should be stricken. That motion is pending. The District’s discovery responses are due October 30, and the Petitioner’s discovery responses are due November 1. The parties are in the process of setting depositions, and on October 24, the Petitioner filed a motion for entry upon land, which is pending.

**On November 1, the deposition of Elysium HOA’s engineer was held.**

**On November 5, 2017, the parties reached an agreement in principle to settle this matter. In order to finalize the terms of the agreement, which would necessarily include an application to the District to modify Elysium HOA’s ERP and subsequent construction, the parties on November 13 filed a joint motion to abate the case temporarily. In connection with the proposed settlement, the parties agreed to cancel pending depositions. On November 14, the ALJ entered an order cancelling the November 30 hearing and ordering the parties to submit dates in February for a rescheduling of the hearing should the settlement fall through. Presently, the parties are preparing their response to the ALJ’s order, and working to finalize the settlement and effectuate its terms.**

**STYLE:** SWFWMD v. Depa Hotel, Inc.  
**COURT/CASE NO.:** SWFWMD  
**ATTORNEY:** A. Vining

**ACTION:** Administrative hearing requested pursuant to an Administrative Complaint and Order issued by SWFWMD

**DESCRIPTION:** On December 13, 2005, the District issued Environmental Resource Permit (“ERP”) No. 44014233.002, authorizing the construction of a new surface water management system to serve a Hampton Inn in Port Richey, Florida. On October 31, 2008, the District issued a Permit Condition Violation letter to the original permittee that indicated the District had received a complaint alleging that the construction of the project caused flooding to adjacent properties. The District determined that the project blocked offsite inflows from the east and filled historic basin storage onsite, which caused the flooding of the adjacent properties in violation of ERP No. 44014233.002. On June 23, 2009, ERP No. 44014233.002 was transferred to Depa Hotel, Inc. (“Depa”). Over the intervening years, Depa filed four ERP applications attempting to address the permit condition violation, but all were either withdrawn by Depa or denied by the District. Because of the failure of Depa to address the permit condition violation, the District issued an Administrative Complaint and Order on August 7, 2017, requiring Depa to modify ERP No. 44014233.002, and to complete all the activities authorized by the ERP modification within 270 days of issuance of the ERP modification. On September 1, 2017, Depa submitted a Request for Administrative Hearing, which the District dismissed without prejudice on September 18, 2017. An Amended Request for Administrative Hearing was submitted on October 2, 2017. On October 10, 2017, District staff provided Depa with a copy of its recommendation to the District’s Governing Board that Depa’s Amended Request for Administrative Hearing be dismissed with prejudice. On October 11, 2017, Depa filed a Motion to Correct Scribner’s Error to the Amended Request for an Administrative Hearing, Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH requesting that the District reconsider its decision to dismiss the Amended Request for an Administrative Hearing with prejudice, or, alternatively, provide Depa with more time to submit another amended request for hearing. The District issued an Order Granting Motion to Correct Scrivener’s Error on October 19, 2017. Then, on October 24, 2017, the District issued a Final Order of Dismissal with Prejudice and Order Denying Motion for Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH. On October 25, 2017, the Administrative Complaint and Order was finalized and the order rendered. **On November 7, 2017, Depa submitted a Request for an Administrative Hearing. On November 13, 2017, Depa filed a Notice of Appeal, indicating it is appealing both the Final Order of Dismissal with Prejudice and the finalized Administrative Complaint and Order. See Appeals Section below.**

**STYLE:** Long Bar Pointe, LLLP v. Lake Flores I, LLC, & SWFWMD

**COURT/CASE NO.:** Division of Administrative Hearings, Case No. 17-005609

**ATTORNEY:** C. Tumminia

**ACTION:** Administrative petition challenging Environmental Resource Permit No. 49042599.001

**DESCRIPTION:** On July 28, 2017, the District issued Environmental Resource Permit (“ERP”) No. 49042599.001 (“Permit”) conceptually approving the future construction of a stormwater management system to serve a 1,274-acre mixed-use project in Manatee County. On August 18, 2017, and September 18, 2017, the District granted two requests by Long Bar Pointe, LLLP (“Petitioner”), for an extension of time to file a petition requesting an administrative hearing on the issuance of the Permit. On September 29, 2017, the District received a timely request for administrative hearing (“Petition”) from the Petitioner. The deadline for granting or denying the Petition is October 14, 2017. On October 13, 2017, the District referred the Petition to the Division of Administrative Hearings (“DOAH”). The case was assigned to an Administrative Law Judge, who entered an Initial Order on October 19, 2017. **The final hearing has been scheduled to occur in Tampa from January 24, 2017 to January 26, 2017. As of November 9, 2017, all parties have exchanged preliminary written discovery.**

**MISCELLANEOUS**  
**6 Cases as of November 14, 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. **Releases have been signed by both Plaintiffs and this matter is now pending the filing of a Stipulated Final Judgment and entry of a Stipulated Final Order 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.

On September 15, 2017, the District received Plaintiff's Second Amended Complaint. The District's answer to the Amended Complaint is due on or before December 14, 2017.

On October 5, 2017, all parties filed their Joint Stipulation to Extension of Time for Defendants to Respond to the Second Amended Complaint, requesting an extension of time until December 14, 2017 for the County and the District to file their answers to the Second Amended Complaint. On October 16, 2017, the Court entered an Order granting the extension of time.

**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.

**STYLE:** Majestic Oaks Homeowners Association of Clearwater, Inc., v. SWFWMD and Kevin Dunbar and Elysium Homeowners Association, Inc.  
**COURT/CASE NO.:** Sixth Judicial Circuit/Pinellas County; Case No. 52-2017-CA-005828  
**ATTORNEY:** M. Bray/C. Kenney  
**ACTION:** Complaint for Injunctive Relief Pursuant to Section 403.412(2), Florida Statutes

**DESCRIPTION:** On July 10, 1985, the District issued Environmental Resource Permit ("ERP") No. 43000205.000 for a development project called Elysium, consisting of approximately 60.94 acres in Clearwater, Florida. On October 18, 2016, the District mailed a Notice of Permit Condition Violation to the Elysium Homeowners Association, Inc., ("Elysium HOA") the operation and maintenance entity under ERP No. 43000205.000. The District had received a complaint from Majestic Oaks Homeowners Association of Clearwater, Inc. ("Plaintiff") that flooding was occurring directly to the east of Elysium, onto 19.8 acres that comprise the Majestic Oaks subdivision. The District investigated and issued a notice of violation to Elysium HOA.

In response to the Notice of Violation, Elysium HOA requested time extensions from the District in order to consult with an engineer and develop a financial plan for bringing the Elysium project into compliance. During that time, District staff consulted with Elysium HOA in order to arrive at a feasible solution. Elysium HOA proposed to construct a swale according to the originally permitted design. On June 6, 2017, Plaintiff filed a pre-suit notice pursuant to Section 403.412(2), F.S. with the District, alleging that the stormwater management system permitted in 1985 was never constructed, and that as a result, the Elysium property was causing flooding on the Majestic Oaks property. In response to the notice, the District issued a letter to Elysium HOA stating that if Elysium HOA constructed the swale according to the originally permitted design, it would be in compliance with its permit, but if in any event the matter was not resolved within 30 days, the District would pursue enforcement. Thereafter, in July 2017, Elysium HOA constructed a swale according to the originally permitted design, and brought the matter into compliance with ERP No. 43000205.000.

Thereafter, Elysium HOA submitted an application for a minor permit modification to the District on August 1, 2017. Their aim was to make the slope of the swale less severe, in order to reduce the sizeable drop caused by the new swale, which constituted a safety hazard at the back of the Elysium HOA homeowners' lots. On August 11, 2017, the District issued Notice of Intended Agency Action for approval of ERP No. 43000205.002 ("Modified Permit") to Elysium HOA, authorizing a minor modification to the drainage swale.

On August 11, 2017, the District issued Notice of Intended Agency Action for approval of ERP No. 43000205.002 ("Permit") to Elysium HOA, authorizing the drainage swale elevation modification. Plaintiff contends the modified swale is insufficient and will result in flooding on Plaintiff's property. Plaintiff served its Complaint for Injunctive Relief ("Complaint") on the District on October 2, 2017. The Complaint requests that an Order be entered (1) to compel the District to enforce the original permit, (2) to enjoin SWFWMD and Elysium HOA from causing flooding on Majestic Oaks' property, (3) to compel

construction of the swale as permitted in the original permit, or modification of the permit to allow zero discharge onto Majestic Oaks' property, (4) to compel Kevin Dunbar to allow construction on his real property of any swales required to prevent flooding onto Majestic Oaks' property, and (5) to award Plaintiff its reasonable costs and attorney's fees. The District has 20 days from October 2, 2017, to file an answer or appropriate motion.

On October 20, 2017, the District filed a motion to dismiss, or, in the alternative, to abate, arguing (1) that the Plaintiff has failed to exhaust its administrative remedies, (2) that alternatively, the doctrine of primary jurisdiction requires dismissal or, alternatively, abatement, and (3) that Plaintiff failed to attach a required document to its complaint. That motion is pending. Also on October 20<sup>th</sup>, Elysium filed its own motion to dismiss, which is also pending.

**On November 5, 2017, the parties reached an agreement in principle to settle this matter. In order to finalize the terms of the agreement, which would necessarily include an application to the District to modify Elysium HOA's ERP and subsequent construction, the parties agreed to seek an abatement of the related administrative proceeding (see above) and to file any necessary motion in this matter to accomplish the same while the parties work out and effectuate the proposed settlement. Presently, Elysium HOA's motion to dismiss is set for hearing on January 18, but the settlement is expected to be finalized and any construction completed by that date.**

**STYLE:** SR 40, LLC v. Riverside Village Homeowners' Association and Southwest Florida Water Management District  
**COURT/CASE NO.:** Sixth Judicial Circuit/Pasco County; Case No. 2017CA2879CAAXWS  
**ATTORNEY:** C. Tumminia/A. Vining  
**ACTION:** Complaint for Abatement Pursuant to Section 373.433, Florida Statutes, Damages Pursuant to Section 373.430, F.S., and Trespass

**DESCRIPTION:** On March 3, 1987, the District issued Environmental Resource Permit ("ERP") No. 43000835.000 ("Permit") for the construction of a stormwater management system designed to serve a residential development known as Riverside Village Unit 4 ("Development"), located in Pasco County, Florida. On March 3, 2017, the District received a complaint from SR 40, LLC, the owner of property adjacent to the Development, regarding potential flooding caused by a berm washing out along the east side of the Development. District staff investigated the complaint to determine whether the stormwater management system was functioning properly. District staff identified two maintenance issues and requested that Riverside Village Homeowners' Association ("Permittee") take action to bring the Permit into compliance. On September 1, 2017, District staff notified the Permittee that the required actions were completed and the compliance file would be closed. On October 9, 2017, the District was served with a Complaint for Abatement pursuant to Section 373.433, Florida Statutes ("F.S."), damages pursuant to Section 373.430, F.S., and trespass, alleging that the maintenance issues were not resolved and the Development continues to flood SR 40's property. The District has 30 days from October 9, 2017, to file an answer or appropriate motion.

**On November 8, 2017, the District filed a Motion to Dismiss the complaint on various grounds. As of the date of this Litigation Report entry, no response has been filed.**

#### APPEALS

**2 Cases as of November 14, 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 by September 18, 2017. On September 18, 2017, the District filed and served the answer brief, and on September 29, 2017, the Appellants filed and served their reply brief. The parties currently await further action by the Court.

**STYLE:** Depa Hotel, Inc. v. SWFWMD  
**COURT/CASE NO.:** 5D17-3547  
**ATTORNEY:** A. Vining  
**ACTION:** Appeal of Dismissal of Petition for Administrative Hearing

**DESCRIPTION:** On December 13, 2005, the District issued Environmental Resource Permit (“ERP”) No. 44014233.002, authorizing the construction of a new surface water management system to serve a Hampton Inn in Port Richey, Florida. On October 31, 2008, the District issued a Permit Condition Violation letter to the original permittee that indicated the District had received a complaint alleging that the construction of the project caused flooding to adjacent properties. The District determined that the project blocked offsite inflows from the east and filled historic basin storage onsite, which caused the flooding of the adjacent properties in violation of ERP No. 44014233.002. On June 23, 2009, ERP No. 44014233.002 was transferred to Depa Hotel, Inc. (“Depa”). Over the intervening years, Depa filed four ERP applications attempting to address the permit condition violation, but all were either withdrawn by Depa or denied by the District. Because of the failure of Depa to address the permit condition violation, the District issued an Administrative Complaint and Order on August 7, 2017, requiring Depa to modify ERP No. 44014233.002, and to complete all the activities authorized by the ERP modification within 270 days of issuance of the ERP modification. On September 1, 2017, Depa submitted a Request for Administrative Hearing, which the District dismissed without prejudice on September 18, 2017. An Amended Request for Administrative Hearing was submitted on October 2, 2017. On October 10, 2017, District staff provided Depa with a copy of its recommendation to the District’s Governing Board that Depa’s Amended Request for Administrative Hearing be dismissed with prejudice. On October 11, 2017, Depa filed a Motion to Correct Scribner’s Error to the Amended Request for an Administrative

Hearing, Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH requesting that the District reconsider its decision to dismiss the Amended Request for an Administrative Hearing with prejudice, or, alternatively, provide Depa with more time to submit another amended request for hearing. The District issued an Order Granting Motion to Correct Scrivener's Error on October 19, 2017. Then, on October 24, 2017, the District issued a Final Order of Dismissal with Prejudice and Order Denying Motion for Reconsideration to Continue Response Time to File Amended Petition and Reconsideration to Submit Matter to DOAH. On October 25, 2017, the Administrative Complaint and Order was finalized and the order rendered. On November 7, 2017, Depa submitted a Request for an Administrative Hearing. On November 13, 2017, Depa filed a Notice of Appeal, indicating it is appealing both the Final Order of Dismissal with Prejudice and the finalized Administrative Complaint and Order.

**DELEGATED CONSENT ORDERS**  
0 Cases as of November 14, 2017



**COMMITTEE/LIAISON REPORTS**

**December 12, 2017**

***Discussion Item***

**Committee/Liaison Reports**

Staff Recommendation:

Presenter: Board Members



**EXECUTIVE DIRECTOR'S REPORT**

**December 12, 2017**

***Discussion Item***

**Executive Director's Report**

Staff Recommendation:

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





**CHAIR'S REPORT**

**December 12, 2017**

***Discussion Item***

**Chair's Report**

Staff Recommendation:

Presenter: Randall S. Maggard, Chair

**CHAIR'S REPORT**

**December 12, 2017**

*Discussion Item*

Other

Staff Recommendation:

Presenter: Randall S. Maggard, Chair

**CHAIR'S REPORT**

**December 12, 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	12/17/2012	Mark Keck	Enterprise Infrastructure Manager	Brooksville	Information Technology
5	12/31/2012	Aaron Brown	Staff Environmental Scientist	Tampa	Natural Systems and Restoration
5	12/3/2012	Sean King	Professional Engineer	Brooksville	Natural Systems and Restoration
5	12/3/2012	Chuck Walker	Heavy Equipment Operator	Bartow	Operations and Land Management
30	12/28/1987	Philip Rhinesmith	Senior Environmental Scientist	Brooksville	Project Management Office